

**OFFICER'S REPORT FOR:** Independent Hearings Commissioners  
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**SUBJECT:** Proposed District Plan Change 29:  
Proposed Zoning Change to the Western End of  
Petone (Petone Mixed Use)

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## **EXECUTIVE SUMMARY**

On June 26 2012, the Hutt City Council (the 'Council' or 'HCC') notified Proposed Plan Change 29: Proposed Zoning Change to the Western End of Petone, which would create a Mixed Use Area. The plan change area is generally bounded by Hutt Road, Petone Avenue, Campbell Terrace, Victoria Street, Sydney Street and The Esplanade.

Proposed Plan Change 29 (the Plan Change) seeks to create a Mixed Use Area in Petone, for the purpose of promoting more diversity in the activities in the area (particularly residential development) to complement other existing activities in the vicinity. In addition to creating an attractive and vibrant place to live and work that acts as a key driver for both the economic and social wellbeing of the City.

To achieve this purpose, the proposed plan change seeks to amend the District Plan provisions for the Petone West area (currently included in the Petone Commercial Activity Area 2 and General Business Activity Area zones including the 'Esplanade West Area') to allow for its transformation into a mixed use environment, primarily used for residential, commercial and retail activities.

The Petone West area is currently used for larger format retailing, servicing, industrial and commercial activities. In part, these existing activities reflect the overall strategy for commercial and business areas adopted in earlier District Plans, dating from the mid-1990s. Since the mid-1990's, the natural, quality and prosperity of the commercial and business areas in the city has changed, as well as community and society expectations and aspirations for these areas. The Petone Vision Statement development in 2006-09 outlines the current values, aspirations and outcomes the community and Council seeks to achieve.

The elements and outcomes sort by the community in the Petone Vision Statement provided an indication that mixed use development would be an appropriate mechanism to encourage additional development within Petone, whilst retaining features of value to the Petone community. The proposed plan change seeks to provide for a greater range of activities in the area including smaller scale retail, commercial and residential activities, with the potential for growth and higher density development. In particular, residential activities have been identified as a particular activity type which is currently underrepresented and which are considered desirable for a successful and vibrant mixed use area.

Providing for residential activities is seen as a way to increase the local population and thereby support other activities and facilities in the Petone area that cater, to the provision of the goods and services demanded by new residents. This in turn is expected to result in the more efficient use of natural and physical resources, including land supply with the plan change area and use of existing recreational resources, community facilities and infrastructure in the surrounding area.

Changes are proposed to the existing objectives, policies and rules for the Petone Commercial Activity Area 2, General Business Activity Area, as well as related changes to Chapter 3: Definitions and Chapter 14A (iii) (Car and Cycle Parking).

The Plan Change was notified on 26 June 2012, with submissions closing on 10 August 2012. The summary of submissions was notified on 13 November 2012, with further submissions closing on 27 November 2012.

A total of 251 original submissions, 1 late submission and 25 further submissions were received on proposed Plan Change 29.

A hearing of the submissions received on proposed Plan Change 29 is proposed to be held on 10 April 2013.

The following report recommends that the Council accept or reject the submissions and further submissions for the reasons as outlined under Part 5 of this report and that the Plan Change be amended in accordance with Appendix 1 of this report.

### **Primary Issues**

From our analysis of the Plan Change and the submissions received, the following are considered to be the key issues of relevance to the Plan Change.

#### **1. Principle of a Mixed Use Area**

The Plan Change proposes to introduce a Mixed Use Area into an existing area zoned Petone Commercial Activity Area 2 or General Business Activity Area, which is currently used for a range of office, retail, commercial and industrial activities.

The Proposed Wellington Regional Statement 2010 produced by Greater Wellington Regional Council, as well as the New Zealand Urban Design Protocol, championed by the Ministry for the Environment, strongly promotes the creation of mixed use areas as a means of providing and enhancing a compact, well designed and sustainable pattern of urban development. Mixed use development is promoted in numerous District Plans throughout New Zealand.

The current zoning framework is not considered to allow for a range of complimentary activities, nor does it support or encourage an improvement in the amenity values of the area or optimise the locational features of the area (being close to the foreshore with its recreational activities, transportation links and the Jackson Street Historic Retail Precinct). The current objectives of the area focus on a limited range of activities, which under-utilises the natural and physical resources in the area.

The creation of a mixed use zone involving residential and, retail, commercial and business activities is considered to provide the following benefits:

- Increased residential and workforce populations, which would support other activities and facilities in the Petone area;
- Increasing housing choice across Hutt City, particularly the availability of smaller dwellings and housing supply close to a range of facilities;
- Promoting the efficient use of land and resources, such as the use of existing transport and community infrastructure and nearby recreational opportunities;

- Promoting the sustainable use of transport, through the location of more intensive types of development close to public transport facilities, and/or minimising the need for travel, particularly by private motor vehicles;
- Contributing to the overall economic and social wellbeing of the City;
- Increasing the vitality and vibrancy of Petone West;
- Increasing flexibility in land use and buildings to meet changes in market demand; and
- Increased opportunities to improve the amenity of the plan change area and make the most of locational characteristics.

Notwithstanding the above benefits, it is recognised there are some potential risks and/or costs associated with having a mixed use zone in this location:

- Risks from natural hazards (seismic, flooding, sea level rise)
- Threat to the vitality and vibrancy of Jackson Street Historic Retail Precinct and Hutt City CBD
- Traffic movements to/from and within the area and potential for road congestion
- Displacing existing service and other industrial activities
- Infrastructure constraints
- Potential incompatibility in land uses, particularly between non-residential and residential activities, such as noise, dust, glare, light spill and traffic impacts; and
- Activities in the mixed use area could have an impact on the character or amenity values of the Petone area.

The potential risks and costs are considered to be outweighed by the benefits. Furthermore measures can be adopted to avoid or minimise these risks and costs.

In our view, the creation of a Mixed Use zone represents the best and most efficient use of land within the plan change area. The mixed use area is seen as a way to improve the overall economic and social wellbeing of the City, by creating an attractive and vibrant place to live and work.

For these reasons in principle we support the concept of a Mixed Use Zone.

## **2. Management of the Mixed Use Zone**

On the basis that the principle of a Mixed Use Zone has been established, the next issue is what uses should be allowed for within this zone and whether the same uses and intensity of activity should be provided for throughout the zone.

The option of creating precincts in the plan change area was considered by Council officers and dismissed as not providing the most effective or efficient method for encouraging mixed use development within the plan change area. Although it is acknowledged that such an approach provides some benefits as discussed in the Mixed Use Report, many of these benefits can be achieved by amended provisions which allow for variations in outcomes, in response to the different amenity values, role and character of particular parts of the plan change area.

Areas which are recognised as having different amenity values, role and character are:

1. The Esplanade;
2. Jackson Street;
3. Area to the west of Victoria Street; and
4. Area to the east of Victoria Street.

Amendments are recommended by Council officers which:

- Protect the higher amenity values of The Esplanade and adjacent foreshore;
- Emphasise the function and role of Jackson Street as the principle commercial street and improve its cohesiveness with the Jackson Street Historic Retail Precinct; and

- Creation a lower height mixed use area to the east of Victoria Street.

The recommended changes would continue to provide a wide degree of flexibility in the redevelopment of the plan change area. In addition to the use of area wide policies, that provide for a co-ordinated approach in the development of the area. These provisions would be complemented by an expanded Petone Mixed Use Design Guide, which provides advice on the development of particular parts of the plan change area.

### **3. Consultation, Section 32 Analysis, and Notification issues**

Before turning to substantive planning issues with the Plan Change it is noted that some submissions have raised process issues in terms of matters such as consultation, the consideration of alternatives, benefits, and costs through section 32 of the Act and other matters such as the extent of notification.

It is considered that the process of consultation has exceeded statutory requirements. Firstly there has been opportunity for the public to comment on Petone wide issues through the drafting of the 'Petone Vision' in 2006-2007, with a further opportunity of the public to provide general comments through the 'District Plan Review for Petone – Discussion Document' in 2009. During 2010-12, targeted consultation was undertaken with some landowners and occupiers and other parties with an interest in the plan change area.

When the proposed plan change was publicly notified, the Council extended the minimum 20 working day (4 weeks) timeframe for public notification and submissions on plan changes to just over 6 weeks. The public notification period was followed by the public notification of the Summary of Submissions and call for further submissions, which also met statutory requirements. The fact that there are 251 original submissions, 1 late submission and 25 further submissions on the plan change, indicates that the wider community is aware of the proposed plan change. Public awareness of the plan change is also demonstrated by the petition lodged with the Council which refers to the plan change. Please note that this petition does not form part of a submission on the plan change and sits outside the plan change process.

Some submitters have raised concern and contend that the Section 32 Analysis contained in the Plan Change report is inadequate, with other submitters raising concerns which indirectly relate to this analysis. Comments made by submitters include:

- The plan does not consider the full costs of the proposed plan changes,
- Additional information is needed to understand the implications and risks of the proposed plan changes;
- Information provided in the plan change is misleading or biased;
- There is a lack of evidence to support the proposed plan changes;
- The plan change is short-sighted, ill-considered, piecemeal or irresponsible;
- Rules in the plan change will not achieve the stated objectives and policies;
- Some of the rules drafted are unworkable or imprecise; and
- The plan change does not examine the cumulative impact of provisions.

In terms of the Section 32 Analysis, we believe that the objectives put forward in the plan change are generally the most appropriate way to achieve the purpose of the Resource Management Act (RMA) 1991, subject to some adjustments. This s42A report forms part of the process for the consideration of the objectives, methods and rules put forward, as are the consideration of submissions and the hearing itself. Importantly Councils decision after the hearing of submissions also constitutes part of the process and analysis in terms of the requirements of Section 32.

The s32 analysis considered the effectiveness and efficiency, benefits and costs of at least three options put forward in relation to each objective. The key issues for each objective were considered. Nevertheless, a review of these issues in light of submitter's concerns, including additional expert advice obtained, has led to a reweighting of possible costs and benefits, including social and environmental costs, which has led to the conclusion, in the opinion of Council officers, that several policies and rules put forward in the proposed plan change are not the most efficient for achieving the

objectives of the plan change. Where this applies, alternative policies and rules are recommended as an alternative.

A small number of submitters have objected to the plan change and Amendment 24 in particular, on the grounds that it seeks to preclude the notification of resource consents for Restricted Discretionary Activities and consequentially public input. Relief sought includes the deletion and alteration of the above Amendment.

In this case, Amendment 24 is not considered to be the most efficient means for achieving the objectives of the plan change, particularly objectives identified under Amendments 4, 5 and 7. Nevertheless, the deletion of the amendment and the continued use of General Notification Rules 17.2.2 (a) and (b) within the Operative District Plan, does not mean that Restricted Discretionary applications would necessarily be the subject of limited or public notification, as opposed to indicating that there may be circumstances where notification is appropriate,

Officers remain of the view that notification of many Restricted Discretionary Activities is often unnecessary, potentially costly and inefficient. However, scope remains for the notification of these activities, subject to the assessment of their effects under Sections 95D and 95E of the RMA.

#### **4. Retail Uses**

The Plan Change as notified proposes changes to the permitted floorspace limits of retail activities within Petone Commercial Activity Area – Area 2, particularly in terms of:

- Extending the spatial area where retail is a permitted activity (i.e. incorporating the General Business Activity Area);
- Removing the minimum floorspace limit for retail activities; and
- Removing the maximum floorspace limit for single retail premises and extending the maximum permitted floorspace limit for ‘integrated retail developments’ to 10,000m<sup>2</sup>.

A large number of submitters expressed opposition to the above changes. We are of the view that a more balanced approach should be adopted for retail activities which provides some additional opportunities for small scale retail activity in the plan change area, whilst providing a level of protection for existing small scale retail activity in the Jackson Street Historic Retail Precinct and the Central Commercial Activity Area to protect the vitality and vibrancy of these areas.

A review of the existing provisions for Petone Commercial Activity Area – Area 2, has revealed deficiencies in the Operative District Plan regarding the control of small-scale retail activities in this area. These deficiencies were highlighted in a recent Environment Court case for retail development at 45 Jackson Street, Petone.

It is therefore recommended that alternative retail provisions be put in place which:

- Define the retail role of Petone Commercial Activity Areas 1 and 2
- Specifically identify the activity status of small-scale retail within Petone Commercial Activity Area 2 and relevant policy considerations for this activity;
- Reinstate the minimum permitted floorspace limit of 500m<sup>2</sup> within Petone Commercial Activity Area 2, with one exception for retail activities along Jackson Street.
- Reinstate a maximum permitted floorspace limit for single retail premises and a lower permitted floorspace threshold for ‘integrated retail developments’.

#### **5. Residential Uses**

The Plan Change as notified allows for residential activities as a permitted activity, subject to compliance with performance standards regarding maximum height, noise insulation and minimum on-site car parking.

A significant number of submitters have sought additional controls on residential development to achieve a higher standard of residential design, in terms of external building appearance and ensuring a reasonable degree of amenity for future occupants.

We are of the view that additional controls should be imposed on new residential development to ensure that such development is consistent with the Council's intention of providing an attractive, vibrant and functional Mixed Use area. Higher density residential development needs to be actively managed to limit the potential for adverse social impacts and ensure good quality design, as well as encouraging people to want to live in the area and hence assist in meeting the objectives of the plan change.

The following changes to the plan change are recommended:

- Requirement for resource consent for all new buildings within the plan change, as at least a Restricted Discretionary Activity;
- Matters for consideration for residential buildings to include consideration of matters contained in an expanded Petone Mixed Use Design Guide; and
- Introduction of additional minimum performance standards for residential development regarding outdoor living areas and acoustic insulation.

## **6. Other Uses**

The Plan Change as notified, allows for a range of activities to be established as Permitted Activities, including 'service' and 'cottage' industrial activities, although new industrial activities are identified as a Discretionary Activity.

Some submitters have raised concern that the Plan Change is overly restrictive on the establishment of new industrial activities and not restrictive enough regarding the establishment and operation of other activities.

The plan allows for certain types of light industrial activities which fall into the definition of 'cottage industry' or 'service industry' to be established as a permitted activity. It is recommended that the (a) service, repair or hire of household goods and services; and (b) research for industrial purposes be added to the list of permitted activities.

Subject to the above amendment, we are of the view that the plan change provides appropriate scope for 'light industry' to be established in the plan change area. In addition, the plan change uses the resource consent process to assess the compatibility of heavier types of industrial and other potentially incompatible activities with adjacent uses as a Discretionary Activity.

The Operative District Plan defines 'Licensed Premises' which can include pubs, restaurants, cafes and nightclubs as a separate use in its own right and not a retail activity. The District Plan proposes to make licensed premises a permitted use throughout the plan change area. Taking into account that licensed premises share many features in common with retail activities and that the Jackson Street Historic Retail Precinct contains a number of food and drink premises (including licensed premises) it is recommended that similar restrictions be placed on licensed premises as for small scale retailing. Specifically it is recommended that licensed premises be identified as a permitted activity along Jackson Street and require resource consent elsewhere.

Some additional restrictions are recommended regarding brothels and commercial sex services, to meet the objectives of the Prostitution Reform Act 2003, whilst retaining an appropriate degree of protection to existing and future visual and residential amenity levels.

It is recommended that the activity of service stations be amended to a Discretionary Activity throughout the plan change area, in addition to locations along the major roads. This would avoid the encouragement of this activity in unsuitable locations and would recognise the ability of service stations to have effects which extend beyond their site boundary. It is anticipated that the proposed provisions would allow for the establishment of additional service stations in the plan change area, subject to an appropriate design response to environmental factors.

The list of permitted activities is recommended to be expanded to include childcare facility and minor alterations to existing site activities or land conditions.

## **7. Built Form and Design**

The Plan Change as notified, largely continues the existing approach of managing built form and design by the use of maximum permitted height, site coverage and setback requirements from more

sensitive sites (such as the historic urupa and adjacent residential zone). In addition to continuing to impose additional building restrictions along the main gateway routes of Jackson Street, Hutt Road and The Esplanade. The Plan Change as notified principally varies from existing provisions with regards to built form and design by:

1. Introducing a Petone Mixed Use Area Design Guide which applies to new buildings along the main gateway routes;
2. Increasing the maximum permitted height for that part of the plan change within the General Business Activity Area which is outside the Esplanade West Area; and
3. Introduction of design standards for development fronting Jackson Street.

A large number of submitters have raised concern that the Plan Change does not sufficiently control the design of new buildings and allows for tall buildings which are out of character with the area.

To address these matters and improve the consistency of the Plan Change with the recently adopted provisions for the Central Commercial Activity Area, it is recommended that:

1. All new buildings within the entire mixed use area require resource consent as at least a Restricted Discretionary Activity, with matters of consideration including matters contained in an expanded Petone Mixed Use Design Guide.
2. Changes be made to the permitted road frontage and maximum height limits to include:
  - a) Road frontage height along Jackson Street reduced to 12m, and use of height recession plane thereafter;
  - b) 12m height limit for sites which abut the General Residential Activity zone;
  - c) 14m height limit in the area generally bounded by Jackson Street, Victoria Street, Sydney Street and The Esplanade;
  - d) 20m height limit elsewhere;
  - e) Use floorspace incentive in the 20m permitted height area, which provides for additional floorspace above this height, where an equivalent area of open space or street connection is secured for public use, up to a maximum possible height of 30m.
3. Removal of rear and side yards for sites within the Petone Commercial Activity Area – Area 2 which abut the General Residential Activity zone, with the retention of 2.5m + 45° height recession plane.
4. Introduction of a 10m setback along the road boundary of The Esplanade, with a minimum 2.5m wide strip of landscaping.
5. Retention of a maximum site coverage of 100%.

## **8. Natural Hazards**

The Plan Change as notified continues the existing approach for managing natural hazards as contained in Chapter 14H – Natural Hazards.

A large number of submitters have raised concern that the plan change does not adequately quantify, manage or respond to multiple natural hazard risks in the area including seismic, flooding/inundation, subsidence, sea level rise and climate change.

We are of the view that the plan change increases the risk of property and persons to damage from natural hazards as a result of providing for the intensification of the area. Existing provisions in the Operative District Plan will not adequately manage the range of natural hazards and the increased risk. In addition, more recent information about the extent and nature of hazard risk needs to be considered.

It is recommended that additional natural hazard provisions be introduced within the plan change area which:

1. Limits the location of high intensity and particularly vulnerable types of development within the Wellington Fault Special Study Area (WFSSA);

2. Require geotechnical investigation as a matter of consideration for new buildings within the plan change area; and
3. Inclusion of additional information which communicates the level of natural hazard risks within the plan change area.

The treatment of natural hazards requires a coordinated approach across Hutt City, as well as coordination with other mechanisms outside the plan change process, such as the Building Consent Process, Emergency Planning and allocation of public finances through the Long Term Plan and Annual Plan. Natural hazard provisions within the plan change area are recommended to be complimented by a range of activities, outside the scope of the plan change.

## **9. Traffic and Parking**

The Plan Change as notified, principally changes the existing traffic and parking provisions of the Operative Plan by:

1. Reducing the threshold for resource consent for retail and other commercial activities, which would allow for the consideration of traffic effects;
2. Introducing a new minimum car parking standard for residential development of 1 space per 2 residential units;
3. Amending minimum car parking standards for commercial development; and
4. Extending the area where the minimum car parking standards for the Petone Commercial Activity Area – Area 2 applies.

A large number of submitters have raised concern that the plan change will result in adverse traffic effects, particularly in terms of increased traffic volumes and road congestion. Concern is also raised as to the minimum car parking standards proposed and whether the plan change adequately supports cycling and pedestrian movement.

We are of the view that additional means of control over potential traffic effects should be incorporated into the District Plan, via the following measures:

1. Reducing the permitted threshold for retail activities;
2. Requiring resource consent for all new buildings and larger alterations and additions to building as at least a Restricted Discretionary Activity, with matters of consideration including traffic effects.
3. Specifying that matters for consideration for Discretionary Activities include traffic impacts.
4. Identifying that a Transport Impact Assessment is expected to be provided for developments expected to generate more than 50 vehicle movements per hour or 200 vehicle movements per day.

The proposed minimum parking standards have been reviewed in light of additional expert advice, known traffic constraints in the area and proximity to public transport facilities. It is considered that the proposed residential and commercial parking standards for the plan change area, represent an appropriate balance between providing for a reasonably supply of on-site car parking and providing for additional development opportunities.

Provisions aimed at improving accessibility and facilities for pedestrians and cyclists are generally best addressed through mechanisms outside the plan change process.

## **10. Stormwater and Infrastructure**

The Plan Change as notified retains existing infrastructure provisions contained in the Subdivision and Utilities Chapters of the District Plan.

Some submitters have raised concern that new development promoted by the plan change will have an adverse effect on the operation of existing infrastructure, in terms of its capacity to handle additional demand. Concern has also been raised as to the ability of existing drainage infrastructure to cope with climate change effects, including rising sea levels. Several submitters have requested the use of 'active' stormwater management measures such as porous car parking surfaces.



We are of the view that the plan change is unlikely to have a significant effect on the existing stormwater drainage, as the plan change area is already largely covered by existing hard (non-porous) surfaces. However, increased workforce and residential populations are likely to result in higher demand for wastewater drainage and water reticulation (water supply) and could require future upgrades of this infrastructure.

The plan change as notified provides little opportunity for considering the capacity of existing infrastructure. Whilst development contributions are collected for all types of development under the Council's existing Development Contributions Policy and could be used to fund future infrastructure upgrades, there is no certainty that sufficient funds would be available via this method to fund upgrades before capacity limits are reached.

It is recommended that:

1. Matters for consideration for new buildings as a Restricted Discretionary Activity include the capacity of infrastructure to service additional development; and
2. The use of low impact urban design solutions such as porous car parking surfaces, grease/sediment traps and stormwater holding tanks is encouraged.

## **11. Heritage and Cultural Values**

The Plan Change, as notified, retains existing provisions regarding heritage buildings and structures, archaeological items and significant cultural resources in the District Plan.

A large number of submitters have raised concern regarding potential effects of the plan change on the historical character of the area and the Jackson Street Historic Retail Precinct in particular. These concerns principally relate to changes to existing retail rules, which could indirectly harm the financial ability of land and business owners to maintain historic buildings as a result of increased retail competition.

Some submitters have raised concern that insufficient protection is afforded to the historic Te Puni Urupa (which is surrounded by land within the plan change) and a lack of investigation of the archaeological values of the area.

It is recommended that:

1. Existing restrictions on small-scale retail within the plan change area are reinstated, with the exception of retail activities up to 1,000m<sup>2</sup> along Jackson Street. This change would provide additional protection to the economic vitality and viability of the Jackson Street Historic Retail Precinct (see Retail Report);
2. A maximum permitted height for development abutting the urupa of 8m with a 2.5m + 45° recession plane is introduced; and
3. Introduction of an additional matter of consideration for new buildings of potential impacts on historic heritage

The above measures are to be complimented by other measures outside the plan change process and in particular the current review of Council's Register of Significant Cultural and Archaeological Resources. Proposed changes to the plan change are considered to reduce the risk of harm to possible unidentified archaeological sites, to below current levels, until the aforementioned review is completed.

## **12. Miscellaneous Provisions**

A small group of submitters have expressed concern about the clarity of certain drafted amendments. In response to these concerns, it is recommended that some changes are made to the wording of amendments to improve clarity.

GWRC have sought amendments to the plan change to protect biodiversity values. The plan change is considered to have little impact on biodiversity values both within and outside the plan change area. Nevertheless, it is recommended that the explanatory text be amended to draw attention to the need to avoid adverse effects on biodiversity values, natural character and open/space values of the Korokoro Stream and the Petone foreshore, situated outside the plan change area.

A range of aspirational type requests have also been received from various submitters, which are generally considered to be outside the scope of the plan change.

### **13. Should the Plan Change be Withdrawn or Rejected as a Whole**

It is apparent that a number of changes to the Plan Change as notified, are recommended, which leads to questions as to whether the plan change should be withdrawn or rejected in its entirety.

The withdrawal or the rejection of the plan change in total, would result in a lost opportunity to achieve the benefits sought by the plan change and to address deficiencies in the provisions of the Operative Plan identified as part of the review of the existing provisions for the Petone Commercial Activity Area 2 and General Business Activity Area.

As outlined above, Council officers continue to support the principle of the creation of a mixed use zone in Petone. The recommended changes to the plan change by officers are intended to provide a more effective and efficient approach that mitigates or avoids potential adverse effects, which could arise from mixed use or higher intensity development and would achieve the objectives in the proposed plan change as notified.

Nevertheless, it is acknowledged, that few landowners within the plan change area have made submissions on the Plan Change and could be unaware of the series of changes to the plan provisions requested by submitters. Consideration needs to be given as to whether there is a need to notify landowners of the changes recommended by planning officers.

### **Recommendations**

On the basis of the above there are two primary recommendations:

1. That the Plan Change as notified, be amended as recommended. Appendix 1 contains a complete copy of recommended changes to the plan change, within the exception of an enlarged Petone Mixed Use Design Guide. This enlarged Design Guide is intended to be tabled at the plan change hearings (to be based on the Central Commercial Activity Area Design Guide).
2. That the Council continues the process of reviewing and updating parts of the Operative District Plan, particular those parts which have the greatest bearing on this plan change, namely the review of existing City-wide provisions regarding National Hazard and, Significant Cultural and Archaeological Resources.

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## APPENDICES

- Appendix 1: Recommended Changes to Amendments
- Appendix 2: Pre-hearing Meetings – Natural Hazards, Retail, Built Form and Traffic
- Appendix 3: Map showing approximate areas to be included or excluded from mixed use zone
- Appendix 4: Copy of Draft Appendix Petone Commercial 3 and 4
- Appendix 5: Urbecon Proposed Plan Change 29 Submission Review
- Appendix 6: Hazard maps – Hutt Combined earthquake map and Tsunami Evacuation zone
- Appendix 7: GHD Proposed Plan Change 29: Petone Mixed Use Area – Natural Hazard Technical Review
- Appendix 8: Tim Kelly Transportation Planning – Proposed zoning change to the Western End of Petone – Petone Mixed Use (Plan Change 29) Review of Transportation Issues
- Appendix 9: Capacity Infrastructure Services – Petone Commercial Activity Area 2 – Comment on Reticulated Services.
- Appendix 10: Heritage maps – including overlap of plan change area showing historic area, historic buildings and sights of significant cultural resources and extract of operative district plan showing sites of significant cultural resources.

## 1. INTRODUCTION

This report discusses and makes recommendations on submissions received in relation to Proposed Plan Change 29 – Proposed Zoning Change to the Western End of Petone (hereafter referred to as the Plan Change). This report has been prepared in accordance with Section 42(a) of the Resource Management Act (“the RMA”) to assist the Hearings Commissioner(s) with their consideration of submissions received in respect of the Plan Change provisions. **It is emphasised changes to the Plan Change in this report are recommendations only and are not the decision of the Hutt City Council.**

The Plan Change seeks to create a Mixed Use Area in Petone, for the purpose of promoting more diversity in the activities in the area (including residential development) to complement other activities in the vicinity. As well as contributing to the overall economic and social wellbeing of the City, by creating an attractive and vibrant place to live and work.

The proposed plan change seeks to amend the District Plan provisions for the Petone West area (currently included in the Petone Commercial Activity Area – Area 2 and General Business Activity Area zones including the ‘Esplanade West Area’) to allow for its transformation into a mixed use environment, primarily used for residential, commercial and retail activities.

In addition to amending the existing objectives, policies and rules for the Petone Commercial Activity Area 2 and General Business Activity Area, the plan change makes related changes to Chapter 3: Definitions and Chapter 14A (iii) (Car and Cycle Parking). The specific changes proposed to the District Plan are detailed in Part 5 of the plan change document.

The relevant provisions in the District Plan which are affected by the Plan Change include:

- Chapter 3 - Definitions;
- Chapter 5 – Commercial;
- Chapter 5B – Petone Commercial Activity Area;
- Chapter 6A - General Business Activity Area;
- Chapter 14A – Transport; and
- Planning Maps.

Although this report is intended as a stand-alone document, a more in-depth understanding of the Plan Change, the process undertaken, related issues and the submissions received can be gained by reading the Section 32 Report and associated plan change documents as publicly notified in June 2012, the summary of submissions and further submissions and the full set of submissions received.

This report is structured according to the following format:

- Background and overview of the Proposed Plan Change 29
- Statutory Requirements
- Submissions and Pre-Hearing Meetings
- Individual Topic Based Reports with Analysis of Submissions and Recommended Amendments to Proposed Plan Change
- Conclusion

The amendments to the Plan Change arising from the officers recommendations discussed throughout this report are listed in full in Appendix 1. Where changes to the text are recommended in this report the following protocols have been followed:

- New additional text recommended is shown as underlined (i.e. abcdefghijkl)
- Existing text recommended to be deleted is shown as struck-out (i.e. ~~abcdefghijkl~~)

## **2. BACKGROUND**

### **2.1. Process**

This Plan Change forms part of the ongoing 'rolling' review of the Operative City of Lower Hutt District Plan, which became operative in March 2004. Planning legislation requires District Plans to be reviewed no later than every 10 years. The Council has elected to undertake the review of its District Plan in components (i.e. a 'rolling' review). The Council has been progressively reviewing the different parts of the Commercial Activity Areas. In March 2011 Plan Change 14 relating to the Central Commercial Activity Area (otherwise known as Lower Hutt CBD) was made operative.

#### **Petone Vision Statement**

However the review of planning provisions in the Petone area began long before the adoption of the above plan change, when a draft 'Petone Vision Statement' was released for community consultation in June 2007. Taking the community's submissions and feedback into account the final version of the Petone Vision Statement was completed and adopted by Council in February 2009. This established four key elements and a series of related outcomes. These four elements are:

1. A distinguishing feature of Petone is being a unique heritage place;
2. Growth in Petone will be managed in an economically and environmentally sustainable manner;
3. We recognise that Petone has to be a real place for our people; and
4. Petone needs an attractive and vibrant village culture at its heart.

For each element, a series of outcomes are listed to guide and measure progress towards achieving the vision. Through the Vision Statement, the community identified proactive management, planning and investment is needed to support Petone's future prosperity. This support includes changing the District Plan to include objectives, policies, rules and other methods to protect the quality and 'look and feel' of Petone, while providing for development in the area.

Other outcomes in the Vision Statement are to increase opportunities for residents to work locally, more local businesses, increased attractiveness of walking and cycling options, a wider range of housing choice, and supporting investment in quality design of buildings and developments. Working towards achieving these outcomes can be assisted by changing the District Plan to provide the regulatory framework to manage land use and development.

#### **District Plan Review for Petone - Discussion Document**

Following adoption of the Vision Statement, a review of the current provisions in the District Plan found that whilst the area provides for a range of commercial and industrial activities, there are limited opportunities for smaller scale retail and residential activities within an attractive and functional urban environment.

In June 2009 the Council released a 'District Plan Review for Petone – Discussion Document', which posed a series of questions about the future development of the area. A total of 126 feedback forms/written comments were received on this document as detailed in the Section 32 report.

The feedback on the Discussion Document illustrated some level of support for introducing the concept of 'mixed use' into the District Plan, particularly in the commercial and business areas at the western end of Petone (currently Petone Commercial Activity Area 2 and General Business Activity Area – Esplanade West).

#### **Preparing Proposed Plan Change 29**

As a result of the direction in the Petone Vision Statement and the feedback received on the 'District Plan Review for Petone – Discussion Document', Council resolved to prepare a Proposed District Plan Change to provide for mixed use development in the western part of Petone. The proposed plan change was intended to respond to the planning issues raised in the reviews and seeks to align with the overall direction in the Petone Vision Statement.

The first step in determining the provisions of the Plan Change was a more detailed review and evaluation of the existing Plan provisions. In addition, an initial urban design analysis was undertaken

of the existing environment to identify potential opportunities and constraints in transforming the area into a mixed use environment. The results of this initial urban design analysis and review of existing provisions was discussed as a workshop with the Councillors and Petone Community Board. In summary, this initial analysis and review discussed “what is mixed use”. As well as issues and barriers to achieving mixed use and how other areas in New Zealand have addressed these. The analysis and review also identified a number of opportunities and constraints in transforming Petone West into a mixed use area, and potential options to transform the area (e.g. use of Spatial/Structure Plan, District Plan Change, infrastructure development and upgrades, open space development, roading changes, land acquisition, financial incentives, and collaborative approaches). The boundary and extent of the Petone West Mixed Use Area was also discussed at this workshop.

Taking into account, direction from Councillors, a District Plan Issues and Options Paper was then prepared for the District Plan Sub-Committee Meeting on 10 May 2010 which identified potential options for managing the following issues, with accompanying recommendations.

1. Built Form (height, frontage and design)
2. Activities and Land Use (residential, commercial, retail and industrial)
3. Natural Hazards
4. Transport/Circulation (vehicular and non-vehicular)
5. Open Space
6. Cultural Values
7. Stormwater Management
8. Transition Areas.

These issues and options were further explored through a series of Council workshops and sub-group of Councillor meetings. A further Issues and Options Paper was deliberated by the District Plan Sub-Committee in September 2011. Following this meeting, expert advice was sought on a few matters, including economic impact (employment, development and retail), seismic hazard, and built form.

Following the receipt of additional expert advice, further issues and options were brought back to the consideration of the District Plan Subcommittee at its 12 April 2012 meeting.

Members of the District Plan Subcommittee at the above meeting instructed officers to draft the Proposed Plan Change 29 and Section 32 in accordance with the selected options (Minute No. DP120203) and that the Plan Change be referred to the next Policy Committee Meeting (Minute No. DP120205).

Members of the Policy Committee on its meeting on the 24 April 2012 resolved to approve the plan change as drafted (Minute No. PC12205). At its meeting of 15 May 2012, Council resolved to support the plan change and commence public notification as soon as practicable [Minute No. C120240 (2)].

The plan change has followed the process set out in Part 1 of the First Schedule of the RMA.

## **2.2. Consultation**

Consultation for the plan change has complied with legislative requirements detailed in the Resource Management Act 1991. Public consultation was carried out for ‘Petone Vision Document’ and ‘District Plan Review for Petone – Discussion Document’ between 2006 and 2009. Specific consultation with statutory agencies, as required under Clause 3 of Schedule 1 of the Resource Management Act 1991 was undertaken as part of the discussion document stage.

More focused consultation work has been carried out specifically for the plan change, with input from various Hutt City Council officers and individuals from a range of organisations, including property owners, property consultants, local iwi, local community groups and local residents.

The Plan Change was notified on 26 June 2012, with submissions closing on 10 August 2012. The summary of submissions was notified on 13 November 2012, with further submissions closing on 27 November 2012.

A total of 251 original submissions, 1 late submission and 25 further submissions were received on proposed Plan Change 25. A full list of submitters who have lodged submissions or further submissions on the Plan Change together with the relevant submission references is available and will be circulated to Commissioners separately from this report.

A small number of submitters have raised concern about the level of public consultation on the plan change. Comments made by submitters include:

- The plan change documents do not provide sufficient explanation of the proposed changes for the general public to understand;
- There are too many changes being made to existing provisions for the general public to understand the implications of these changes;
- The public need to be informed/educated as to what the plan changes are in detail;
- Better quality and more meaningful consultation and engagement with the community is needed;
- Physical models of development possible under the proposed changes need to be prepared for public viewing and comment; and
- The Council needs to consult on more appropriate provisions.

It is apparent from the submissions received, that some submitters are confused as to the provisions contained in the Plan Change and that some submitters are unaware of existing provisions in the Operative District Plan.

It is possible that the number of changes put forward has affected the ability of submitter's to understand the cumulative impact of changes or ability to comment on each change within the required time period. Some changes generating higher controversy, such as changes to permitted retail floorspace limits, may have diverted attention from less controversial changes. This situation may have been compounded, by the other proposed plan change within the Petone area, for the creation of a Tertiary Education Precinct on land currently used by WelTec (Plan Change 25) notified on 27 March 2012.

### **2.3. Location and Context**

The plan change area measures approximately 30 hectares and is generally bounded by Hutt Road, Petone Avenue, Campbell Terrace, Victoria Street, Sydney Street and The Esplanade. It consists of land currently zoned:

1. Petone Commercial Activity Area 2; and
2. General Business Activity Area (including the 'Esplanade West area' and 'southern business area of Petone').

The plan change area adjoins the major through-road of The Esplanade along its southern boundary and Hutt Road along its western boundary. To the west of the plan change area is Petone Railway Station and the Hutt Valley and Western Hutt (Melling) railway lines, in addition to State Highway 2. Access to south-bound traffic along State Highway 2 is provided from The Esplanade, with access to north-bound traffic along this highway provided from Priests Avenue on the opposite side of the railway line or the Dowse Interchange. Vehicular traffic from the south, access Petone off The Esplanade.

Hutt Road and Cuba Street (outside the plan change area) connects Petone to Lower Hutt. The Esplanade provides vehicular access to the industrial areas of Seaview and Gracefield, the predominantly residential areas of Eastbourne and Wainuiomata, as well as Lower Hutt via Randwick Road.

Land on the southern side of The Esplanade (outside the plan change area) is zoned Special Recreation and includes a grassed area and beach dunes.

The plan change area contains the western-most section of the principal commercial street in Petone, that is, Jackson Street. The section of Jackson Street to the east of the plan change area is zoned Petone Commercial Activity Area 1 and contains the Jackson Street Historic Retail Precinct. Land on

both sides of Jackson Street between Victoria and Cuba Streets is listed as a heritage area by New Zealand Historic Places Trust (NZHPT) and by HCC in the District Plan.

The plan change area contains a number of retail premises, contained in the area currently zoned Petone Commercial Activity Area 2. Scattered in this zone are office and industrial premises.

Land zoned General Business Activity Area is predominantly used for office, industrial and employment purposes, with some isolated small-scale retailing.

Land zoned Community Iwi marks the existing boundary of the urupa (burial ground) of the Te-Puni family. The urupa is identified as a significant cultural resource under the Operative District Plan.

The Operative District Plan indicates the presence of three other Significant Natural Cultural Resources as at least partially within the plan change area, near its southern boundary. These are Te Puni Pa on Te Puni Street, Pito-One Pa (a former stockade village) on The Esplanade near Te Puni Street and another urupa (burial ground) along The Esplanade.

Buildings in the plan change are built in a number of styles, but are typically of modern and functional design and of low height (one to two stories). Scattering in the plan change area are taller buildings, up to eight stories high such as the IBM building and TAB offices. The area contains no public space and limited landscaping. Almost all of the plan change area is covered in hard (impervious) surfaces and contains some large areas of private car parking.

There is considerable variation in land parcel sizes across the plan change area, with larger land parcels in the area located south of Jackson Street between Hutt Road and Victoria Street and smaller land parcels elsewhere.

An approximately 150m wide strip of land in the plan change area is identified as within the Wellington Fault Special Study Area (WFSSA), covering an approximate area of 9 hectares. The precise location of the Wellington fault is generally unknown within this area.

The irregular shaped plan change area adjoins a wide range of land uses. The plan change adjoins commercial, industrial and vacant land uses to the west (including land on the opposite side of the State Highway), commercial and industrial land to the north-east, residential areas to the east, retail and commercial uses within Petone Commercial Activity Area 1 to the east (along Jackson Street) and a recreational/harbour foreshore area to the south.

#### **2.4. What are the Council Intentions for Plan Change 29?**

A number of submitters queried the purpose of Proposed Plan Change 29, including verbal comments made at the pre-hearing meetings. The purpose is to amend the District Plan provisions for the Petone West area (currently included in the Petone Commercial Activity Area 2 and General Business Activity Area zones including the 'Esplanade West Area') to allow for its transformation into a mixed use environment, primarily used for residential, commercial and retail activities.

Mixed use is defined in the Proposed Wellington Regional Policy Statement 2010 as *"a variety of compatible and complementary uses within an area. This can include any combination of residential, commercial, industrial, business, retail, institutional or recreational uses"*.

Mixed use is an urban planning concept that reflects on the historical way towns and cities began. Historically when New Zealand (and other places in the world) towns and cities were being established there was no 'zoning' which determined that all residential areas would be in one place, the industry in another and the commercial or town centre in another. Zoning came about as a way of avoiding some of the poor conditions that resulted from an unplanned mix of say polluting industry with the places people lived. The consequence of that was that people then had to transport themselves from where they lived to where they worked and we still have the legacy of that zoned pattern of urban development today.

Mixed use in a more deliberate and planned way attempts to bring some of those activities back together again (recognising that compatibility will be a prerequisite) so that the benefits of live, work and play in a close relationship can avoid or at least reduce some of the negative consequences of separating uses out into separate locations. The interest and demand for mixed use living environments also reflects some of the lifestyle changes that New Zealanders are making (from more awareness of other places in the world and what they offer, what they do with spare time in terms of



entertainment and recreation, flexible working arrangements which enable people to work from home) as well as the change in family and household make-up and economic conditions (e.g. smaller household sizes, larger proportion of older people relative to young families, and housing affordability).

For Petone West, the concept of mixed use is that it is an area based mix, rather than each use necessarily needing to have the mix on each and every site. The area is currently used for larger format retailing, servicing, industrial and commercial activities. Residential activities have been identified as a particular activity type which is currently underrepresented in the western area of Petone. It is proposed to provide for a greater range of activities in the area including smaller scale retail, commercial and residential activities, with the potential for growth and higher density development. The intent of the Plan Change is to promote more diversity in the activities in the area to complement other existing and future activities in the vicinity. A mixed use area will also contribute to the overall economic and social wellbeing of the City, by creating an attractive and vibrant place to live and work.

Providing for residential activities in particular is seen as a way to increase the local population and thereby support other activities and facilities in the Petone area that cater, to the provision of the goods and services demanded by new residents. This in turn is expected to result in the more efficient use of natural and physical resources, including land supply with the plan change area and use of existing recreational resources, community facilities and infrastructure in the surrounding area.

The objective of the mixed use area as stated in proposed Amendment 4 is:

*“To provide for a mixed use activity area within Petone which caters for a range of complimentary commercial, servicing, residential and retail activities, increasing the number of residents and workers in Petone, and avoiding or mitigating adverse impacts on the amenity values and character of the area, neighbouring areas and the overall receiving environment”.*

The proposed plan change recognises potential risks arising from mixed use development and seeks to address these by:

- retaining the special character or heritage values of all areas within Petone;
- retaining the established vibrancy and vitality of the existing Jackson Street Historic Retail Precinct and the Central Commercial Activity Area (Lower Hutt CBD);
- managing potential adverse effects caused by new buildings and activities;
- maintaining and enhancing the quality of the environment; and
- protecting adjoining residential areas in adjacent Residential zones.

With the mixed use area covering both the existing Petone Commercial Activity Area 2 and parts of the General Business Activity Area (including the ‘Esplanade West area’) it is intended to provide for a more cohesive and consistent management approach for this part of Petone, enabling more efficient and effective use of this land and other resources.

The current zoning framework is not considered to allow for a range of complimentary activities, nor does it support or encourage an improvement in the amenity values of the area or optimise the locational features of the area (being close to the foreshore with its recreational activities, transportation links and the retail area of Jackson Street). The current objectives of the area focus on a limited range of activities, which under-utilises the natural and physical resources in the area.

## **2.5. Summary of Proposed Plan Change 29**

Proposed plan change 29 enlarges the area currently zoned ‘Petone Commercial Activity Area - Area 2’ in the western part of Petone, by including land currently zoned General Business Activity Area (including The Esplanade West Area and Southern Business Activity Area of Petone). The plan change area is generally bounded by Hutt Road, Petone Avenue, Campbell Terrace, Victoria Street, Sydney Street and The Esplanade.

Key differences to existing rules for the Petone Commercial Activity Area – Area 2 are:

- Requirement for a wind assessment for all new buildings above 12m in height;

- Specifying a maximum permitted road frontage height and recession plane requirement for land fronting The Esplanade and Hutt Road.
- Increasing the maximum permitted road frontage height for land fronting Jackson Street from 10m to 15m;
- Requirement for resource consent for buildings fronting Jackson Street;
- Creation of a Petone Mixed Use Design Guide, which would form a matter of consideration for buildings fronting The Esplanade, Hutt Road and Jackson Street, as well as Discretionary Activities;
- Removing the minimum permitted floorspace limit for retail activities of 500m<sup>2</sup>;
- Removing the maximum permitted floorspace limit for single or integrated retail activities of 3,000m<sup>2</sup> to be replaced with no maximum floorspace limits on single retail premises and up to 10,000m<sup>2</sup> for integrated retail premises;
- Residential activities added to the list of permitted activities;
- Range of permitted activities expanded to include additional non-residential activities, such as licenced premises, places of assembly, visitor accommodation, service industry activities and cottage industry activities;
- Activity status of Industrial Activities changing from Non-Complying to Discretionary Activity;
- Replacement of the existing Issue, Objective, Policies and Explanation and Reasons for Area 2 – Petone Commercial Activity Area;
- Creating a new Issue, Objective, Policies and Explanation and Reasons for Main Entrance and Gateway Routes (The Esplanade, Hutt Road and Jackson Street).
- Creating a new Issue, Objective, Policies and Explanation and Reasons for Character and Building Form and Quality within the Petone Mixed Use Area.
- New performance activity standards for buildings fronting Jackson Street regarding the use of verandahs and display windows;
- Deletion of the permitted activity standard requiring a minimum of 5% of surface car parking to be landscaped;
- New permitted activity standard for residential activities regarding noise insulation;
- New permitted activity standard for lighting and dust;
- Change to the activity status of permitted activities which do not comply with permitted activity standards from Discretionary to Restricted Discretionary Activities, except where non-compliance with General Rules in Chapter 14 of the Operative Plan, triggers an alternative activity status;
- New clause which outlines a presumption that Restricted Discretionary Activities will not be notified (public or limited notification); and
- New minimum parking requirement for residential activities.

Key differences for that part of the plan change area currently zoned General Business Activity Area are:

- Increasing the maximum permitted height of buildings in part of the plan change area outside the Esplanade West Area from 12m to 30m; with the exception of a 10m permitted height limit for sites which abut the adjacent Residential zone.
- Deletion of matters of consideration specifically for development fronting The Esplanade and Hutt Road;
- Deletion of the Issue, Objective, Policies and Explanation and Reasons for Amenity Values of the Esplanade West Area;

- Deletion of Activity Status of Controlled Activity for Permitted Activities abutting or on the opposite side of the road from a Residential Activity Area;
- Activity status of Industrial Activities changing from a Permitted to Discretionary Activity, with the exception of 'Cottage' and 'Service' Industrial Activities; and
- Activity Status of Residential Activities changing from a Discretionary to Permitted Activity.

Changes to the existing objectives, policies and rules for the General Business Activity Area are limited to the deletion of provisions which specifically apply to that part of the plan change area proposed to be rezoned from General Business Activity Area to Petone Commercial Activity Area 2. That is, the plan change does not alter policies and rules which apply to land remaining in the General Business Activity Zone.

The plan change also involves the rezoning of three properties on the eastern side of Victoria Street, immediately south of Campbell Terrace from 'General Business Activity Area' to 'Petone Commercial Activity Area – Area 1'.

### **3. STATUTORY REQUIREMENTS AND POLICY CONTEXT**

#### **Resource Management Act 1991**

In preparing and determining a District Plan Change, Council must fulfil a number of statutory requirements set down in the Resource Management Act, including:

- Part II, comprising Section 5, Purpose and Principles of the Act; Section 6, Matters of National Importance; Section 7, Other Matters; and Section 8, Treaty of Waitangi;
- Section 31, Functions of Territorial Authorities;
- Section 32, Duty to consider alternatives, assess benefits and costs;
- Section 72, Purpose of district plans
- Section 73, Preparation and change of district plans;
- Section 74, Matters to be considered by territorial authorities;
- Section 75, Contents of district plans

Below is a summary of the key matters in these sections relevant to Plan Change 29:

- Promote the sustainable management of natural and physical resources by managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety (Section 5)
- Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations (Section 5(a))
- Avoiding, remedying, or mitigating any adverse effects of activities on the environment (Section 5(c))
- The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga (Section 6(e))
- The protection of historic heritage from inappropriate subdivision, use, and development (Section 6(f))
- Kaitiakitanga (Section 7(a))
- Efficient use and development of natural and physical resources (Section 7(b))
- Maintenance and enhancement of amenity values (Section 7(c))
- Maintenance and enhancement of the quality of the environment (Section 7(f))
- The effects of climate change (Section 7(i)).

The above purpose and principles in Part II of the RMA provide the overarching framework for assessing the provisions of the Proposed Plan Change.

The RMA has been subject to a series of reviews which are on-going. The Ministry of the Environment has recently released the Resource Management Reform Bill in December 2012 and A Discussion Document on 'Improving Our Resource Management System' in February 2013. Of greatest relevance to the plan change is the proposed change to Section 6 of the above Act, to require planning decisions to consider the risk and impacts of natural hazards.

### **Historic Places Act 1993**

The Historic Places Act 1993 (HPA) primarily focuses on the establishment of a system of registration for historic places, historic areas, waahi tapu and waahi tapu areas; and the control of any works that could adversely affect archaeological, Maori or other relevant values associated with an archaeological site. The HPA also established the New Zealand Historic Places Trust (NZHPT) and the Maori Heritage Council.

The NZHPT participates in heritage management through advocacy and property ownership, and has statutory responsibility for the regulation of archaeological sites. Any person wishing to destroy, damage or modify an archaeological site must obtain an authority from the NZHPT for that work.

The definition of an archaeological site under Historic Places Act is:

*“any place in New Zealand that either (i) was associated with human activity that occurred before 1900; or (ii) is the site of a wreck of any vessel where that wreck occurred before 1900; and (b) is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand.”*

### **Local Government Act 2002**

The Local Government Act 2002 (LGA) is designed to provide democratic and effective local government that recognises the diversity of New Zealand communities. It aims to accomplish this by giving local authorities a framework and power to decide what they will do and how. To balance this empowerment, the legislation promotes local accountability, with local authorities accountable to their communities for decisions taken.

The Act also provides local authorities with a broad role in meeting the current and future needs of their communities for good-quality local infrastructure, local public services, and performance of regulatory functions. Section 14 of the LGA sets out the principles of local government with one of the principles stating:

*“(h) in taking a sustainable development approach, a local authority should take into account—*

- (i) the social, economic, and cultural interests of people and communities; and*
- (ii) the need to maintain and enhance the quality of the environment; and*
- (iii) the reasonably foreseeable needs of future generations”*

The above role and principles generally align with the overall purpose and principles of the Resource Management Act.

### **Civil Defence Emergency Management Act 2002**

The Civil Defence Emergency Management Act 2002 (CDEMA) defines the duties, functions and powers of central government, local government, emergency services, lifeline utilities and the general public in relation to civil defence and emergency management. The CDEMA is based on the principle of community resilience and “the four R’s” of ‘Reduction, Readiness, Response and Recovery’.

The purpose of the CDEMA is to:

- Improve and promote the sustainable management of hazards to contribute to well-being, the safety of the public and the protection of property
- Encourage and enable communities to achieve acceptable levels of risk by applying risk management

- Provide for planning and preparation for emergencies and response and recovery in the event of an emergency
- Require local authorities to coordinate CDEM through regional groups
- Integrate local and national CDEM planning and activity
- Encourage the coordination of emergency management across emergency sectors

Under the CDEMA, local authorities are required to be part of a regional CDEM group (i.e. the recently established Wellington Regional Emergency Management Office). Local authorities are also required to ensure they are able to function to the fullest possible extent, even though this may be at a reduced level, during and after an emergency, and plan and provide for civil defence emergency management within their own district/city.

In terms of relevance to the proposed plan change, one of the four R's is relevant, being "reduction". This involves identifying and analysing long-term risks to human life and property from natural or man-made hazards; and taking steps to eliminate these risks where practicable and, where not, reducing the likelihood and the magnitude of their impact. Other methods implemented under the provisions of the CDEMA (e.g. responding to a natural hazard event) would also be effective in achieving the objectives of the District Plan relating to natural hazards.

### **Building Act 2004**

Building work is controlled under the Building Act 2004 and various building regulations including the Building Code. The purpose of the Building Act is to ensure that buildings:

- Are safe, sanitary and have suitable means of escape from fire
- Contribute to the physical independence and wellbeing of people who use them
- Are designed, constructed and able to be used in ways that promote sustainable development

The regulations prescribe the Building Code with which all building work must comply. Performance standards that must be met include building:

- Durability
- Fire safety
- Sanitation (services and facilities)
- Moisture control
- Energy efficiency
- Access

In relation to this proposed plan change, there are two issues of relevance with the Building Act, being natural hazards and energy efficiency. Sections 72 and 73 of the Building Act impose certain obligations on the Council and property owners where an application is made for a building consent on land where natural hazards exist. Under Section 71 of the Building Act, natural hazard means "erosion (including coastal erosion, bank erosion, and sheet erosion); falling debris (including soil, rock, snow, and ice); subsidence; inundation (including flooding, overland flow, storm surge, tidal effects, and ponding); and slippage, such as the potential for flooding, rockfall, erosion, subsidence or land slippage".

This definition highlights hazards, such as tsunamis or earthquakes, are not regarded as natural hazards under the Building Act. These other hazards, however, are considered natural hazards under the Resource Management Act 1991. Notwithstanding the above, the Building Act and Building Code set out requirements for natural hazard risks including:

- Require buildings to withstand certain loads, including those due to earthquake and wind and limit the probability of floods
- Prescribe a hazard factor which is used to determine design level earthquakes for specific locations in New Zealand according to the assessed risk from earthquakes

- Require foundations to have specific design where they are on ground subject to land instability, ground creep, subsidence, seasonal swelling and shrinking, changing ground water level, erosion, dissolution of soil in water and effects of tree roots.

In response to the Canterbury earthquakes, the Government and the Ministry of Business, Innovation and Employment (which includes the former Department of Building and Housing) have made changes to the Building Code and are considering further changes. For example, the Building Code was amended in August 2011 in relation to liquefaction, and it now requires concrete slabs to be reinforced as this will reduce damage. Further changes under consideration include introducing building restrictions or requirements for extensive land remediation or deep foundations for specific subsoil types and areas at high earthquake risk.

For the plan change area and natural hazard requirements under the Building Act, the Hutt City Council's Building Department currently consider the plan change area hazard prone in terms of 'subsidence'. To address this hazard risk under the requirements of Section 72 of the Act, penetrometer testing as a minimum is expected, which generally forms part of a geotechnical report. Subject to findings, additional investigation and specifically designed foundation details may be required. The need for specifically designed foundation details may also triggered through compliance with NZ Standard 3604, regarding requirements for piling.

In terms of energy efficiency, the Building Code was amended in March 2008 to require all new buildings (excluding industrial buildings, ancillary buildings etc.) to achieve certain energy efficiency standards or BPI (building performance indicators). This requirement includes consideration of the types of materials, insulation levels, lighting etc. used in the proposed building in terms of their energy efficiency performance.

#### **New Zealand Coastal Policy Statement 2010**

Under Section 75(3)(b) of the Resource Management Act, a District Plan must give effect to any New Zealand Coastal Policy Statement. The plan change is located on the edge of the Petone foreshore, therefore, this edge is considered to be within the coastal environment, or at least has a relationship to the coastal environment.

Of relevance to this plan change are the following policies:

- *Policy 6 Activities in the coastal environment:*
  - (b) *consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;*
  - (c) *encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth;*
  - (f) *consider where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable;*
  - (i) *set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment;*
- *Policy 24 Identification of coastal hazards: Identify areas in the coastal environment that are potentially affected by coastal hazards (including tsunami), giving priority to the identification of areas at high risk of being affected.*
- *Policy 25 Subdivision, use and development in areas of coastal hazard risk: In areas potentially affected by coastal hazards over at least the next 100 years:*
  - (a) *avoid increasing the risk of social, environmental and economic harm from coastal hazards;*
  - (b) *avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards;*

- (c) *encourage redevelopment, or change in land use, where that would reduce the risk of adverse effects from coastal hazards, including managed retreat by relocation or removal of existing structures or their abandonment in extreme circumstances, and designing for relocatability or recoverability from hazard events;*
- (f) *consider the potential effects of tsunamis and how to avoid or mitigate them.*

### **Proposed Wellington Regional Planning Statement**

The District Plan must give effect to the policy directions contained in the Regional Policy Statement. Since the original notification date of the proposed planning statement in 2009, a series of appeals on this draft policy have been going through the process of resolution. An updated version of the policy statement was released in May 2010. The last appeal on the policy statement has recently been resolved, which means that the policy statement can now be treated as operative. It is anticipated that the regional policy statement will be officially adopted on 24 April 2013.

The Proposed Regional Policy Statement includes a number of issues which are specifically relevant to the proposed plan change, which are:

- *Policy 7: Protecting Regionally Significant Infrastructure*
- *Policy 9: Promoting travel demand management*
- *Policy 10: Promoting energy efficient design*
- *Policy 28: Avoiding subdivision and inappropriate development in areas at high risk from natural hazards*
- *Policy 29: Maintaining and enhancing the viability and vibrancy of regionally significant centres*
- *Policy 30: Identifying and promoting higher density and mixed use development*
- *Policy 32: Supporting a compact, well-designed and sustainable regional form*
- *Policy 41: Minimising contamination in Stormwater from development*
- *Policy 45: Managing effects on Historic Heritage values*
- *Policy 48: Avoid adverse effects on matters of significance to Tangata Whenua*
- *Policy 50: Minimising the risk and consequences of Natural Hazards*
- *Policy 53: Achieving the region's urban design principles*
- *Policy 54: Maintaining a compact, well designed and sustainable regional form*
- *Policy 56: Integrating land use and transportation*
- *Policy 57: Co-ordinating land use with development and operation of infrastructure*
- *Policy 67: Maintaining and enhancing a compact, well designed and sustainable regional form (non-regulatory)*

### **National Civil Defence Emergency Strategy, 2008, Department of Internal Affairs**

The National CDEM Strategy details the vision for CDEM in New Zealand: "Resilient New Zealand: communities understanding and managing their hazards" will be achieved. The National CDEM Strategy contains four goals:

- Increasing community awareness, understanding, preparedness and participation in civil defence emergency management;
- Reducing the risks from hazards to New Zealand;
- Enhancing New Zealand's capability to manage civil defence emergencies; and
- Enhancing New Zealand's capability to recover from civil defence emergencies.

The Strategy places greater emphasis on all New Zealanders to participate in creating a "Resilient New Zealand". The Strategy states "a Resilient New Zealand can only be achieved if we have participation and commitment at all levels from the Government, local authorities, individual

departments, business, volunteer organisations, right down to individual families". In terms of the role of local authorities under this Strategy, it focuses on them performing their functions under the legislation outlined above.

### **Long Term Plan 2012-2022**

The above plan describe the activities that HCC will engage in over the next ten years and beyond, explains why the local authority intends to do them and how these activities will be funded. It contains a detailed set of funding and financial policies for particular projects to be put into place.

Current key priorities for HCC identified in Long Term Plan include:

- Implementation of the Petone Vision including the Petone West Plan Change;
- Progressing the development of the Lower Hutt CBD via the CBD Vision 2030 and CBD Making Places programme;
- Developing interconnected solutions to the volume of traffic, particularly heavy traffic along the Esplanade; and
- Implementation of the Seaview Gracefield Vision 2030 (Seaview/Gracefield is a strategic employment location accessed via The Esplanade).

Under the list of planned capital improvements are the upgrade of The Esplanade and State Highway 2 – Korokoro Catchment Flood Mitigation between 2022-2032.

The above legislation and policy direction has informed the analysis of submissions in the following sections of this report.

## **4. SUBMISSIONS AND PRE-HEARING MEETINGS**

A total of 251 original submissions, one late submission and 25 further submissions were received.

The submissions and further submissions seek a wide range of relief, including but not limited to:

- Approving/adopting the plan change;
- Amending the plan change;
- Rejecting or withdrawing the plan change;
- Reducing the area where retail is a permitted activity;
- Reducing the size of permitted retail activities;
- Changing the activity status of various activities, including retail, residential and industrial activities;
- Reducing the permitted height of buildings;
- Reducing the permitted site coverage of buildings;
- Providing additional protection to the urupa on Te Puni Street, Petone;
- Imposing additional minimum requirements for residential development;
- Expanded use of design guidance and increase in number of developments to be assessed against design guidance;
- Introduction of new rules and measures to address natural hazards risks;
- Changing the permitted standards for car parking (particularly for residential developments);
- Further investigation of traffic, economic, overshadowing, public transport networks and drainage capacity; and
- Amendment or deletion of 43 of the proposed 58 amendments.

The above list outlines the principal forms of relief requested by submitters, although a much longer list of relief sort is discussed within each Topic report.



Four pre-hearing meetings were held between 18th – 25th February to clarify and confirm the main issues for submitters with the proposed plan change. These pre-hearings were based on four topics, being natural hazards, retail, built form and design, and traffic. Attached in Appendix 2 of this report are the notes from the independent facilitator for these pre-hearing meetings.

Out of the 251 original submissions, 11 submissions expressed support for the plan change, with a further 11 expressing partial support. 218 submissions expressed opposition to the plan change. The remaining 11 submissions neither expressed support or opposition on the plan change as a whole. All of the 25 further submissions, as well as the one late submission expressed opposition to the plan change.

Out of the 251 original submissions, 181 submissions requested that the plan change be withdrawn or rejected, with comments made by a further 29 parties indicating that they are seeking withdrawal or rejection. A further 24 submitters sought the amendment of the plan change, with comments made by a further 4 parties indicating they are seeking amendments. 11 Submissions supported the approval of the plan change with no further amendments, with the remaining two submissions expressing no opinion as to whether the plan change should be approved or not.

A common concern raised by submitters which overlaps several key issues identified, is concern regarding a loss of character. Concerns regarding harm to the existing character of the area were raised in 181 original submissions. The two most common characteristics of the area referred to by submitters were the 'heritage aspect and feel' and 'village feel and atmosphere' (raised by 139 and 52 submitters respectively).

#### **4.1. Analysis of Submissions and Recommendations**

The following sections of this Report provide a brief summary of the issues raised in submissions, a discussion of the issues raised and a recommendation in response to each of the key decisions sought. Nevertheless it needs to be taken into account that the number of submissions received, as well as the number of issues and types of relief raised, makes it impractical to summarise all comments made by submitters or attribute each comment to its author

The submissions are addressed in groups based on issues or concerns raised and where the content of the submissions is the same or similar. Every effort has been taken to cover each matter raised in submissions although responses are grouped into issues and sub-issues, and may not directly respond to each individual point or request.

Where changes to the text are recommended in this report the following protocols have been followed:

- New additional text recommended is shown as underlined (i.e. abcdefghijkl)
- Existing text recommended to be deleted is shown as struck-out (i.e. ~~abcdefghijkl~~)

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

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

##### **Late Submission**

Under Section 37 of the Act, Council has the power to decide whether or not to waive a failure to comply with a set timeframe. In this case, it is considered that one late submission was received on 27 November 2012, approximately 76 working days after the close of the submission period which was 26 June 2012 to 10 August 2012.

In this case, a late submission was received from David Hunter (Submitter 29F/08) during the further submission period which ran between the 13 and 27 November 2002. Despite the use of a further submission form, this submission was considered to represent a late submission, because:

1. It does not comment on the content of any original submission.

2. It was the first submission on the plan change received from this submitter.

Council can only decide to waive the failure to comply with a set timeframe after taking into account:

- the interests of any person who, in its opinion, may be directly affected by the waiver;
- the interests of the community in achieving adequate assessment of the effects of the proposed plan change; and
- its duty under Section 21 of the Act to avoid unreasonable delay.

It is recommended to Council that the late submission received from David Hunter be accepted for the following reasons:

- It would not unduly prejudice anyone. The submission is not complex, and raises general points that are consistent with other submissions already received. It does not raise any new issues or seek any new decisions from Council which would compromise its ability to fairly assess the effects of the proposed plan change.
- The plan change process has not been held up in any way to date by this submission. It was received on the final day of the further submission phase.
- The submitter made a valid further submission later on the same date, which raises similar points.

#### **4.2. Proposed Notification Provisions in Plan Change**

Amendment 24 effects notification provisions for Restricted Discretionary Activities, which has a bearing on multiple activities within the plan change.

Three submitters have objected to the amendment, and a further submitter has commented that the amendment is confusing. Objections to the amendment are based on concerns that the amendment seeks to preclude the notification of resource consents for Restricted Discretionary Activities and consequentially public input. Two submitters have requested that the amendment be deleted and the third [Submitter 163 New Zealand Transport Agency (NZTA)] has requested that this rule be amended to allow for NZTA to be notified as an affected party for all retail, warehouse and commercial developments with a floorspace in excess of 3,000m<sup>2</sup>. Another submitter has commented that the plan change is being used as a tool to reduce future public input into the development of the area.

It is recommended that Amendment 24 be deleted because:

1. The amendment is unnecessary, by virtue of General Rules 17.2.2 (a) and (b) of Operative District Plan;
2. It would recognise that there could be cases where the notification of restricted discretionary applications is appropriate, such as the notification of NZTA as an affected party for larger scale retail and commercial applications;
3. It would improve consistency with Sections 95D and 95E of the RMA; and
4. The amendment may lead to the false assumption that no Restricted Discretionary Applications can be notified.

#### **4.3. Summary and Main Recommendations**

It is recommended that several changes are made to the proposed plan change, in order to ensure that objectives and intentions of the plan change are achieved, particularly in terms of avoiding or mitigating potential impacts on the receiving environment.

These changes would assist in meeting the purpose of the Resource Management Act (RMA) 1991 of promoting sustainable management, enabling people and communities to provide for their social, economic and cultural well-being and health and safety, whilst avoiding, remedying or mitigating adverse effects of activities on the environment.

In addition to providing additional consideration and/or protection to the following matters of national importance identified in Section 6 of the RMA:

1. the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga; and
2. the protection of historic heritage from inappropriate subdivision, use, and development.

As well as providing additional consideration and/or protection to other matters specifically referred to in sections 7, 31 and 106 in RMA, including:

- the efficient use and development of natural and physical resources;
- the maintenance and enhancement of amenity values;
- maintenance and enhancement of the quality of the environment;
- the avoidance or mitigation of natural hazards; and
- any subsequent use that is likely to be made of the land which is likely to accelerate, worsen or result in material damage to the land, other land, or structure by erosion, falling debris, subsidence, slippage or inundation from any source.

Key recommendations on the plan change are:

- The plan change area is suitable for mixed use development;
- Existing minimum and maximum retail floorspace restrictions should be largely reinstated, with one exception for small-scale retailing along Jackson Street;
- All new buildings and larger extensions and alterations to existing buildings to require resource consent as at least a Restricted Discretionary Activity, with matters of consideration including design and appearance, matters in an expanded Petone Mixed Use Area Design Guide, Amenity Values, Landscaping, Traffic Effects, Natural Hazards, Capacity of Infrastructure and Impact on Historic Heritage
- Maximum permitted building height of 20m in the area west of Victoria Street, with provision to exceed this height, subject to the provision of open space or street connections for public use.
- Maximum permitted building height of 14m to the area east of Victoria Street (extending up to Jackson Street), with a lower permitted height of 12m for sites which abut the General Residential Activity Area;
- Maximum permitted height of 8m and recession plane of 2.5m + 45° on sites abutting the Te Puni Urupa;
- Introduction of a 10m setback and landscaping strip along the road frontage of The Esplanade;
- Retention of a maximum site coverage of 100%;
- Retention of proposed residential, retail and commercial parking standards; and
- Requirement for residential activities to provide a minimum level of outdoor space.

## 5. TOPIC BASED REPORTS

### 5.1. Mixed Use

#### MIXED USE PROVISIONS

##### RELATED PC29 PROVISIONS AS NOTIFIED

The amendments 'as notified' for this topic/issue in PC29 are the following:

- AMENDMENT 1 [**Rule 1.10.2 (Amenity Values - Explanation)**] which identifies the boundary of the mixed use area, existing uses and influences on the character and amenity values of the area.
- AMENDMENT 3 [**Chapter 5 (Commercial)**] which identifies the boundary of the mixed use area and range of suitable land uses.
- AMENDMENT 4 [**Rule 5B 1.1.2 (Area 2 – Petone Commercial Activity Area)**] which introduces a new issue, objective and policies for the mixed use area, including explanations and reasons.
- AMENDMENT 9 [**5b 2.2 (Rule Title)**] amends a rule title, so that it refers to an enlarged area.
- AMENDMENT 43 [**Planning Map A5**] which replaces the existing zoning map covering the plan change area.

KEY SUBMITTER POINTS	SUBMITTERS
<b>Submitter Feedback</b>	
<ul style="list-style-type: none"> <li>▪ No in-principle objection for the creation of a mixed use precinct</li> </ul>	Approximately 69 original submissions <sup>1</sup>
<ul style="list-style-type: none"> <li>▪ Support for the creation of a mixed use area as proposed.</li> </ul>	11 original submissions <sup>2</sup> .
<ul style="list-style-type: none"> <li>▪ Consideration should be given to the use of additional provisions to ensure a mixed range of land uses is achieved.</li> </ul>	1 original submission
<ul style="list-style-type: none"> <li>▪ Hutt City cannot support two competing mixed use areas in Petone West and Lower Hutt CBD</li> </ul>	1 original submission.
<ul style="list-style-type: none"> <li>▪ There should be no further increase to the size of the mixed use area.</li> </ul>	1 further submission
<ul style="list-style-type: none"> <li>▪ Land to the north of Petone Avenue should not be included in the mixed use zone.</li> </ul>	1 original submission
<ul style="list-style-type: none"> <li>▪ Mixed use zoning should be carried out in stages, with first stage occurring around the station and major roads.</li> </ul>	Approximately 2 original submissions.
<ul style="list-style-type: none"> <li>▪ Land between Victoria and Sydney/Nelson Streets currently acts as a transition area between the residential and higher intensity commercial area.</li> </ul>	Approximately 2 original submitters
<ul style="list-style-type: none"> <li>▪ Land to the east of Petone Avenue and/or east of Victoria Street should be redefined as a transitional zone.</li> </ul>	Approximately 2 original submissions

<sup>1</sup> 36 of the above submitters added that there should be less focus on retail uses.

<sup>2</sup> Supporters of the plan change are assumed to support the creation of a mixed use area.

<ul style="list-style-type: none"> <li>Separate provisions should be created for development along The Esplanade.</li> </ul>	Approximately 5 original submissions.
<ul style="list-style-type: none"> <li>The Esplanade should be a 'show piece'</li> </ul>	Approximately 6 original submissions.
<ul style="list-style-type: none"> <li>Concern that the deletion of existing of policies and rules which relate to the Esplanade only, downgrades the importance of the area.</li> </ul>	1 original submission.
<ul style="list-style-type: none"> <li>Support for the removal of reference to vehicle oriented and larger commercial activities in the issue and objection of the plan change area.</li> </ul>	1 original submission
<ul style="list-style-type: none"> <li>There is no need for Amendment 9 if the boundary of the mixed use area was clearly defined</li> </ul>	1 original submission
<ul style="list-style-type: none"> <li>There is no evidence of demand for a mixed use area</li> </ul>	Approximately three original submissions.

<b>RELIEF SOUGHT</b>	<b>SUBMITTERS</b>
<ul style="list-style-type: none"> <li>Changes to the boundary of the mixed use zone. Suggested changes to boundary are listed below.</li> </ul>	Approximately 12 original submissions.
<ul style="list-style-type: none"> <li>Expansion of the mixed use zone to include land within General Business Activity Areas on the opposite side of State Highway 2 or north of Campbell Terrace/Petone Avenue.</li> </ul>	2 original submissions.
<ul style="list-style-type: none"> <li>Exclusion of the area between Te Puni Urupa and The Esplanade from the mixed use zone.</li> </ul>	1 original submission
<ul style="list-style-type: none"> <li>Exclusion of The Esplanade from the mixed use zone.</li> </ul>	Approximately 3 original submissions.
<ul style="list-style-type: none"> <li>Exclusion of the area to the east of Victoria Street from the mixed use zone.</li> </ul>	Approximately 3 original submissions.
<ul style="list-style-type: none"> <li>Some shops at the corner of Victoria and Jackson Street should be deleted from the zone and added to the Petone Commercial Activity Area 1.</li> </ul>	1 original submission
<ul style="list-style-type: none"> <li>Removal of land to the east of Petone Avenue from the plan change area.</li> </ul>	1 original submission.
<ul style="list-style-type: none"> <li>Creation of precincts with clearly defined expected levels of amenity</li> </ul>	Approximately 2 original submissions
<ul style="list-style-type: none"> <li>Creation of a transition zone between Victoria and Sydney Streets</li> </ul>	Approximately 2 original submissions
<ul style="list-style-type: none"> <li>Amendment to Amendment 1 to change boundaries of mixed use area as referred to above</li> </ul>	2 original submissions.
<ul style="list-style-type: none"> <li>Insert map into proposed plan change to show the boundary of Petone Commercial</li> </ul>	1 original submission

Activity Areas 1 and 2	
<ul style="list-style-type: none"> <li>▪ Amendment to Amendment 3 to change boundary of mixed use as referred to above.</li> </ul>	2 original submissions.
<ul style="list-style-type: none"> <li>▪ Amendment to Amendment 3 to include additional words as outlined in original submission 199.</li> </ul>	1 original submission
<ul style="list-style-type: none"> <li>▪ Amendment to Amendment 4 to delete reference to The Esplanade.</li> </ul>	1 original submission
<ul style="list-style-type: none"> <li>▪ Amendment to Amendment 43 to alter map showing the proposed zoning. (See submission 199 for full details)</li> </ul>	1 original submission

## **Discussion**

### **Background**

#### Hutt City Council Operative District Plan

The plan change area is currently partially zoned Petone Commercial Activity Area 2 and General Business Activity Area. Both these zones provide for a limited range of permitted uses, covering retail, office, commercial and industrial.

Residential activities are not specifically provided for in either of these zones, with all residential activities requiring resource consent as a Discretionary activity in the General Business Activity Area and Non-Complying Activity in Petone Commercial Activity Area – Area 2

The Petone Commercial Activity Area (Area 2) currently has an objective of catering for demand for large scale vehicle orientated retailing and other large scale activities. To achieve this objective, this zone allows for retail, commercial and warehouse activities.

Within the General Business Activity Area light and heavy industrial activities are a Permitted Activity. In addition, the Esplanade West Area identifies visitor accommodation as a Permitted Activity. Given the above zoning and limited number and range of permitted activities in each zone, the current provisions do not provide for a mixed use environment.

#### Resource Management Act

Section 5 of the RMA promotes the sustainable management of natural and physical resources, including avoiding, remedying or mitigating any adverse effects of activities on the environment.

Section 7 of the RMA identifies that all persons exercising functions and powers in relating to managing the use, development and protection of natural and physical resources, shall have particular regard to the efficient use and development of natural and physical resources and any finite characteristics of these resources. As well as regard for the maintenance and enhancement of amenity values and the quality of the environment.

#### Proposed Regional Policy Statement for the Wellington Region, May 2010

Policy 29: Maintaining and enhancing the viability and vibrancy of regional significant centres – district plans, requires district plans to contain policies, rules and/or methods that encourage a range of land use activities that maintain and enhance the vibrancy of the regional centre of Wellington, Sub-regional centre of Lower Hutt CBD and the Petone Suburban Centre.

Policy 30: Identifying and promoting higher density and mixed use development – district plans, promotes mixed use development in key centres, including centres listed in Policy 29.

Policy 53: Achieving the region’s urban design principles – considerations, requires the Council to give particular regard to when considering a plan change, to achieving the region’s urban design principles, which are based on the design qualities referred to in the New Zealand Urban Design Protocol. The urban design principles seek to ensure developments, consider several design elements including

Choice. Choice is identified as including the encouragement of a diversity of activities within mixed use developments and neighbourhoods.

Mixed use development is defined in the above document as a “*variety of compatible and complementary uses within an area. This can include any combination of residential, commercial, industrial, business, retail, institutional or recreational uses.*”

The above policies identify and support the development of mixed use in the Petone Suburban Centre.

### **Issues with Existing Plan Provisions**

The existing plan provisions provide limited scope for supporting mixed use development, as they are primarily focused on the retail, commercial and industrial sectors. No provision is currently made for residential activities within the plan change area, which is considered central to the creation of an attractive and vibrant mixed use areas. Therefore, the existing plan provisions are not considered appropriate in achieving this objective.

### **Proposed Plan Provisions**

Amendments 1, 3, 4, 9 and 43 identify the boundaries of the proposed mixed use zone. Amendments 1, 3 and 4 refer to the range of uses sort for the plan change area. Collectively, they seek to replace the current focus towards vehicle oriented retailing, larger commercial activities and industrial activities with a mix of residential, retail and commercial activities.

### **Evaluation of Issues raised in Submissions and Relief Sought**

There are a range of issues raised in submissions on the nature, location, form and scale of mixed use development in the Petone West area. In this section, the following matters are evaluated:

- Principle of Mixed Use Development
- Location/Extent/Boundary of the Mixed Use Area
- Staging of the Mixed Use Area

#### Principle of Mixed Use Development

A significant proportion of original submissions (80 or 32%) have indicated or inferred some level of support to the principle of creating a mixed use area in Petone West, as means of attracting more people to live, work and visit Petone. A few submitters have strongly supported the concept for mixed use, such as New Zealand Transport Authority, New Zealand Historic Places Trust and Submitter 154 (Brendan Hogan). GWRC provides muted support for mixed use development within Petone in its submission.

Likewise, few submitters have indicated clear opposition to the creation of a mixed use area. Despite concerns raised about the risks posed and the treatment of natural hazards in the plan change area, neither GWRC or GNS Science have raised an in-principle objection to mixed use development. GNS Science in their submission comment that suggested rules that address natural hazard risk would still allow for mixed use development to occur.

Unambiguous objection to the concept of mixed use area was raised by Submitter 81 (Wendy Saunders), who raised concern that the Hutt City Council area is unable to support the creation of two mixed use areas. Mrs Sanders contends that the creation of a mixed use area in Petone West would undermine the ‘Making Places Project’, which aims to revitalise and maximise the potential of the Lower Hutt CBD. PPAG have commented that no evidence has been provided to indicate demand for a mixed use area, although they have no in-principle objection to the creation of such an area.

Mixed use development and mixed use areas are recognised as a form of urban development which can make efficient use of land and resources with complimentary activities, supporting opportunities for living and working. The New Zealand Urban Design Protocol (promoted by the Ministry for the Environment) and GWRC through its proposed Regional Policy Statement (pRPS) for the Wellington Region, provides strong policy support for mixed use development in existing centres including specific reference to Petone. Mixed use development in centres is actively promoted in other parts of the region and New Zealand, including Wellington City and Kapiti Coast.

As outlined in the main covering report, the fundamental purpose of the plan change, is to create a mixed use area in Petone West. The creation of a mixed use area involving residential, retail, commercial and business activities is considered to provide the benefits of:

- Increasing residential and workforce populations, which would support other activities and facilities in the area;
- Increasing housing choice, particularly availability of smaller dwellings and housing supply close to a range of existing facilities;
- Promoting the efficient use of land and resources, such as the use of existing transport and community infrastructure and nearby recreational opportunities;
- Promoting the sustainable use of transport, through the location of more intensive types of development close to public transport facilities, and/or minimising the need for travel;
- Contributing to the overall economic and social wellbeing of the City;
- Increasing the vitality and vibrancy of Petone West;
- Increased flexibility in land use and buildings to meet changes in market demand; and
- Opportunities to improve the amenity of the plan change area and make the most of locational characteristics.

The current restricted range of retail, industrial and business uses in the plan change area is not considered to represent the best or most efficient use of land, in an area with good transport links and proximity to existing retail, entertainment and recreational facilities. Promoting the use of areas close to the Petone Railway Station, for activities with a heavy dependence on motor-vehicles, would represent a wasted opportunity to encourage more sustainable patterns of land use.

Existing patterns of land use discourages pedestrian movement between Petone Railway Station and the Jackson Street Historic Retail Precinct and has produced an urban environment with modest amenity levels. The plan change area is considered to be underutilised in this regard, and is particularly quiet outside of business hours.

Amendment 4 identifies the reasons that the plan change area is considered suitable for mixed use development as:

- There is a wide range of sites in terms of size, configuration and existing built development, which could be used, adapted or redeveloped to accommodate a range of activities.
- A sense of place could be achieved, based on the area's proximity and complementary role to the Jackson Street Historic Retail Precinct;
- The area is well situated in terms of the regional transport network and other infrastructure and services; and
- The location of the area adjacent to the Petone Foreshore, allows for visual interest, open space and recreational opportunities.

Amendment 4 also refers to risks associated with mixed use development which include:

- Possible detracting from the established vibrancy and vitality of the Jackson Street Historic Retail Precinct and the Lower Hutt CBD;
- Potential incompatibility in land uses, particularly between non-residential and residential activities, such as noise, dust, glare, light spill and traffic impacts;
- Need to restrict the establishment and operation of specific activities, such as heavy industry and service stations to ensure compatibility in land uses; and
- Activities in the mixed use area could have an impact on the character or amenity values of the area.

It is considered that these risks are able to be minimised to an acceptable degree by the use of provisions which:



- Ensure retail activities within the mixed use area, support new residential and commercial development and that larger format retail activities complement the Jackson Street Historic Retail Precinct (See Retail Report);
- Manage reverse sensitivity effects by requiring new residential properties to provide a minimum level of noise insulation (See Residential Report);
- Allow for the consideration of effects on amenity values within the site and on surrounding areas for all new buildings (see Built Form and Urban Design Report); Allow for the consideration of a full range of potential impacts on adjacent uses from particularly disturbing activities, such as heavy industry, as a Discretionary Activity; (See Other Uses Report) and
- Allow for the consideration of traffic effects on the immediate and wider road network for all new buildings, larger extensions and alterations to existing buildings, larger retail activities and all Discretionary Activities (See Traffic Report);
- Allow for the assessment of new residential and non-residential buildings against a Design Guide (See Built Form and Urban Design Report).

It is considered that the creation of successful and attractive mixed use areas, requires a more proactive management approach regarding the siting and design of buildings, as well as the control of possible adverse effects than has traditionally been the case for predominantly residential or business/industrial areas. In the absence of appropriate controls, the disadvantages of mixed use development, could outweigh the substantial benefits outlined above.

It is acknowledged that providing for residential development in the plan change area, particularly in the form of higher density housing, could compete with more intensive forms of residential development in the Central Commercial Activity Area (Lower Hutt CBD). However, it could not be assumed that new residential apartments in Petone West, would displace development that would have otherwise occurred in Lower Hutt CBD. This scenario is because Petone West and Lower Hutt CBD are likely to be seen as offering different opportunities and types of amenity, with varying levels of attractiveness to different parts of the housing market. It is possible that land along the Petone foreshore, could be developed as a more upmarket apartment area; whilst apartments in Lower Hutt CBD could cater for a different housing segment.

Based on demand for more intensive forms of residential development in residential areas in Petone, it is anticipated demand exists for more intensive forms of residential development in Petone West if it was provided for. If residential development was excluded from the plan change area, it could further increase pressures for the replacement of existing detached dwellings in the residential zones of Petone with higher density housing. Council recently completed a review of its residential areas and provisions which resulted in a limited extent of more intensive forms of residential development being provided for in Petone residential areas.

#### Boundary of Mixed Use Zone

A small number of submitters have requested changes to the boundary of the mixed use area, covering both a requested extension and reduction in the extent of the mixed use zone. A map illustrated the approximate extent of areas requested for inclusion or exclusion from the Mixed Use zone is contained in Appendix 3. Two submitters have requested that the plan change area be extended to apply to additional land zoned General Business Activity Area in Petone, with two further submitters objecting to the inclusion of these areas into the plan change area. Approximately 10 submitters have requested that land be removed from the proposed mixed use zone.

##### *1. Western Side of Railway Line*

The first area suggested for inclusion is land on the western side of Petone Station owned by NZTA, described as where the "Car Giant" business is and the old bowling building was. This description appears to apply to land at 25 to 39 Western Hutt Road, Korokoro. Submitter 001 (Mark Braithwaite) has provided no reasoning for why he considers this land should form part of the mixed use zone.

The boundary/extent of the plan change area was considered in the initial stage of preparing the plan change. The requested area was part of this early consideration.

Land on the western side of the railway line was not considered suitable for inclusion into the mixed use zone, by virtue of its:

- physical and visual separation from the plan change area;
- position further away from existing retail facilities along Jackson Street;
- more industrial character than the plan change area;
- lower potential to create an attractive and vibrant mixed use area due to its aspect, narrow form and position between major transport infrastructure;
- possibility of diluting the positive effects of mixed use by spreading this over too large an area;
- additional challenges that an enlarged mixed use area could create in terms of coordinating development and encouraging different types of development to occur in the areas considered most suitable for this use;
- reduction in land considered suitable for business, commercial and industrial purposes, where reverse sensitivity effects are unlikely to occur due to separation from residential properties;
- loss of business/industrial land supply;
- reverse sensitivity issues associated with close proximity to traffic infrastructure; and
- traffic effects on the safe and efficient operation of SH2.

The above reasons are still considered applicable, and therefore, the area on the western side of the railway line is not considered appropriate for inclusion into the plan change area.

## 2. *North of Petone Avenue*

The second site requested for inclusion in the mixed use zone by submitter 166 (Graeme Ebbett on behalf of the Ebbett Family Trust) is the area on both sides of Victoria Street, north of Petone Avenue to Hutt Road. In support of this request, the submitter states that the existing zoning is stifling development of more intensive residential and light commercial use.

All of the above reasons for excluding land to the west of the railway line from the plan change area, with the exception of physical separation from the plan change area and those associated with SH2, are also considered to apply to this area. In addition, the land is a greater distance from recreational opportunities, particularly the Petone foreshore;

The existing zoning of this area as General Business Activity Area is not considered to unduly restrict or hinder the use of land for a range of commercial and light industrial uses.

## 3. *Between Te Puni Urupa and The Esplanade*

The first area requested to be removed from the Mixed Use Zone is the area between the Te Puni Urupa and The Esplanade by Submitter 119 (Morris Te Whiti Love). Although the submitter has not clearly identified his reason for requesting the exclusion of this land, the submission suggests that this change is sought to allow additional restrictions on the development of land to the south of the urupa (which formed part of the original Te Puni Urupa), to protect the setting of the remaining area of the urupa.

The new zoning sought for the above area is not specified. Under the current provisions of the District Plan, this area is zoned General Business Activity Area (Esplanade West Area) with a permitted maximum height limit of 30m and a minimum setback from the urupa of 3m. The proposed plan change as notified, specifies the same maximum permitted height and minimum setback as the existing provisions, although the permitted range of uses is expanded to include residential development.

The exclusion of the site from the mixed use zone is considered to have limited impact on the future development of this area of land and could unnecessarily complicate planning provisions for the Petone West Area. Changing the zoning of this small area of land is not considered an efficient zoning pattern. Considerations regarding amending the height restrictions on this land is discussed within the Built and Cultural Heritage Report which is considered a more efficient and effective method to protect the urupa.

#### 4. *The Esplanade*

The second area requested to be removed from the mixed use zone is land along The Esplanade. Reasons for this request appear to be based on the absence of special rules for development along The Esplanade in the proposed plan change and concerns regarding tall buildings along the harbour frontage. There is no change in maximum permitted height limits for building in this area under the Proposed Plan Change, as notified. Both the existing and proposed provisions would require resource consent as at least a Restricted Discretionary Activity for all buildings and structures fronting The Esplanade, with matters of consideration including the design and location (siting) of buildings, landscaping and screening and traffic effects. The principal effects of the change of zoning for this area are expected to be associated with permitting residential activity in this area. Issues regarding retail development along The Esplanade are discussed in the Retail Report, whilst traffic issues are discussed in the Traffic Report.

It is considered that excluding The Esplanade from the Mixed Use Zone would not achieve the outcome desired by submitters and would be of little benefit. Splitting the plan change area into multiple small zones, could also unnecessarily complicate the planning framework for the western part of Petone and prevent the introduction of a more cohesive and consistent management approach for this area.

#### 5. *East of Victoria Street*

The third area requested to be removed from the Mixed Use Zone is the area to the east of Victoria Street. Reasons given for the removal of this area include:

- Too large an area is to be zoned for commercial/retail activity;
- There needs to be greater separation (transitioning) between the existing residential area and area for high intensity (retail and multi-unit residential) development;
- Wish to retain the current mix of commercial and industrial activities in this area; and
- Would allow for a transitional zoning, with commercial and residential development of a lower height.

The area east of Victoria Street is currently zoned General Business Activity Area. The southern portion of this land is currently included in the Esplanade West Area (with a maximum permitted height limit of 30m), whilst the larger northern portion adjoining Jackson Street is included in the Petone Southern Business Activity Area (with a maximum permitted height of 12m).

Removal of the area from the plan change area could lead to a risk of fragmentation and lack of co-ordination in the planning of the Petone West area. The creation of larger mixed use zone would simplify the planning framework for this area and address the somewhat arbitrary boundary between the Southern Business Activity Area and Esplanade West Area within the General Business Activity Area. This area has a number of smaller properties in close proximity to the foreshore and retail area of Jackson Street. This proximity and small lots lend themselves to an assortment of mixed use developments.

The inclusion of this area within the mixed use zone has the benefit of allowing for a planned transition between the existing residential areas of Petone, the Jackson Street Historic Retail Precinct and the existing area zoned Petone Commercial Activity Area 2. Allowing for a greater range of land uses in this area, could result in an improvement in the amenity values of the area, encourage the more efficient use of land and compatibility with adjoining areas.

The outcomes sought by submitters relating to a transitional approach are considered to be efficiently and effectively achieved through alternative means as part of the plan change, such as different permitted height limits, additional controls on retail development and clear indication of light industrial uses as an acceptable land use in the mixed use zone.

See the Retail, Residential, Built Form and Design and Other Uses Reports for discussion on these matters. Accordingly, it is recommended the area east of Victoria Street be retained within the mixed use zone.

#### 6. *East of Petone Avenue (transitional zone)*

Submitter 132 (Peter and Nicola Pritchard) have requested that land to the east of Petone Avenue be removed from the mixed use zone, and form a new 'transitional zone'.

The plan change area on the eastern side of Petone Avenue is a narrow block of land between Victoria Street, Jackson Street and Campbell Terrace. This land is currently zoned Petone Commercial Activity Area 2, with a maximum permitted height limit of 30m and lower permitted height limit adjacent Jackson Street. Although modest sized buildings are currently situated on the land, existing zoning provisions would allow for more intensive development.

As with other areas requested for removal from the mixed use zone, the removal of this area leads to a risk of fragmentation and lack of co-ordination in the planning of the Petone West area. The creation of multiple zones with a mixture of provisions, could lead to an unnecessarily complex planning framework. The creation of zones applying to small areas is considered undesirable from a plan administration perspective, as well as efficient land use planning.

The 'transitional' provisions (and outcomes) sought by the submitter could be achieved through alternative means, such as additional height restrictions and consideration of design matters at the resource consent stage for all new buildings (discussed in Built Form and Design Report).

The inclusion of this area within the mixed use zone would have the same benefits as that identified for land to the east of Victoria Street. Therefore, it is considered it is more appropriate to retain this area within the Mixed Use Zone.

#### 7. *Western Side of Victoria Street fronting Jackson Street*

Submitter 199 (Petone Planning Action Group) has requested that the shops on the western side of Victoria Street which front onto Jackson Street, be removed from the proposed mixed use zone and be added to the Petone Commercial Activity Area 1 for the following reasons:

- Land currently forms part of Petone Commercial Activity Area 1; and
- This area has the same form and function as Petone Commercial Activity Area 1.

The land in question is considered by Council officers to currently form part of Petone Commercial Activity Area 2. Rule title 5.5B defines Area 2 as "*that area generally bounded by Te Puni Street, Hutt Road, Petone Avenue and Victoria Street*". In 2010 Draft Appendices 'Petone Commercial 3 and 4' were produced, which illustrated the boundary of the two commercial areas within Petone, a copy of which is attached as Appendix 4. Although these appendices do not officially form part of the Operative District Plan and have no statutory weight, they have been used to assist in interpretation and administration of the District Plan. These maps clearly indicate that this land is considered to be within the Petone Commercial Activity Area 2.

Notwithstanding the above, in re-considering this matter in the context of PC29, it is considered that the eastern side of Victoria Street and the boundary of the Jackson Street Historic Area (Retail Precinct) forms the most logical boundary between the two commercial areas. Although a few small-scale shops front onto Jackson Street on the western side of Victoria Street, these shops and buildings are of a different character and relationship from the shopping area between the eastern side of Victoria Street and Cuba Street.

#### Staging

Submitter 132 (Peter and Nicola Prichard) have requested that the plan change be undertaken in a staged approach, and initially restricted to development around Petone Railway Station and major entrance roads.

The submitter contends the staging of the introduction of the mixed use zone would offer some benefits in terms of greater control as the location of new development, particular in terms of directing different types of development to the most suitable locations. However, this staged approach would also have the following risks and costs:

- Possible mismatch between areas identified for particular types of development, and demand by the market;

- The nature of the plan change process, which could lead to delays in any further expansion of the mixed use area and associated costs (for Council and submitters) in repeating a similar process;
- That a critical mass of land suitable for redevelopment, would not be retained in the plan change area; and
- That a reduction in the size of the mixed use zone would reduce the opportunities for new development in Petone.

The costs and risks of the staged approach are considered to be greater than the benefits, therefore a staged approach is not supported or recommended.

#### Creation of Precincts

A small number of submitters have requested the use of precincts as a method to manage land use activities and development in sub-areas within the Petone West area.

The use of precincts is recognised as providing the following benefits:

- Consistency with the planning approach for the Central Commercial Activity Area (a mixed use area);
- Ability to introduce specific issues, objectives, policies and permitted activities standards for sub-areas within the plan change area,
- Recognition of differences in land use and amenity available in different parts of the plan change area;
- Ability to direct types of development to parts of the plan change considered most suitable for this use;
- Ability to separate areas allocated for particular uses, to minimise the possibility of reverse sensitivity effects; and
- Greater certainty for developers and future occupiers as to the type of development likely to occur within different parts of the plan change.

It is recognised that many streets in the plan change area share similar characteristics in terms of use and appearance of buildings. Officers are of the view however that the plan change area does not exhibit the degree or scale of differentiation that would necessitate the introduction of planning precincts. Additional provisions are able to be incorporated into the plan change which recognise and maintain the different amenity values and gateway functions of Jackson Street and The Esplanade. In addition to specific provisions for the area generally bounded by Jackson Street, Victoria Street, Sydney Street and The Esplanade, which adjoins the General Residential Activity Zone. Recommended provisions include:

- Use of different maximum permitted height limits in the land use zone;
- Use of setback and landscaping requirement for development adjacent The Esplanade
- Allowance of small-scale retail and licensed premises as a permitted use on Jackson Street only;
- Retention of issue, objective and policies for Main Entrance and Gateway Routes (with some modifications); and
- Ability to consider a range of site specific factors as part of a Restricted Discretionary resource consent, for the construction of new buildings in the plan change area.

Such an approach is considered to offer many of the benefits that precincts would, whilst retaining a high degree of flexibility for landowners to respond to market conditions and redevelopment opportunities. In addition to, avoiding unnecessary complexity in plan administration and potentially discouraging developments, which could be appropriate in a range of locations.

## **Recommendations with Reasons**

In response to the above submission points, it is recommended the proposed plan change is amended to better reflect the current and anticipated future mixed use character and amenity values of the area. Specific amendments to plan provisions are recommended based on matters raised and relief sought in submissions. :

It is recommended that Amendment 1 [1.10.2 Amenity Values – Explanation for Area 2 – Petone Commercial Activity Area] be amended because:

- It improves the consistency between the description of Petone Commercial Activity Areas 1 and Area 2.
- It refers to the intended future character and range of uses within the plan change area.
- It acknowledges that the existing character and range of uses within the plan change area is intended to change.
- It emphasises the importance of enhancing existing amenity, in order to achieve an attractive and vibrant mixed use area.
- It emphasises that a higher level of design and amenity is expected, than has been required in the past.

It is recommended that Amendment 3 [Chapter 5 (Commercial)] be amended because:

- It allows for the introduction of a map which unambiguously defines the boundary between the two Petone Commercial Areas.
- It improves the consistency of wording with Amendments 1 and 9.
- It clearly identifies that the plan change area is considered suitable for small or low intensity light industrial, business and service activities, as referred to in the Other Uses Report.

It is recommended that Amendment 4 [Rule 5B 1.1.2 Policy Framework for Area 2 – Petone Commercial Activity Area] be amended because:

- It deletes repetition in the description of the plan change area.
- It clearly identifies that the plan change area is considered suitable for small or low intensity light industrial, business and service activities, as referred to in the Other Uses Report.
- It expands the identified issue to explicitly refer to reverse sensitivity effects.
- It emphasises that amenity values and character of the area are to be maintained or enhanced.
- It corrects grammatical errors.
- It provides additional details on methods available to avoid or mitigate the adverse effects of activities on the environment.

It is recommended that Amendment 9 [5B 2.2 (Rule Title)] is retained because:

- It identifies in words the approximate boundary of the Petone Commercial Activity Area 2;
- It does not prevent the use of a map to identify the two Petone Commercial Activity areas; and
- The written description of the area by street name is consistent with that used for the boundary of Petone Commercial Activity Area 1.

It is recommended that Amendment 43 [Planning Map A5] be retained because:

- The map accurately illustrates all land intended to be zoned Petone Commercial Activity Area and the boundary of the Jackson Street Historic Area as identified by the NZHPT.
- A new appendix is to be provided which clearly illustrates the boundaries of Petone Commercial Activity Areas 1 and 2.

## OFFICER RECOMMENDATIONS

The following are officers' recommendations on the submissions received for this topic/issue and amendments to the above PC29 provisions and other actions:

Accept and Reject all submissions relating to the above Amendments to the extent that:

- AMENDMENT 1 [1.10.2 (Amenity Values – Explanation)] is amended by the following:

Area 2 – Area generally bounded by Hutt Road, Petone Avenue, Campbell Terrace, Victoria Street, Sydney Street and The Esplanade: This part of Petone is currently characterised by a range of retail, commercial and industrial activities. It intended that this area is to be transformed into an attractive and vibrant mixed use area, with higher amenity levels than present. This area is intended to accommodate a wide characterised by a mix of activities including residential, commercial, retail, community and some light industrial and service activities. large sites which accommodate vehicle orientated retailing and larger commercial activities.

The future character of the area is of attractive entrance gateway routes into the City and buildings, structures and associated areas which are functional, attractive and contribute to the quality of the environment.

The character and amenity values in this area are influenced by the more open nature of sites, a diversity of building scale, the coastal environment for those sites fronting The Esplanade, and mixed land uses.

- AMENDMENT 3 [Chapter 5 (Commercial)] is amended to read as follows:

Area 2 – Petone Mixed Use.

Area 2 comprises the area generally between Hutt Road, Petone Avenue, Campbell Terrace, Victoria Street, Sydney Street and The Esplanade illustrated in Appendix Petone Commercial 5. This area is suitable for mixed uses, providing a range of residential, retail, and commercial activities and small-scale or low intensity light-industrial, business and service activities.

- AMENDMENT 4 [5B 1.1.2 Activities] is amended by the following:

Issue

~~There is demand in Petone for Mixed uses which complement and support each other, such as commercial, small-scale or low intensity light-industrial, business and service activities, servicing, residential and retail activities. Making provision for mixed use activities in the western end of Petone would support the social and economic well-being of the area and the City as a whole. However, they but~~ could also detract from the established vibrancy and vitality of the ~~retail areas of Jackson Street Historic Retail Precinct~~ and the Central Commercial Activity Area. It is also necessary to manage the potential adverse effects, including noise, dust, odour, glare, light spill and traffic, of activities so as to maintain and enhance the quality of the environment. In addition to potential reverse sensitivity effects and incompatibility effects between activities.

Objective

To provide for a mixed use activity area within Petone which caters for a range of complementary commercial, small-scale or low intensity light-industrial, business and service activities, servicing, residential and retail activities, increasing the number of residents and workers in Petone, and avoiding or mitigating adverse effects so that on the amenity values and character of the area, neighbouring areas and the overall receiving environment are maintained or enhanced.

Policies

- (a) Provide for a range of residential, commercial, small-scale or low intensity light-industrial, business and service activities, ~~(professional offices, services and entertainment)~~ and retail ~~(groceries, household items, services)~~ activities generally ~~between Hutt Road, Petone Avenue, Campbell Terrace, Victoria Street, Sydney Street and The Esplanade~~, provided their adverse effects are compatible with each other and the character and amenity values of the area.

Explanation and Reasons

Paragraph 1

There is demand for an area within Petone to accommodate a range of complementary activities including residential, retail and commercial activities. Petone Commercial Activity Area 2 ~~The area generally bounded by Hutt Road, Petone Avenue, Campbell Terrace, Victoria Street, Sydney Street and The Esplanade~~ is suitable as a mixed use area for the following reasons:

.....

Point (b)

The area adjoins the small scale speciality retail area of Jackson Street Historic Retail Precinct and thus a sense of place can be achieved which provides a range of complementary ~~to a range of residential, retail and commercial activities within Area 2;~~

.....

New paragraph

A number of methods are available to avoid or mitigate adverse effects causing harm or damage to the environment. These methods include the use of good urban design, landscaping, use of porous surfaces, sediment traps and other low impact urban design solutions. The Petone Mixed Use Area Design Guide provides advice on the above.

- AMENDMENT 9 [5B 2.2 (Rule Title)] is retained.
- AMENDMENT 43 [Planning Map A5] to be retained.

Please note: It is recommended a new map which shows the boundaries of Petone Commercial Activity Areas 1 and 2 be included as an appendix (as shown in Appendix 4 to the officers report).



## 5.2. Retail Use

### RETAIL PROVISIONS

#### RELATED PC29 PROVISIONS AS NOTIFIED

The amendments 'as notified' for this topic/issue report in PC29 are the following:

- AMENDMENT 2 [**Chapter 3 (Definitions)**] which provides a definition of 'integrated retail developments'.
- AMENDMENT 4 [**Issue/Objective 5B 1.1.2 (Area 2 – Petone Commercial Activity Area)**] which proposes a new issue and objective for the Petone Mixed Use area, as well as outlining policies and explanation and reasons.
- AMENDMENT 6 [**Policy 5B 1.2.2 (Weather Protection)**] which sought to ensure that new buildings along Jackson Street provide adequate weather protection.
- AMENDMENT 10 [**Rule 5B 2.2.1 (Permitted Activities)**] which sought to identify activities which do not require resource consent.
- AMENDMENT 12 [**Rule 5B 2.2.1.1 (d) (Jackson Street Standards)**] which sought to ensure that the appearance of new buildings along Jackson Street are of a suitable commercial appearance.
- AMENDMENT 19 [**Rule 5B 2.2.1.1 (j) (General Rules)**] which deletes existing matters for consideration for retail activities with a gross floor area exceeding 3000m<sup>2</sup>.
- AMENDMENT 31 [**Rule 5B 2.2.3 (d) (Discretionary Activities)**] which identifies integrated retail developments with a gross floor area exceeding 10,000m<sup>2</sup> as Discretionary Activities.

KEY SUBMITTER POINTS	SUBMITTERS
<b>Submitter Feedback</b>	
Support Proposed Retail Provisions	14
Oppose Proposed Retail Provisions	220 original submissions and 15 further submissions.
<b>The following are the key points raised by supporters of the proposed retail provisions:</b>	
▪ Would like to see more shops.	
▪ Shops should be encouraged along The Esplanade to support local residents and visitors to the beach.	
▪ Plan change consolidates and rationalises the use of land.	
▪ Plan change provides for uses which would be difficult to obtain consent for under current provisions.	
▪ More shops would increase shopping opportunities.	
▪ More shops will attract more shoppers to area.	
▪ Plan change will reduce rents for retail premises along Jackson Street, as a result of increased competition for tenants.	

<b>The following are the key points made by opposers to the proposed retail provisions:</b>	
<ul style="list-style-type: none"> <li>Concern regarding lack of restrictions on small scale retailing.</li> </ul>	202 original submissions
<ul style="list-style-type: none"> <li>Concern regarding lack of restrictions on large scale retailing.</li> </ul>	217 original submissions
<ul style="list-style-type: none"> <li>The proposed rules would cause serious harm or threaten the economic viability of the existing retail area along Jackson Street.</li> </ul>	Over 160 original submissions and 9 further submissions
<ul style="list-style-type: none"> <li>The plan change does not adequately control or manage new retail development in the plan change area.</li> </ul>	Approximately 120 original submissions
<ul style="list-style-type: none"> <li>The plan change increases direct retail competition for the existing retail area along Jackson Street.</li> </ul>	Over 50 original submissions
<ul style="list-style-type: none"> <li>Small scale retailing in the plan change area would have a competitive advantage, as a result of lower operational costs (e.g. lower insurance, repair and maintenance, earthquake strengthening and regulation costs).</li> </ul>	7 original submissions
<ul style="list-style-type: none"> <li>The plan change would change the character of the Jackson Street Historic Retail Precinct.</li> </ul>	Over 150 original submissions
<ul style="list-style-type: none"> <li>Increased retail competition would discourage investment in existing older buildings and could lead to their demolition.</li> </ul>	6 original submissions
<ul style="list-style-type: none"> <li>The plan change would allow malls and other large scale retail developments.</li> </ul>	Approximately 32 original submissions
<ul style="list-style-type: none"> <li>The plan change would be harmful to Lower Hutt CBD and other retail areas in the Hutt Valley.</li> </ul>	Approximately 63 original submissions
<ul style="list-style-type: none"> <li>The plan change would increase traffic congestion and shortages in car parking.</li> </ul>	Approximately 104 original submitters <sup>3</sup>
<ul style="list-style-type: none"> <li>Amendments do not clearly establish a permitted floor space limit for single retail premises.</li> </ul>	4 original submitters

<b>RELIEF SOUGHT</b>	<b>SUBMITTERS</b>
<ul style="list-style-type: none"> <li>Reinstate minimum retail floor space of 500m<sup>2</sup> as a permitted activity</li> </ul>	174 original submitters
<ul style="list-style-type: none"> <li>Reinstate maximum permitted retail floor space of 3,000m<sup>2</sup></li> </ul>	177 original submitters
<ul style="list-style-type: none"> <li>Retain existing retail provisions</li> </ul>	34 original submitters
<ul style="list-style-type: none"> <li>Activity status of larger retail development</li> </ul>	Approximately 10 original submitters

<sup>3</sup> Refers to traffic impacts from both new retail and residential developments.

(typically above 3,000m <sup>2</sup> ) changed to a Controlled Activity, Restricted Discretionary Activity or Non-Complying Activity.	
<ul style="list-style-type: none"> <li>▪ Prohibit malls and/or integrated retail developments</li> </ul>	15 original submitters
<ul style="list-style-type: none"> <li>▪ Malls and Integrated Retail Developments to be identified as Discretionary, Non-Complying or Prohibited Activities.</li> </ul>	Approximately 6 original submitters.
<ul style="list-style-type: none"> <li>▪ Additional information requirements for larger retail activities including economic assessment and traffic report</li> </ul>	Approximately 10 original submitters.
<ul style="list-style-type: none"> <li>▪ Matters of consideration for retail activities to include traffic effects, potential adverse effects on the Jackson Street Historic Retail Precinct and the wider Hutt valley.</li> </ul>	Approximately 3 original submitters
<ul style="list-style-type: none"> <li>▪ Reduction in the spatial area where retailing is a permitted activity</li> </ul>	131 original submitters
<ul style="list-style-type: none"> <li>▪ Retailing permitted only on Jackson Street</li> </ul>	109 original submitters
<ul style="list-style-type: none"> <li>▪ No retailing along The Esplanade</li> </ul>	61 original submitters
<ul style="list-style-type: none"> <li>▪ No retailing outside the existing Petone Commercial Activity Area 2 boundary</li> </ul>	Approximately 14 original submitters
<ul style="list-style-type: none"> <li>▪ No retailing south of the Pak 'n' Save Building</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>▪ No retailing within the plan change area</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>▪ Changes to the notification requirements for retail activities including public notification of retail developments above 3,000m<sup>2</sup> and retail complexes, with option for a public hearing.</li> </ul>	2 original submitters
<ul style="list-style-type: none"> <li>▪ Limitations on the type of retailing permitted in the plan change area to prevent direct competition with the Jackson Street Historic Retail Precinct, including restrictions on small scale retail shops, cafes, bars and restaurants. A suggestion is made to restrict retail types to showrooms, large format retail and department stores.</li> </ul>	6 original submitters
<ul style="list-style-type: none"> <li>▪ Provision of guidance on integrating new retail development with existing development along Jackson and Victoria Streets.</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>▪ Rules to manage the traffic effects of large retail activities</li> </ul>	Approximately 3 original submitters.
<ul style="list-style-type: none"> <li>▪ Delete Amendment 2 which introduces a definition of Integrated Retail Development</li> </ul>	5 original submitters
<ul style="list-style-type: none"> <li>▪ Alteration to Amendment 4 to allow additional restrictions on retail development.</li> </ul>	4 original submitters
<ul style="list-style-type: none"> <li>▪ Delete Amendment 6 regarding Weather</li> </ul>	3 original submitters

Protection	
<ul style="list-style-type: none"> <li>▪ Alteration to Amendment 10 to reduce the range of permitted retail activities</li> </ul>	Approximately 12 original submitters
<ul style="list-style-type: none"> <li>▪ Delete Amendment 12 regarding Jackson Street standards.</li> </ul>	3 original submitters
<ul style="list-style-type: none"> <li>▪ Delete Amendment 19 (that is, existing rule and matters for consideration for retail activities exceeding 3,000m<sup>2</sup>)</li> </ul>	3 original submitters
<ul style="list-style-type: none"> <li>▪ Amend Amendment 24 to allow notification of retail developments above 3,000m<sup>2</sup> to NZTA as an affected party</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>▪ Delete Amendment 24 to allow notification of Restricted Discretionary Activities.</li> </ul>	3 original submitters
<ul style="list-style-type: none"> <li>▪ Alter Amendment 31 to reduce threshold for retail developments as a Discretionary Activity</li> </ul>	4 original submitters

## **Discussion**

### **Background**

#### Hutt City Council Operative District Plan

Under existing provisions, the Petone Commercial Area (Centre) is defined as the entire area known as Petone Commercial Activity Area 1 and 2.

Section 5B 1.1.2 defines the existing boundary of Petone Commercial Activity Area – Area 2 and outlines the issue, objective and policies for this area. The existing issue states:

*“There is a demand for large sites to accommodate vehicle oriented retailing activities and other large scale activities. The area generally bounded between Te Puni Street, Hutt Road, Petone Avenue and Victoria Street on both sides of Jackson Street is suitable for such purposes.”*

Section 5B 1.2.2 outlines a policy for weather protection via the use of verandahs be provided along that section of Jackson Street identified as Petone Commercial Activity Area 1 (i.e. the Jackson Street Historic Retail Precinct).

Rule 5B 2.2.1 outlines permitted activities within Petone Commercial Activity Area – Area 2. Rule (a) limits permitted retail activities to *“retail activities with a gross floor area not less than 500m<sup>2</sup> and not more than 3,000m<sup>2</sup>”*.

Rule 5B 2.2.2 identifies all retail activities with a gross floor area exceeding 3,000m<sup>2</sup> are a Restricted Discretionary Activity. Rule 5B 2.2.2.1 (a) identify the matters for consideration for retail activities exceeding 3,000m<sup>2</sup> as 1) effects on the transport network and 2) appearance of buildings and structures.

Rule 5B 2.2.4 identifies all activities not specifically provided for as a Non-Complying Activity. As no specific provision is made for small-scale retailing (retail below 500m<sup>2</sup>) it falls under this “catch all” rule and activity status category.

Section 6A 1.1.1 identifies an issue, objective and policies regarding accommodating a mixture of activities within the General Business Activity Area. Policy (c) states:

*“Accommodate certain retail activities which are compatible with other activities of the General Business Activity Area and do not undermine the strength, vitality and viability of commercial activity areas”*.

Text under the Explanation and Reasons state *“The range of commercial activities accommodated should not, however, undermine the strength, vitality and viability of commercial centres. Therefore,*

*certain retail activities are permitted where they are not suitable in commercial centres due to their nature and character”.*

Rule 6A 2.1.1 (j) identifies which retail activities are a permitted activity, which largely limits retailing in the General Business Activity Area to:-

- a) Goods manufactured on site;
- b) 'Bulky good' retailing;
- c) Food service with a gross floor area up to 200m<sup>2</sup>; and
- d) Retail within a service station.

Rule 6A 2.5 (a) identifies the majority of other retail activities as a Non-Complying Activity within the General Business Activity Area.

### **Relevant Legislation and Guidance**

Local government has various roles and responsibilities relating to providing for the social, economic and cultural well-being of its community and the efficient use and development of land. Below is a summary of the relevant legislative context and requirements to this plan change. These matters are relevant considerations under Section 74 of the RMA in preparing and determining the proposed plan change.

#### Resource Management Act 1991

Section 5 refers to the use of resources in a way that enables people and communities to provide for their social, economic and cultural wellbeing, while avoiding, remedying or mitigating any adverse effects of activities on the environment.

Section 6 refers to recognising and providing for the protection of historic heritage from inappropriate subdivision, use and development as a matter of national importance.

Section 7 refers to the development of physical resources (including land) having particular regard to the maintenance and enhancement of amenity values and the quality of the environment [matters (c) and (f)] and efficient use and development of natural and physical resources [matter (b)].

Section 73 identifies that District Plans need to give effect to regional policy statements.

Section 74 identifies relevant considerations for plan changes which include any proposed regional policy statement and relevant entry in the Historic Places Register. It also specifies that trade competition or the effects of trade competition cannot be taken into account.

#### Proposed Wellington Regional Policy Statement, as at May 2010

Policy 29 specifies that District Plans shall include policies and rules that encourage a range of use of land use activities that maintain and enhance the viability and vibrancy of the sub-regional centre of Lower Hutt CBD and Suburban centre of Petone, amongst other centres identified in the Wellington region.

Policy 30 seeks to promote higher density and mixed use development in the above centres.

Policy 45 requires plan changes to consider whether an activity may effect a place or area with historic heritage value. Considerations to be taken into account are identified as including:

- The degree to which historic heritage values will be lost, damaged or destroyed;
- The irreversibility of adverse effects on heritage values;
- The magnitude or scale of any effect on heritage values; and
- Whether the activity will lead to cumulative adverse effects on historic heritage.

#### Historic Places Act 1993

It is considered that the purpose and principles of this Act are a relevant consideration, in terms of considering potential indirect effects on the Jackson Street Historic Retail Precinct from the proposed changes to retail rules. The purpose of this Act is to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand.

## Local Government Act 2002

Section 14 of the Act identifies that local authorities must act in the accordance with various principles, including:

- giving effect to its identified priorities and desired outcomes in an efficient and effective manner:
- a local authority should make itself aware of, and should have regard to, the views of all of its communities;
- the social, economic, and cultural interests of people and communities; and
- the need to maintain and enhance the quality of the environment.

## Petone Vision Statement

The Petone Vision Statement is not a statutory document and is therefore not a statutory consideration under the RMA Act. Nevertheless, taking into account, that the HCC 'Long Term Plan' identifies that the implementation of the Petone Vision as a key priority and LGA Act requires local authorities to give effect to its identified priorities and desired outcomes, it is considered that the contents of this document form a relevant consideration.

The four key elements of the Petone Vision are:

1. A distinguishing feature of Petone is being a unique heritage place;
2. Growth in Petone will be managed in an economically and environmentally sustainable manner;
3. We recognise that Petone has to be a real place for our people; and
4. Petone needs an attractive and vibrant village culture at its heart.

## **Issues with Existing Plan Provisions**

The recent Environment Court appeal decision for 45 Jackson Street, Petone released on 6 November 2012 (ENV-2012-WLG-000048) identified deficiencies in the existing provisions of the Operative District Plan, in relation to the assessment of resource consents for small-scale retail development in Petone Commercial Activity Area 2. These deficiencies relate to:

- a) Interpretation difficulties as to whether the size limit of permitted retail activities applied per store or per retail development;
- b) Absence of any policies regarding small-scale retail in this zone;
- c) Absence of any identification of the respective roles of Petone Commercial Activity Area 1 and 2; and
- d) Absence of any policy which seeks to protect the economic vitality and viability of the Jackson Street Historic Retail Precinct.

Given these deficiencies, the effectiveness and efficiency of the existing rules in achieving the objectives for the Petone Commercial Activity Area – Areas 1 and 2 is questionable. In particular, maintaining and enhancing the character and amenity values of these areas (Objective 1.10.2) and promoting an integrated and hierarchical approach to commercial centres (Objective 1.10.4).

The existing provisions in the Operative Plan focus on providing for large scale retailing and provide little encouragement of small-scale retailing. Some provision of small-scale retailing within the plan change area is seen as desirable in creating a vibrant and attractive mixed use area. New residential and workforce populations are anticipated to require additional retail services in close proximity to them.

## **Proposed Plan Provisions**

Amendment 2 provides a definition for Integrated Retail Developments. The definition allows for specific provisions for Integrated Retail Developments to be introduced.

Amendment 4 replaces the existing issue, objective and policies for the plan change area. The amendment replaces the existing focus on large scale vehicle oriented retailing and other large scale

activities within the plan change area, with a mixture of commercial, servicing, residential and retail activities.

The proposed Issue and Objective specifically refers to providing for a mixture of activities, including retail activities.

Policy (b) refers to managing large scale retail activities and complexes to ensure that they do not detract from the vibrancy and vitality of Petone and Hutt City's central business district (Lower Hutt CBD), and create an attractive and public focused environment.

Policy (d) identifies a policy to restrict residential activities at ground floor level along Jackson Street, to ensure the use of ground floor premises for retail and commercial activities.

Policy (h) refers to managing the effects of activities to avoid or mitigate adverse effects.

Commentary under the Explanation and Reasons state:

*"There is a potential if a high number of small scale specialty or comparative shops develop in the Petone Mixed Use Area (it) could degrade or undermine the vitality and vibrancy of the existing core Jackson Street retail area (Area 1) and the Lower Hutt City central area. Therefore, a limitation is placed on the size of larger retail complexes to maintain the role and economic and social wellbeing of the existing areas".*

Amendment 6 extends existing weather protection (use of verandah) requirements along Jackson Street between the Jackson Street Historic Retail Precinct and Petone Railway Station.

Amendment 10(a) replaces the existing rules on minimum and maximum permitted floor space range for retail activities with *"retail activities, excluding integrated retail developments exceeding 10,000m<sup>2</sup>"*

Amendment 12 introduces new permitted activity standards for verandahs, building frontages and display windows along Jackson Street.

Amendment 19 deletes existing matters for consideration for retail activities with a gross floor area above 3,000m<sup>2</sup> as a Restricted Discretionary Activity.

Amendment 31 introduces a new Discretionary Activity Status for *"all retail activities within an integrated retail development with a gross floor area exceeding 10,000m<sup>2</sup>".*

By expanding the area of land to be zoned Petone Commercial Activity Area 2, the plan change also increases the area where a wider range of retail activities are a permitted activity.

### **Evaluation of Issues Raised in Submissions and Relief Sought**

The majority of submitters have expressed concern about the proposed changes to retail provisions including Petone retailers, Petone residents, property owners, the Regional Council (Greater Wellington Regional Council), New Zealand Transport Agency, New Zealand Historic Places Trust and other historical organisations, community groups and two business groups. The key concern raised is that the proposed changes to the retail rule would cause serious harm to, or threaten the economic viability of the existing Jackson Street Historic Retail Precinct. Submitters have suggested that this effect would be caused by an increase in direct retail competition from new stores in the plan change area, which offer the same range of products. Due to higher business operating costs within the Jackson Street Historic Retail Precinct, submitters are concerned that retail development would relocate to the plan change area, leaving heritage buildings and the existing retail precinct partially or fully unoccupied.

Submitters suggest that declining business returns for existing stores or the inability to find new tenants, could in turn lead to the inability to maintain historic buildings or fund earthquake strengthening. This would increase pressure to demolish historic buildings, increase the likelihood of a loss of historic fabric and harm the character and appearance of the Jackson Street Historic Precinct. Some submitters have expressed the view that a loss of character and appearance would create a "cycle of decline" as it would remove part of the area's current appeal, particularly for visitors residing or working outside of Petone. Some submitters consider that the retention of the character of the area is crucial for its economic survival and provides a range of social and community benefits.

Section 74 of the RMA specifies that trade competition and the effects of trade competition cannot be taken into account in planning decisions. Although submitter's concerns are considered to include an

element of trade competition, they are also considered to raise the following concerns, which are able to be taken into account:

1. Possible loss of economic vitality and viability of the existing Petone Centre and Jackson Street Historic Retail Precinct;
2. Possible harm to historic heritage;
3. Possible loss of social well-being<sup>4</sup>;
4. Possible loss of economic well-being;
5. Possible loss of cultural well-being<sup>5</sup>;
6. Possible adverse effects of activities on the environment; and
7. Possible adverse effect on amenity values and quality of the environment.

There were also some submissions in support of the proposed change in policies and rules for retail activities. These submitters supported the change as it would increase the supply of shops in Petone, attract more people (workers, residents and visitors) to Petone, and would provide for more efficient use of land.

The proposed changes to retail provisions reduce control over retail activities in the plan change area. Control over single retail premises and integrated retail developments up to 10,000m<sup>2</sup> would be restricted to new and extended buildings fronting the three major roads and compliance with general rules regarding parking standards and natural hazards. Matters of consideration for new and extended buildings which front Jackson Street and the other two major roads, would allow for the consideration of traffic effects but not effects on the vitality and vibrancy of the existing Jackson Street Historic Retail Precinct.

The proposed plan change as notified would permit the following:

1. A small enclosed shopping centre or mall up to 10,000m<sup>2</sup>;
2. Multiple integrated retail developments within the plan change area, including those sited adjacent to each other on different sites, or in close proximity to each other and connected by pedestrian link(s), such as a covered walkway;
3. The creation of a retail precinct in Petone West of comparable size to the existing main street retail centre;
4. The erection of stores which directly compete with the product range on offer in the existing main street retail centre; or
5. Significant retail development in advance of any substantial rise in local resident or workforce population.

Development Economics Ltd.<sup>6</sup> was hired by the Council to provide an evaluation of the future demand for a range of commercial and retail activities, and also to provide an understanding of the commercial feasibility of property development under a range of different possible development scenarios. Their report stated the allowance of smaller speciality retailing in the plan change was expected to result in the significant relocation of stores from the Jackson Street Historic Retail Precinct (referred to as the main street area in this report). *“At present there is 14,400 sqms (161 stores) of smaller speciality retail in the Mainstreet area. Of these, it is expected that 30 - 60 would relocate to the Plan Change area. This would leave (sic) potentially result in significant vacancies and the deterioration in the*

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<sup>4</sup> There is no definition of social well-being in the RMA, although it has been defined by Ministry of Social Development in their ‘Social Report 2008’ as *“those aspects of life that society collectively agrees are important for a person’s happiness, quality of life and welfare”*

<sup>5</sup> There is no definition of cultural well-being in the RMA, although the Ministry for Culture and Heritage have defined it as *“The vitality that communities and individuals enjoy through 1) participation in recreation, creative and cultural activities and 2) the freedom to retain, interpret and express their arts, history, heritage and traditions”* in their document ‘Cultural Well-being: What Is It?’ released in 2012.

<sup>6</sup> Company has subsequently changed name to Urbecon.



*quality of the retail tenants in the mainstreet, which may undermine the overall economic and social value of the centre...*"

The report recommended that the development of smaller speciality retail in the plan change area be restricted, as it represented the "*greatest threat to the overall economic and social performance of the total Petone commercial centre*". It was predicted smaller speciality retail as a permitted activity would have the following effects:

- A loss in the overall economic performance, value of the Petone centre as retail disperses and becomes less efficient as a retail centre;
- An increase in the vacancy rate and quality of retail tenants within the Jackson Street Historic Retail Precinct, , which may reduce the overall attractiveness and economic performance of this retail precinct; and
- A reduced ability for property owners to properly maintain historic buildings.

Further comment has been sought from Urbecon in relation to the submissions that raise retail and economic issues (see report in Appendix 5). This further comment evaluates the retail trade impacts and economic effects of the plan change taking into account matters raised by submitters. The further evaluation comes to the same conclusion as their original assessment.

The proposed plan change as notified is expected to increase retail competition faced by existing retail stores. Some of this additional competition is expected to directly compete with the product range on offer in the Jackson Street Historic Retail Precinct. Information contained in the report prepared by Development Economics '*Petone West Plan Change: Evaluation of Market Demand and Development Feasibility*' February 2012 indicates that economic impacts on the Jackson Street Historic Retail Precinct could be more than short-term, particularly given the discrepancy of up to 7,000m<sup>2</sup> between estimated development activity in the plan change area and additional demand for retail floor space for speciality small-scale retail in the total Petone Centre between 2011 and 2021.

Should the plan change area require a considerable length of time to transform into a desirable mixed use area or market demand for retail floor space does not increase to the degree predicted in the Development Economics/Urbecon reports, pre-mature retail supply ahead of population growth could have longer-term effects on the existing mainstreet retail centre.

The proposed plan provisions would not allow for a 'Westfield' scale or style development to be established without the need for resource consent as a Discretionary activity. However, it is possible that a medium size mall or large single retail premise could be established as a permitted activity, particularly if it covered multiple sites. As referenced at the pre-hearing meeting on retail activities, there is a growing international retail trend of single retail premises of substantial size, such as 'Ikea' in Tempe, Sydney, Australia with a retail floor area of 39,000m<sup>2</sup> and 'Walmart' in America with an average store size of 18,000m<sup>2</sup>. Single retail premises of this size, have the potential to generate significant volumes of traffic and may require additional road infrastructure to ensure the safe and efficient movement of traffic. These types of "hypermarkets" also provide a degree of competition with existing town centres stores such as bakeries, deli's, optometrist, pharmacies, bookshops, clothing outlets and news agencies.

Actual effects on existing retail premises are likely to be influenced by a wide array of factors. The character and ambience of the existing Jackson Street Historic Retail Precinct is unlikely to be replicated in the plan change area and may offer a degree of protection from increased retail competition. A modern retail development may not have the same appeal to customers and may struggle to compete with similar stores and amenities provided in the Lower Hutt CBD, a short distance away.

The willingness of retail tenants to locate close to existing large format retail in the plan change area (e.g. supermarkets), is also likely to be affected by the willingness of investors and their insurers to accept a higher degree of risk from natural hazards within the WFSSA, taken into account increased awareness of such risks following the Canterbury earthquakes.

Submissions reveal concern about a loss of economic vitality and viability in the Jackson Street Historic Retail Precinct. If this concern discouraged landowners from investing in historic buildings, it could lead to a loss of historic fabric and loss of its historic and unique character. This in turn, could

potentially have long term consequences on the economic and social performance of the Petone centre. Objectors to the proposed retail provisions include several historic organisations, including NZHPT.

A significant number of submitters have raised concern that the plan change would have a harmful effect on the Lower Hutt CBD, with a smaller number adding that the plan change is inconsistent with programs for the revitalisation of the Lower Hutt CBD ('Making Places Project'). Advice received from Economic Consultancy, Urbecon indicates that a medium size retail development in Petone could *"potentially result in a third major comparison retail centre for the City and would attract retailers that would have otherwise located either on the Petone mainstreet or in the CBD"*. The creation of a new retail centre in the plan change area is shown as potentially reducing rents received per square metre of retail floor space, in both the Jackson Street Historic Retail Precinct and Lower Hutt CBD than would otherwise be achieved.

Some submitters have expressed concern about the impact of the proposed plan change on other smaller retail centres in the Hutt Valley. Advice from Urbecon is that the plan change would not affect the commercial viability or function of smaller convenience centres, which provide a range of convenience products closer to their customer base.

A small number of submitters have expressed concern about growth in department and 'chain' stores, and whether they would threaten the viability of locally owned and managed independent stores. In response to this concern, it is noted that the Council is not able to discriminate against types of retailers and consider trade competition. Four submitters have raised concern about the lack of clear identification of the permitted floor space limit for single retail premises. It is recognised that the drafting of Amendments 4, 10 and 31 provides a degree of ambiguity as to whether proposed floor space limits apply to single retail premises as well as 'integrated retail developments' (retail complexes). This concern is addressed through recommended changes to Amendments 10 and 31 which specify that floor space controls apply per store.

In relation to larger retail developments, GWRC and NZTA have specifically raised concern about the increase in the permitted retail floor area threshold, which would trigger the need for resource consent and hence reduce the ability to control traffic effects. Both organisations have expressed the view that insufficient information is available to understand the traffic effects of new retail development which could occur, as a permitted activity. They contend new development would have the potential to adversely affect the efficient operation of State Highway 2, the intersection of State Highway 2 with Hutt Road and movement of freight along The Esplanade.

NZTA identify that the proposed retail provisions could have financial implications for both themselves and the Council, as it reduces the ability to require a financial contribution to upgrade transport infrastructure in response to additional traffic demand created by retail developments. They also identify much of the transport infrastructure in the area as at or nearing capacity at peak times.

Traffic concerns related to additional development (including retail) are further discussed in the Transportation Report. Comments regarding notification provisions and Amendment 24 are found in the Executive Summary and Section 4.2 of this report.

The proposed provisions as notified are considered to lead to unnecessary risks regarding impacts on the economic vitality and vibrancy of the Lower Hutt CBD and Jackson Street Historic Retail Precinct, as well as harm to the historic fabric and character of this precinct and the safe and efficient operation of the local and wider transport network. As a result of these risks, the proposed provisions are considered to be contrary to the Petone Vision Statement and consequentially Hutt City Council's Long Term Plan 2012-2022, which refers to the implementation of the Petone Vision as a key priority.

A number of submitters have requested that the proposed plan change be amended to provide additional protection to small scale retailing in the Jackson Street Historic Retail Precinct and the retention of existing floor space restrictions on retailing as a permitted activity. Taking into account deficiencies identified in the Operative Plan as part of this review and following a recent Environment Court appeal decision (ENV-2012-WLG-000048) it is recommended that the proposed retail provisions in the Operative District Plan be strengthened, rather than retained. This strengthening relates to clarifying the complementary roles of the Jackson Street Historic Retail Precinct and the Petone Mixed Use Area and their functioning as a single suburban centre.

Retaining the current retail floor space rules would achieve the overall commercial centre objective. However, by limiting small-scale retail activities in the Petone Mixed Use Area, this could impact on the ability of the mixed use area to provide for the needs of local residents and workers. Therefore, some provision for small-scale retail activities is considered appropriate in the mixed use area to achieve this objective.

Alternative options for retail provisions were put forward by Council officers in the agenda report for the 3 May 2010 and 12 April 2012 District Plan Sub-committee Meetings, as well as the Section 32 report for the plan change. Alternative provisions are available to provide many of the benefits referred to by supporters of the proposed plan change, which increase retail opportunities in the plan change area to suit the needs of possible future resident and workforce populations, while minimising the risk of negative impacts on the economic and social vitality and vibrancy of the existing Jackson Street Historic Retail Precinct and Hutt City CBD.

Development Economics in their report have put forward the following strategy and policy recommendations regarding retail development in the Plan Change:

1. Consolidation of large format retail stores in the plan change area.
2. Consolidation of smaller specialty retail stores in the Jackson Street Historic Retail Precinct
3. Restricting the development of smaller specialty retail stores in the plan change area.
4. Extend the smaller specialty retail along Jackson Street from the Jackson Street Historic Retail Precinct through to the plan change area.
5. Enable office development to include a small component of specialty retail.

These policy recommendations were again repeated in their response to Submitter comments on the plan change, attached as Appendix 5

#### **Recommendations with Reasons**

Given the above, in relation to the retail related amendments in the proposed plan change the following recommendations are made:

It is recommended that Amendment 2 is retained as it provides a useful distinction between single retail premises and multi-retail premises. The amendment by itself does not affect the ability to establish integrated retail developments in the area.

It is recommended that Amendment 4 is amended to provide additional protection to the Jackson Street Historic Retail Precinct because:

1. Additional protection is required for the Jackson Street Historic Retail Precinct from small scale retail development in the Mixed Use zone.
2. Evidence from Development Economics/Urbecon that proposed retail provisions are expected to result in a significant relocation of existing retail activities from the Jackson Street Historic Retail precinct to the plan change area and that small scale retail development in the plan change area could significantly exceed the amount of floor space that Petone could support, without a reduction in retail floor space elsewhere.
3. It is consistent with Section 5 of the RMA in respect to avoiding, remedying or mitigating any adverse effects of activities on the environment.
4. It is consistent with Section 6 and 7 of the RMA in respect to providing additional protection to historic heritage and the maintenance of the quality of the environment of the Jackson Street Historic Retail Precinct.

It is recommended that Amendment 6 regarding Weather Protection is retained because:

1. Retail development along Jackson Street is considered to be appropriate in the proposed mixed use zone.
2. It is consistent with expert advice from Development Economics that retailing in this location would reinforce both the consolidation of retail activity within the Jackson Street Historic Retail precinct with the on-going development of large format retail stores in the plan change area.

3. The creation of an attractive commercial strip along the full length of Jackson Street, would assist in promoting the flow of pedestrian traffic between the Jackson Street Historic Retail precinct and Petone Railway Station, in addition to creating an attractive entrance to the commercial area.
4. It is consistent with section 7 of the RMA in respect to the maintenance and enhancement of amenity values.

It is recommended that Amendment 10 (a) is amended to reduce the range of retail activities which are a permitted activity because:

1. The need for the proposed amendments is supported by evidence provided by Development Economics/Urbecon regarding potential harm to the Jackson Street Historic Retail Precinct.
2. The proposed changes are considered to provide an appropriate balance between protecting the Jackson Street Historic Retail Precinct and providing limited opportunities for additional retailing to support future residential and workforce populations in the mixed use area.
3. The proposed amendments address shortcomings in the Operative District Plan provisions, which have come to light following a recent Environment Court decision.
4. It is consistent with Sections 5 and 6 of the RMA with respect to avoiding, remedying or mitigating adverse effects of activities on the environment and providing additional protection to the historic retail area,

It is recommended that Amendment 12 (Jackson Street Standards) is retained for the same reasons as Amendment 6 above.

It is recommended that Amendment 19 (General Rules) is retained, as the deletion of Rules 5B2.2.2 (a) and 2.2.2.1 (a) are not needed in light of other recommended changes to the activity status of retail developments under Amendments 10 and 31.

It is recommended that Amendment 31 is amended because:

1. It would allow a full consideration of the potential range of impacts from small scale and larger retail developments in the plan change area, including traffic effects and impacts on the economic vitality and vibrancy of the Jackson Street Historic Retail Precinct.
2. The acceptability of smaller and large scale retail developments is dependent on their ability to avoid adverse effects on the environment, without being unduly restrictive of this type of development.
3. The proposed amendment is consistent with the enabling approach of the RMA, which seeks to allow development, where effects on the environment can be adequately managed through the resource consent process.
4. The proposed amendment would clearly identify the activity status for small scale retail in the plan change area.
5. It is consistent with section 5 of the RMA in respect to avoiding, remedying or mitigating any adverse effects on the environment.
6. It is consistent with section 7 of the RMA in terms of the efficient use and development of resources.

It is recommended that Amendment 38 (Anticipated Environmental Results) be amended to refer to the protection of the historic character and the economic vitality and viability of the Jackson Street Historic Retail Precinct, to clearly identify the intention of protecting this important part of the Petone Centre. The suggested wording also draws a connection between the economic vitality and viability of the Jackson Street Historic Retail Precinct and the retention of its historic character.

The proposed amendments are considered to satisfactorily address concerns raised by submitters regarding retailing along the Esplanade, as any new retail development along this road would require resource consent under proposed changes to Amendments 10, 21 and 31.

## OFFICER RECOMMENDATIONS

The following are Hutt City Council officers recommendations on the submissions received for this topic/issue and amendments to the above PC29 provisions and other actions:

Accept and Reject all submissions relating to the above Amendments to the extent that:

- AMENDMENT 2 [Chapter 3 (Definitions)] is retained and additional controls are placed on this type of development, through changes to other amendments.
- AMENDMENT 4 [5B 1.1.2 (Area 2 – Petone Commercial Activity Area)] - the Issue, Objective, Policies (a) and (b) and Explanation and Reasons are amended to provide additional protection to the mainstreet retail area.

### Issue

~~There is demand in Petone for~~ Mixed uses which complement and support each other, such as commercial, small-scale or low intensity light-industrial, business and service activities, servicing, residential and retail activities. ~~Making provision for mixed use activities in the western end of~~ Petone would support the social and economic well-being of the area and the City as a whole. However they but could also detract from the established vibrancy and vitality of the ~~retail areas of~~ Jackson Street Historic Retail Precinct and the Central Commercial Activity Area. It is also necessary to manage the potential adverse effects, including noise, dust, odour, glare, light spill and traffic, of activities so as to maintain and enhance the quality of the environment. In addition, potential reverse sensitivity effects and incompatibility effects between activities may occur.

### Objective

To provide for a mixed use activity area within Petone which caters for a range of complementary commercial, small-scale or low intensity light-industrial, business and service activities, servicing, residential and retail activities, increasing the number of residents and workers in Petone, and avoiding or mitigating adverse effects so that ~~on the~~ amenity values and character of the area, neighbouring areas and the overall ~~receiving~~ environment are maintained or enhanced.

### Policies (a) and (b)

- (a) Provide for a range of residential, commercial, small-scale or low intensity light-industrial, business and service activities, (professional offices, services and entertainment) and retail (groceries, household items, services) activities generally ~~between Hutt Road, Petone Avenue, Campbell Terrace, Victoria Street, Sydney Street and The Esplanade,~~ provided their adverse effects are compatible with each other and the character and amenity values of the area.
- (b) Manage larger scale and small-scale retail activities ~~and complexes~~ to ensure they do not harm ~~detract from~~ the vibrancy and vitality of the Petone Jackson Street Historic Retail Precinct (Petone Commercial Activity Area – Area 1) and Hutt City's central business district. ~~, an create an attractive and public focused environment.~~
- (c) Manage smaller scale retail activities to ensure they do not detract from the vibrancy and vitality of Jackson Street Historic Retail Precinct (Petone Commercial Activity Area – Area 1) and Hutt City's central business district, except along Jackson Street where small scale retail activities is provided for to create an attractive and public focused environment that encourages pedestrian movement between the Petone Railway Station and the Jackson Street Historic Retail Precinct.

### Explanation and Reasons

There is demand for an area within Petone to accommodate a range of complementary activities including residential, retail and commercial activities. Petone Commercial Activity

Area 2 The area generally bounded by Hutt Road, Petone Avenue, Campbell Terrace, Victoria Street, Sydney Street and The Esplanade is suitable as a mixed use area for the following reasons:

- (a) There are a wide range of sites, in terms of size, configuration and existing built development which can be used, adapted or redeveloped to accommodate a range of activities. These activities would serve both the local and wider community;
- (b) The area adjoins the small scale speciality retail area of the Jackson Street Historic Retail Precinct and thus a sense of place can be achieved which provides a range of complementary to a range of residential, retail and commercial activities within Area 2.
- (c) The area is well situated in terms of the regional transportation network (including public transport) and other public and community infrastructure and services;
- (d) The area adjoins the Petone Foreshore which offers visual interest, open space and recreational opportunities.

.....

Retail activities are continually changing in response to market pressures. The Petone Mixed Use Area has developed as a location for larger format retail activities. There is potential if a high number of smaller scale speciality or comparative shops develop in the Petone Mixed Use Area could degrade or undermine the vitality and vibrancy of the ~~existing core~~ Jackson Street ~~retail area~~ Historic Retail Precinct (Petone Commercial Activity Area 1) which forms the core of the existing retail area in Petone and the Lower Hutt City central area. Therefore, a limitation is placed on the size of smaller and larger retail activities complexes to maintain the role and economic, cultural and social wellbeing of these existing two areas.

Retail provisions in Petone Commercial Activity Area 2 are intended to serve the following functions:

- (a) Create an attractive retail strip which encourages pedestrian movement between Petone Railway Station and the Jackson Street Historic Retail Precinct.
- (b) Provide opportunities for additional small-scale retailing along Jackson Street to support new residential and workforce populations in the mixed use area.
- (c) Provide a complimentary retail role to existing retail activities within the Jackson Street Historic Retail Precinct (Petone Commercial Activity Area 1).

It is anticipated that the majority of small-scale retail activity will remain concentrated in the Jackson Street Historic Retail Precinct to protect the economic vitality of this area and its historical value and character. It is important to protect the economic vitality and viability of this area, in order to support the ongoing use of buildings in this precinct to fund the repair, maintenance and other improvements to buildings within this identified Historic Area.

- AMENDMENT 6 [5B 1.2.2 (Weather Protection)] is retained.
- AMENDMENT 10 [Rule 5B 2.2.1 (a) (Permitted Activities)] - Replace the proposed provisions for permitted retail activities with the following:
  - ~~(a) Retail activities, excluding integrated retail developments exceeding 10,000m<sup>2</sup> in total combined floor area.~~
  - (a) Individual retail activity with a gross floor area not less than 500m<sup>2</sup> and not more than 3,000m<sup>2</sup>, except for retail activities with a gross floor area up to 1,000m<sup>2</sup> on Jackson Street.
  - (b) Integrated retail development with an individual store size not less than 500m<sup>2</sup> and cumulative total floor space not more than 3,000m<sup>2</sup>.

- AMENDMENT 12 [Rule 5B 2.2.1.1 (d) (Jackson Street Standards) is retained.
- AMENDMENT 19 [Rule 5B 2.2.1.1 (j) (General Rules)] is retained.
- AMENDMENT 31 [Rule 5B 2.2.3 (d) (Discretionary Activities)] - Replace the proposed provisions with a new provision:
  - ~~(d) All retail activities within an integrated retail development with a gross floor area exceeding 10,000m<sup>2</sup>.~~
  - (d) Individual retail activities with a gross floor area exceeding 3,000m<sup>2</sup> per store.
  - (e) Integrated retail developments with a cumulative total floor space of more than 3,000m<sup>2</sup>
  - (f) Individual retail activities or Integrated Retail Developments with a gross floor area below 500m<sup>2</sup> per store, with the exception of individual retail activities abutting Jackson Street as referred to in rule 5B 2.2.1 (b).
- AMENDMENT 38 - Add a new anticipated environmental result which reads:
  - (h) Protection of the historic character and economic vitality and viability of the Jackson Street Historic Retail Precinct.

### 5.3. Residential Uses

#### RESIDENTIAL USES PROVISIONS

RELATED PC29 PROVISIONS AS NOTIFIED
<p>The amendments 'as notified' for this topic/issue in PC29 are the following:</p> <ul style="list-style-type: none"> <li>▪ AMENDMENT 4 [Rule 5B 1.1.2 (Area 2 – Petone Commercial Activity Area)] which introduces a new issue, objective and policies for the mixed use area, including explanations and reasons.</li> <li>▪ AMENDMENT 10 [Rule 5B 2.2.1 (Permitted Activities)] which lists the range of permitted activities in the proposed mixed use zone.</li> <li>▪ AMENDMENT 14 [Rule 5B 2.2.1.1 (e) (Sites abutting Residential Activity Areas)] which identifies permitted activity standards for sites abutting Residential Activity Areas.</li> <li>▪ AMENDMENT 15 [Rule 5B 2.2.1.1 (g) Noise Insulation)] which introduces a permitted activity condition regarding noise levels in habitable rooms and ventilation of bedrooms.</li> <li>▪ AMENDMENT 16 [Rule 5B 2.2.1.1 (h) (Lighting)] which introduces a permitted activity condition regarding lighting.</li> <li>▪ AMENDMENT 17 [Rule 5B 2.2.1.1 (i) (Dust)] which introduces a permitted activity condition regarding dust.</li> </ul>

KEY SUBMITTER POINTS	SUBMITTERS
<b>Submitter Feedback</b>	
Concern regarding lack of control on internal or external design of residential developments	Approximately 148 original submissions.
The range of uses provided for should include residential uses	Approximately 41 original submissions
The focus of the plan change should be on new residential uses	1 original submission
The principle use of the area along The Esplanade should be residential	1 original submission
<b>The following are the key points made by opposers to the proposed residential provisions:</b>	
▪ The proposed provisions do not ensure that buildings will be of adequate design quality.	Approximately 35 original submissions.
▪ Design guides should be used to encourage high quality residential development.	Approximately 69 original submissions.
▪ Lack of planning controls would allow or encourage the worst types of residential development.	Approximately 10 original submissions.
▪ The Design guide included in the plan change is inadequate for residential uses.	Approximately 8 original submissions.
▪ There should be restrictions on the location of residential uses in the plan change area, such as location adjacent existing residential areas and separation from commercial/industrial areas.	Approximately 8 original submissions.
▪ The plan change does not adequately	Approximately 6 original submissions.



address the issue of reverse sensitivity.	
<ul style="list-style-type: none"> <li>The plan changes do not ensure that healthy living conditions or adequate levels of amenity are provided for future occupiers.</li> </ul>	Approximately 3 original submissions.
<ul style="list-style-type: none"> <li>Inner-city infill housing is not a suitable use in the plan change area.</li> </ul>	1 original submission

RELIEF SOUGHT	SUBMITTERS
<ul style="list-style-type: none"> <li>Use of design controls on new development.</li> </ul>	Approximately 132 original submissions.
<ul style="list-style-type: none"> <li>New buildings to comply with Design Guidelines with residential guidance.</li> </ul>	Approximately 92 original submissions.
<ul style="list-style-type: none"> <li>Each unit to have guaranteed access to sunlight.</li> </ul>	Approximately 63 original submissions.
<ul style="list-style-type: none"> <li>Use of controls and/or design guidance that require new residential units to provide adequate living conditions.</li> </ul>	Approximately 28 original submissions.
<ul style="list-style-type: none"> <li>Introduction of minimum unit sizes, including suggested sizes of 50m<sup>2</sup> and 70m<sup>2</sup>.</li> </ul>	Approximately 17 original submissions.
<ul style="list-style-type: none"> <li>Compulsory provision of outdoor areas for each unit.</li> </ul>	Approximately 22 original submissions.
<ul style="list-style-type: none"> <li>Use of design guidelines to ensure high quality residential development.</li> </ul>	Approximately 36 original submissions.
<ul style="list-style-type: none"> <li>Creation of transition areas between existing businesses and residential properties.</li> </ul>	Approximately 2 original submissions.
<ul style="list-style-type: none"> <li>Amendment to Amendment 4 to refer to reverse sensitivity and identify lower residential amenity levels in this area.</li> </ul>	1 original submission
<ul style="list-style-type: none"> <li>Amendment to Amendment 10 to remove residential activities from the list of permitted activities.</li> </ul>	1 original submission
<ul style="list-style-type: none"> <li>Amendment to Amendment 14 to refer to night-time operation of retail activities.</li> </ul>	1 original submission
<ul style="list-style-type: none"> <li>Amendment to Amendment 15 to provide adequate ventilation when windows closed.</li> </ul>	1 original submission
<ul style="list-style-type: none"> <li>Amendment to Amendment 17 to improve clarity.</li> </ul>	1 original submission

## **Discussion**

### **Background**

#### **Hutt City Council Operative District Plan**

Residential activities are currently a Non-Complying Activity within the Petone Commercial Activity Area – Area 2 and Discretionary Activity within the General Business Activity Area. There are no known existing residential properties or use within the plan change area.

Adjoining the plan change area to the east (along Nelson Street and Campbell Terrace) are residential properties zoned General Residential Activity Area. Within the residential areas, the residential area south of Jackson Street is also identified as a Medium Density Residential Area. Within this area, resource consent as a Discretionary Activity is required for 3 or more dwelling houses on any site. Specific assessment matters are required for this land use under Rule 4A 2.4.1, including how the proposal addresses the design guide for medium density housing.

Situated within the adjacent Jackson Street Historic Retail Precinct are several residential apartments situated above ground-level shops.

Rule 5B 2.2.1.1 (e) (Sites abutting Residential Activity Areas) outlines permitted activity conditions for sites in the Petone Commercial Activity Area abutting Residential Activity Areas.

Rule 6A2.2 (b) (Controlled Activities) requires all activities on sites within the General Business Activity Area abutting or opposite a residential zone to require resource consent as a Controlled Activity.

General Rule 14C 2.1.2 (a) (Central Commercial Activity Area and Petone Commercial Activity Areas 1 & 2) contains noise standards for all activities within the above commercial activity areas.

#### Resource Management Act

Section 7 of the RMA identifies that all persons exercising functions and powers in relating to managing the use, development and protection of natural and physical resources, shall have particular regard to the maintenance and enhancement of amenity values and the quality of the environment.

#### Proposed Regional Policy Statement for the Wellington Region, May 2010

Policy 53 of the Proposed Regional Policy Statement requires the Council to give particular regard to when considering a plan change, to achieving the region's urban design principles, which are based on the design qualities referred to in the New Zealand Urban Design Protocol. The urban design principles seek to ensure developments, consider several design elements including Custodianship. Custodianship covers issues associated with environmental sustainability (such as use of renewable energy and passive solar gain/natural sunlighting) and design elements which influence health and safety (such as passive surveillance).

#### **Issues with Existing Plan Provisions**

As stated earlier, no provision is currently made for residential activities within the plan change area with resource consent required under the default "catch-all" non-complying activity rule, for that part of the plan change area zoned Petone Commercial Activity Area 2. Residential activities are currently a Discretionary Activity in that part of the plan change area zoned General Business Activity Area.

The exclusion of residential activities from the plan change area reduces the liveliness of the area (as little activity occurs in the area in the evening or at weekends) and reduces the potential supply and housing choice within the Hutt City Area. As demonstrated by a few resource consent applications for apartment development in the last five years, there is potential demand for residential development. In addition, consultation in preparing this plan change has indicated further potential demand for residential activity if this type of land use was provided for. The existing provision in not providing for residential use would not achieve the objective of this plan change of transforming this area into a mixed use environment.

Provisions for the Petone Commercial Activity Areas and General Business Activity Areas within the Operative District Plan are due for review.

#### **Proposed Plan Provisions**

Amendment 4 introduces new issues, objectives and policies, as well as explanation and reasons for the mixed use area. The proposed issue identifies the need to manage potential adverse effects of activities, including noise, dust, odour, glare, light spill and traffic, so as to maintain and enhance the quality of the environment.

Policy (a) specifically identifies that one of the objectives of the proposed zone is to provide for a range of residential activities. Policy (c) outlines the aim of providing for residential activities which have quality living spaces for residents and the use of on-site measures to mitigate potential incompatibility issues with other activities. Policy (g) seeks to ensure that potential adverse effects

such as noise, dust and odour are managed to avoid or mitigate adverse effects on the amenity values of the area and properties in nearby residential areas.

Amendment 10 allows for a range of permitted activities within the proposed Mixed Use Area including residential activities of any size. This amendment effectively deletes the provision for activities abutting or opposite a residential zone within the existing General Business Activity Area to require resource consent as at least a Controlled Activity.

Amendment 14 outlines permitted activity conditions for sites abutting Residential Activity Areas. Provisions are largely consistent with existing rules within the District Plan, with an additional restriction on the location of mechanical repairs and servicing of vehicles.

Amendment 15 creates permitted activity conditions for noise levels in habitable rooms and the ventilation of bedrooms with unopenable windows.

Amendment 16 creates a permitted activity condition regarding lighting.

Amendment 17 creates a permitted activity condition regarding dust.

## **Evaluation of Issues raised in Submissions and Relief Sought**

### Suitability of Residential Use

Few submitters have raised an in-principle objection to residential uses within the plan change area, with the principle concern regarding residential uses raised by submitters being, the absence of controls to ensure good quality residential development.

The principle of allowing residential uses within the plan change area, is central to the intention of creating a Petone Mixed Use area. The introduction of residential uses is considered to offer several benefits in terms of:

- Increased vibrancy and vitality of the plan change area;
- Efficient use of land;
- Increased housing supply;
- Increased housing choice, particularly for apartments and smaller dwellings;
- Contribution to the social and economic wellbeing of the area;
- Residential activities could complement existing commercial and retail activities in Petone;
- Increased flexibility in use of land and ability to respond to changing market conditions.

Therefore, it is considered appropriate to permit residential use. However, the manner in which it is provided and compatibility with other activities requires further evaluation.

### Reverse Sensitivity

The plan change area currently contains a mixture of commercial, retail and industrial development. Providing for residential uses would lead to the introduction of a more sensitive type of land use (especially in terms of noise) and could potentially lead to a conflict between existing land uses and occupants of new dwellings, who have expectations of a different degree of amenity (i.e. reverse sensitivity).

Six submitters have raised concern that the proposed plan change does not adequately address the issue of reverse sensitivity. Five submissions relate to concerns regarding the compatibility of industrial and residential activities. The remaining submission from McDonald's has raised concern that the establishment of residential properties in close proximity to the existing 24 hour McDonald's restaurant with drive-through facility at 29 Victoria Street, Petone, would lead to pressure on the company to change their existing activities. McDonald's has sought several changes to the plan change on how they consider this issue should be addressed (See Original Submission 112).

Potential adverse effects on the amenities of occupants of residential properties could arise from existing activities, which benefit from existing use rights, as well as future activities with the mixed use zone. This scenario is a particular issue for existing business/industrial uses within that part of the plan change area, currently zoned General Business Activity Area, where such activities are currently

a permitted use. Existing uses may have established in the expectation that they would continue to be separated from residential properties and hence not have to manage the effects on their activities on the surrounding environment to the same degree.

However, uses which potentially could have adverse effects on the amenity of residential occupation cover a broad range of activities, particularly those that operate between the hours of 10pm and 7am, such as 24 hour restaurants, service stations and retail premises, liquor outlets, places of assembly, places of worship, licensed premises, nightclubs and brothels and commercial sex premises. Amendment 10 would allow for the establishment of the above uses as a permitted activity. Whilst additional control is exercised over some of the above activities through licensing provisions and environment health legislation, these other legislative requirements and processes do not specifically consider the environmental effects of these activities.

Reverse sensitivity has been established by case law to refer to the “*legal vulnerability of an established activity to complaint from a new land use. It arises when an established use is causing adverse environmental impact to nearby land, and a new, benign activity is proposed for that land. The ‘sensitivity’ is this: if the new use is permitted, the established use may be required to restrict its operations or mitigate its effects so as to not adversely affect the new activity*”<sup>7</sup>.

The proposed issue and policies within Amendment 4 refer to potential adverse effects generated by commercial and industrial activities and potential incompatibility of uses, although it does not explicitly refer to ‘reverse sensitivity’. The proposed plan proposes to address the issue of incompatibility in land uses (including reverse sensitivity) by requiring new residential activities to provide a minimum level of external noise insulation (Amendment 15), the introduction of permitted activity standards on lighting and dust (Amendments 16 and 17) and restricting certain activities (including industrial activities) which may be incompatible with other activities (Amendment 33).

The approach of requiring new residential units to provide an appropriate degree of noise insulation from other activities is supported. Especially, as the most likely form of disturbance from these activities is noise. Policy (c) and Paragraph 11 under the Explanation and Reasons of Amendment 4 are considered to provide appropriate weight to the need for new residential development to protect themselves from undue noise disturbance from nearby development through noise insulation. The noise insulation requirement has taken into account existing noise restrictions under Chapter 14C- Noise of the Operative District Plan and the ability for background noise levels to change.

It is recognised that mixed use areas inevitably increases the risk of incompatible land uses. Nevertheless, this risk is considered to be outweighed by the benefits arising from this type of development (identified in the Mixed Use Chapter). In addition, a range of measures are available to reduce these risks including:

- The use of mitigation measures (such as noise insulation) incorporated into new residential development;
- The ability to require mitigation measures on new potentially disturbing activities through the resource consent process;
- The use of permitted activity conditions or standards which limit the effects of new activities; and
- The ability to require resource consent for new residential development, which allows for the consideration of whether a reasonable degree of amenity is likely to be experienced by future occupiers.

Furthermore, it is anticipated that residents of mixed use areas would not expect the same degree or type of amenity as that experienced of residents within residential zones. It is expected that future residents would expect a degree of disturbance from nearby non-residential activities, whilst at the same time valuing the amenity provided by greater proximity to local services and a more vibrant street life.

However, to more effectively manage reverse sensitive issues, it is recommended that existing provisions in the proposed plan change be strengthened, to provide additional assurance that a

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<sup>7</sup> Bruce Pardy and Janine Kerr, “Reverse Sensitivity – The Common Law Giveth, and the RMA Taketh Away” (1999) p 94.

reasonable degree of amenity can be provided to future residents of the mixed use area. The recommended changes would allow for better consideration of ways to manage a wide range of disturbances including:

- Light disturbance to future residential properties in the plan change area from illumination of car parks and signage;
- Odour from food production premises (such as restaurants).

Suggested changes to permitted activities which limit the establishment of small-scale retail and licensed premises as a permitted activity to Jackson Street, are anticipated to have the benefit of concentrating higher noise generating activities along this road. The activity status of small-scale retail and licensed premises on other roads within the plan change area, would allow for the consideration of potential effects on amenity values.

Although it is reasonable to expect new residential properties to take active steps to mitigate potential effects which could be reasonably expected in a mixed use area, the sole responsibility for mitigation should not entirely rest with residential properties. Consequently a balanced approach has been taken to support existing business activities in the plan change area, that are considered likely to be compatible with additional activities sought, particularly residential, whilst placing some restrictions on more potentially disturbing activities such as heavy industry. Legislation requires the review of plan provisions within 10 years and at this time, the Council could consider whether further adjustments are required.

Many of the small-scale business activities in the plan change area are considered to share characteristics in common with commercial activities frequently found in mixed use areas, and are likely to prove compatible with nearby residential activities. Petone has a long history of non-residential activities being established near residential activities, and the ability for these activities to co-exist is demonstrated by existing business/residential zone boundaries in West Petone, as well as apartments above shops along Jackson Street.

Notwithstanding the above, it is not possible to guarantee that future residents would not seek to control or reduce the activities of any existing development, which is having a detrimental effect outside its site boundary. Overtime it is reasonable to expect that future residential development will take steps to reduce their vulnerability to effects from other activities and that future and existing businesses will increasingly internalise their effects on the surrounding environment.

No existing commercial or business development within the plan change area has been identified as of such local, regional or national value as to preclude the establishment of residential development within the vicinity, as a way of preventing 'reserve sensitivity effects'.

The strict separation of residential activities from all commercial/business activities is not supported, as this would be contrary to the fundamental purpose of creating a mixed use area.

Given the developed nature of the plan change area, providing for a wide range of activities is likely to result in a loss of industrial/business floorspace, as existing uses are replaced by new activities. The time frame for the transformation of the plan change area will be gradual, and the transition period is likely to assist existing businesses to adapt to these changes. A loss of industrial/business floorspace in the plan change area over the medium to long-time is considered to be acceptable because of:

- The identified decline in industrial floorspace and employment by Development Economics in their report 'Evaluation of Market Demand and Development Feasibility' February 2012;
- The presence of nearby land zoned General Business Activity Area in Petone outside of the plan change enabling businesses to relocate and still service the local area;
- The plan change area could be more efficiently used for a range of residential, office and commercial activities, taking into account its proximity to public transport facilities and local services;
- The continued presence of industrial/business activities which have adverse effects extending outside their site boundary (including visual) would prevent the transformation of the plan change area into an attractive and vibrant mixed use area.

### Amenity of Future Residents within Mixed Use Zone

As identified above, the principle concern raised by submitters is that the proposed plan change does not ensure that high quality residential development will occur or ensure that adequate living conditions or amenity is provided for future occupiers. Concern is specifically raised that the plan change will allow for poor quality residential development, that does not provide future occupiers with adequate indoor or outdoor space, access to natural sunlight/daylight or ventilation. Concern is also raised that allowing poor quality residential development in the plan change area would be detrimental to the Petone area in general, contribute to a loss of character to the area, and deter investment in good quality development.

Amendment 10 of the plan change allows for residential activities as a permitted activity, with the exception of new buildings and larger alterations and additions to existing buildings fronting the major roads. No policies or performance standards are provided for landscaping unconnected to car parks, open space, unit size, availability of natural sunlight or natural ventilation. Permitted activity conditions which relate to the amenity of future occupiers is limited to external sound insulation within buildings used for residential activities and ventilation standards for bedrooms with unopenable windows. The proposed Petone Mixed Use Design Guide provides no guidance on providing high amenity levels to future occupiers, and may only apply to a small proportion of total residential development.

Amendment 4 policy (c) outlines the Council's intention to "*provide for residential activities which have high quality living spaces...*" with Amendment 7 policy (b) seeking to "*encourage new buildings and development to be well designed and achieve a high quality urban and built form design...*". Nevertheless, few provisions are contained in the proposed plan change to achieve this result with a reliance on individual developers applying their own standards and requirements.

Whilst market factors are considered likely to encourage more than a basic level of amenity, to ensure wider appeal to future purchasers and tenants, relying on these forces to provide good quality developments represents an unnecessary risk.

To ensure that a good level of amenity can be achieved by future residents it is recommended that resource consent be required for all residential developments, which allows for the consideration of the level of amenity that would be obtainable for future occupiers. It is also recommended that design guidance on providing for amenity is contained within the Petone Mixed Use Design Guide, to the same degree as that provided in the Central Commercial Activity Area Design Guide.

Putting in place provisions which ensure that future occupiers of residential units are able to achieve reasonable levels of amenity, could also have the benefit of encouraging good quality development and assisting in maintaining the reputation of Petone as an area providing a high degree of amenity.

### **Recommendations with Reasons**

In relation to the residential related amendments within the proposed plan change the following recommendations are made:

It is recommended that Amendment 4 [Policy Framework 5B 1.1.2 (Activities)] be amended because:

- Effects generated by non-residential activities should take into consideration their effects on residential properties both within and outside the plan change area;
- The plan change should acknowledge the possibility of reverse sensitivity effects; and
- It is not appropriate to provide commercial activities with an indefinite right to have an adverse effect outside their site boundaries, by putting the onus entirely on new residential activities to mitigate all possible adverse effects.

It is recommended that Amendment 7 [5B 1.2.3 (Character and Building Form and Quality within Petone Mixed Use Area)] be amended to encourage amenity features to be provided for the enjoyment of future occupiers because:

- This would assist in transforming the plan change area into a desirable area in which to live; and
- It is consistent with the overall objective of the plan change of creating a functional and attractive mixed use area.

It is recommended that amendment 10 [Rule 5B 2.2.1 (Permitted Activities)] is amended to reduce the range of permitted activities for reasons outlined in the Other Topic Reports. :

It is recommended that amendment 11 [Rule 5B 2.2.1.1 (a) – (c) (Bulk and Location Standards) is amended because:

- It clarifies that permitted site coverage is a maximum, and may not be able to be achieved.
- It clarifies that developments with less than 100% site coverage are also a permitted activity.

It is recommended that Amendment 14 [Rule 5B 2.2.1.1(c) Sites Abutting Residential Activity Areas] be amended because:

- The maximum permitted height, rear yard and side yard are amended for reasons outlined in the Built Form and Urban Design Report;
- The requirement for landscaping is redundant, due to the recommended changes to Amendment 13.

It is recommended that Amendment 15 [Rule 5B 2.2.1.1 (g) Noise Insulation]] is amended as follows:

- The performance standard should be amended to apply to ventilation for openable rather than unopenable windows, as ventilation for unopenable windows is covered by building regulations;
- Introducing a performance standard for ventilation for openable windows will ensure that noise attenuation is not compromised, if compliance with the Building Code for natural ventilation is achieved by installing openable windows.
- It would ensure a minimum level of ventilation in all bedrooms with openable and non-openable windows.

It is recommended that amendment 16 [Rule 5B 2.2.1.1 (h) (Lighting)] (i) is amended because:

- It would protect new residential properties from undue light disturbance, caused by new non-residential activities.
- The responsibility to mitigate adverse effects beyond site boundaries should not be limited to residential properties.

It is recommended that a new permitted activity standard regarding odour be introduced because:

- It would protect new residential properties from odour nuisance caused by nearby non-residential activities.
- The responsibility to mitigate adverse effects beyond site boundaries should not be limited to residential properties.

It is recommended that amendment 17 [Rule 5B 2.2.1.1 (i) (Dust) be retained because this rule, when considered in conjunction with the existing definition of 'dust nuisance' provides sufficient clarity as to its purpose.

It is recommended that a new permitted activity condition be introduced which requires the provision of open space for each residential unit because:

- It would ensure the provision of open space for occupants of each residential unit;
- It would ensure a minimum level of amenity for occupants of each residential unit;
- It would ensure that healthy living conditions are available for all occupants;
- It would compensate for the lack of public open space in the plan change area; and
- It would encourage a higher quality design for residential development.

It is recommended that a new provision be introduced which requires resource consent as at least a Restricted Discretionary Activity for all new residential development, with matters of consideration including design and amenity values because:

- It would ensure that residential development is of an acceptable design and provides a reasonable degree of amenity to future occupiers,

- It would encourage higher quality residential development; and
- It is compatible with the existing approach adopted by Hutt City Council regarding new residential buildings within the Central Commercial Activity Area and Medium Density Development in the General Residential Activity Area.

## OFFICER RECOMMENDATIONS

The following are officers' recommendations on the submissions received for this topic/issue and amendments to the above PC29 provisions and other actions:

Accept and Reject all submissions relating to the above Amendments to the extent that:

- AMENDMENT 4 [Policy Framework 5B 1.1.2 (Activities)] is amended by the following:

### Issue

~~There is demand in Petone for Mixed uses which complement and support each other, such as commercial, small-scale or low intensity light-industrial, business and service activities, servicing, residential and retail activities. Making provision for mixed use activities in the western end of Petone would support the social and economic well-being of the area and the City as a whole. However, they but~~ could also detract from the established vibrancy and vitality of the ~~retail areas~~ of Jackson Street Historic Retail Precinct and the Central Commercial Activity Area. It is also necessary to manage the potential adverse effects, including noise, dust, odour, glare, light spill and traffic, of activities so as to maintain and enhance the quality of the environment. In addition, potential reverse sensitivity effects and incompatibility effects between activities may occur.

### Policies

(e)(f) Restrict ~~certain~~ activities, including heavy industrial or late-night activities, which may be incompatible with residential and other activities, and/or degrade the character and amenity values of the Petone Mixed Use Area.

...

(g) Ensure that effects likely to be generated by each activity, such as noise, dust, odour and traffic, are managed to avoid or mitigate adverse effects on the amenity values and character of both the area and properties within the mixed use area and in nearby residential areas Residential Activity Areas.

- AMENDMENT 7 [5B 1.2.3 (Character and Building Form and Quality within Petone Mixed Use Area)] be amended to include additional policies:

### Policies

(i) Encourage all new buildings to provide appropriate levels of natural light to occupied spaces within the building.

(j) Encourage the quality and amenity of residential buildings by guiding their design to ensure current and future occupants have adequate private outdoor space, ongoing access to daylight, and an external aspect.

(k) Manage new buildings to be designed to manage the adverse effect on amenity value, including visual, wind and glare.

- AMENDMENT 10 [Rule 5B 2.2.1 (Permitted Activities)] is amended as outlined in other Topic Reports.



- AMENDMENT 11 [Rule 5B 2.2.1.1 (a) – (c) (Bulk and Location Standards)] Site coverage is amended as follows:
  - (a) Site Coverage: Up to a maximum of 100%
  
- AMENDMENT 14 [Rule 5B 2.2.1.1 (e) (Sites abutting Residential Activity Areas)] is amended:
  - (f) Sites abutting Residential Activity Areas:
 

Where a site abuts a Residential Activity Area, the following conditions shall apply:

    - (i) The maximum building height is 12m ~~40m~~. All buildings and structures shall comply with the recession plane requirements of the abutting Residential Activity Area.
    - ~~(ii) Side yard – minimum depth of 3 metres where the site abuts a Residential Activity Area.~~
    - ~~(iii) Rear yard – minimum depth of 8 metres where the site abuts a Residential Activity Area. This may be reduced if there is a service lane to the rear of the site and sufficient provision has been made for loading/unloading operations.~~
    - ~~(iv)~~(ii) All outdoor storage, carparking, and servicing areas must be screened so they are not visible from abutting sites in the residential activity area.
    - ~~(v) At least 5% of car parking areas not contained within buildings must be landscaped. Areas within the car parking area and areas adjoining residential areas and/or fronting roads must be landscaped.~~
    - ~~(vi)~~(iii) Where a site abuts a residential activity area servicing of activities must not occur between the hours of 10.00pm and 7.00am.
    - ~~(vii)~~(iv) No mechanical repair and servicing of motor vehicles, trailers or motor fuelled domestic equipment shall be undertaken on the site.
  
- AMENDMENT 15 [Rule 5B 2.2.1.1 (g) Noise Insulation]] is amended as follows:
  - (ii) Ventilation
 

Where bedrooms with ~~un~~openable windows are proposed, a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. For the purpose of this requirement, a bedroom is any room intended to be used for sleeping. The supplementary source of air is to achieve a minimum of 7.5 litres per second per person.
  
- NEW AMENDMENT which introduces a permitted activity standard for outdoor living areas for residential activities. Amendment to read:
  - (i) Outdoor Living Areas for Residential Activities
    - (i) A minimum area of 20m<sup>2</sup> per residential unit shall be provided as either private or shared outdoor amenity space. Of this area, a minimum of 2.5m<sup>2</sup> shall be private outdoor space which is contiguous with the main living area of the unit.
  
- NEW AMENDMENT which introduces a permitted activity standard for odour. Amendment to read:
  - (i) Odour
    - (i) All activities shall be carried out in such a manner so as to ensure that there is not an offensive odour or fumes beyond the boundary of the site.

- AMENDMENT 16 [Rule 5B 2.2.1.1 (h) (Lighting)] (i) is amended as follows:
  - (i) The emission of light (including glare) shall ensure that direct or indirect illumination does not exceed 8 lux (lumens per square metre) at the windows of ~~buildings used for residential activities in any Residential Activity Area.~~
  
- AMENDMENT 17 [Rule 5B 2.2.1.1 (i) (Dust) to be retained.

## 5.4. Other Uses

### OTHER USES PROVISIONS

#### RELATED PC29 PROVISIONS AS NOTIFIED

The amendments 'as notified' for this topic/issue in PC29 are the following:

- AMENDMENT 4 [**Rule 5B 1.1.2 (Area 2 – Petone Commercial Activity Area)**] which introduces a new issue, objective and policies for the mixed use area, including explanations and reasons.
- AMENDMENT 10 [**Rule 5B 2.2.1 (Permitted Activities)**] which lists the range of permitted activities in the proposed mixed use zone.
- AMENDMENT 14 [**Rule 5B 2.2.1.1 (e) (Sites abutting Residential Activity Areas)**] which identifies permitted activity standards for sites abutting Residential Activity Areas.
- AMENDMENT 27 [**Rule 5B 2.2.3 (a) Discretionary Activity)**] deletes an existing rule, which identifies non-compliance with permitted activity conditions automatically leads to the consideration of activities as a Discretionary Activity.
- AMENDMENT 30 [**Rule 5B 2.2.3 (c) Discretionary Activity)**] which identifies service stations with road frontage to The Esplanade, Hutt Road or Jackson Street as a Discretionary Activity.
- AMENDMENT 33 [**Rule 5B 2.2.3 (c) Discretionary Activity)**] which identifies industrial activities as a Discretionary activity.
- AMENDMENT 51 [**Rule 6A 2.5 (c) Discretionary Activity)**] which deletes the existing rule identifying service stations along The Esplanade as a Non-Complying Activity.

KEY SUBMITTER POINTS	SUBMITTERS
<b>Submitter Feedback</b>	
<ul style="list-style-type: none"> <li>▪ Commercial and business uses should be provided for.</li> </ul>	Approximately 41 original submissions.
<ul style="list-style-type: none"> <li>▪ The plan change area should be used for commercial/industrial uses.</li> </ul>	Approximately 3 original submissions.
<ul style="list-style-type: none"> <li>▪ Increased provision needs to be made for light industrial uses.</li> </ul>	Approximately 7 original submissions.
<ul style="list-style-type: none"> <li>▪ Existing or proposed commercial and industrial activities, should be separated from new residential development.</li> </ul>	Approximately 8 original submissions.
<ul style="list-style-type: none"> <li>▪ The plan change underestimates the value of industrial uses to the area.</li> </ul>	Approximately 3 original submissions.
<ul style="list-style-type: none"> <li>▪ Light industrial uses have historically occurred in the plan change area.</li> </ul>	Approximately 3 original submissions.
<ul style="list-style-type: none"> <li>▪ Support restriction on heavy industrial uses in plan change area.</li> </ul>	1 original submission.
<ul style="list-style-type: none"> <li>▪ Support for restrictions on locations of service stations.</li> </ul>	1 original submission.
<ul style="list-style-type: none"> <li>▪ Service stations need to be located on high volume roads.</li> </ul>	1 original submission.
<ul style="list-style-type: none"> <li>▪ Brothels and commercial sex services are</li> </ul>	Approximately 3 original submissions.

not an appropriate use in mixed use areas.	
<ul style="list-style-type: none"> <li>Amendment 14 may harm legitimate businesses like bakeries and restaurants.</li> </ul>	1 original submission.
<ul style="list-style-type: none"> <li>Support for Amendment 14 (Sites Abutting Residential Activity Areas)</li> </ul>	4 original submissions.

<b>RELIEF SOUGHT</b>	<b>SUBMITTERS</b>
<ul style="list-style-type: none"> <li>Light industrial uses to be identified as a permitted activity.</li> </ul>	Approximately 5 original submissions.
<ul style="list-style-type: none"> <li>Amendment to policy (e) of Amendment 4 to provide for light or small-scale industry.</li> </ul>	1 original submission.
<ul style="list-style-type: none"> <li>Deletion of Amendment 33 listing industrial activities as a discretionary activity.</li> </ul>	1 original submission.
<ul style="list-style-type: none"> <li>New general rule to be created regarding Hazardous Facilities Screening</li> </ul>	1 original submission.
<ul style="list-style-type: none"> <li>Amendment 27 to be amended, so existing provisions apply to non-compliance with new and existing General Rules regarding natural hazards and hazards management</li> </ul>	1 original submission.
<ul style="list-style-type: none"> <li>Provision made for the location of service stations on sites fronting The Esplanade and Hutt Road as at least a Restricted Discretionary Activity, with a requirement for a traffic impact assessment<sup>8</sup>.</li> </ul>	1 original submission
<ul style="list-style-type: none"> <li>Service stations along The Esplanade to continue to remain a Non-Complying Activity</li> </ul>	1 original submission.
<ul style="list-style-type: none"> <li>Retanking of existing service stations be identified as a permitted activity.</li> </ul>	1 original submission.
<ul style="list-style-type: none"> <li>Commercial garages to be identified as a Discretionary activity.</li> </ul>	1 original submission.
<ul style="list-style-type: none"> <li>Drive-through retailing be identified as a Permitted Activity.</li> </ul>	1 original submission.
<ul style="list-style-type: none"> <li>Drive-through retailing not be identified as a Permitted Activity.</li> </ul>	1 further submission.
<ul style="list-style-type: none"> <li>Education and training facilities, marae and cultural centres should be identified as a permitted activity.</li> </ul>	Approximately 2 original submissions.
<ul style="list-style-type: none"> <li>Childcare facilities should be made a permitted activity.</li> </ul>	1 original submitter.
<ul style="list-style-type: none"> <li>Brothels and commercial sex services to be removed from the list of permitted activities. Changes sought include identified as a permitted activity only on non-major roads,</li> </ul>	Six original submitters.

<sup>8</sup> Submitter suggests service stations on sites fronting The Esplanade and Hutt Road should be identified as both a Permitted Activity and at least a Restricted Discretionary Activity.

exclusion from plan change area and identification as a Discretionary Activity.	
<ul style="list-style-type: none"> <li>▪ Demolition of building and partial-demolition of heritage buildings to be removed from the list of permitted activities.</li> </ul>	1 original submission.
<ul style="list-style-type: none"> <li>▪ Incorporate controls on the size/type of retail floor space so that new development provides a different type of retailing (show rooms, department stores, larger format retailing) from that in Area 1 and does not compete with its small retail shops/cafes/bars/restaurants.</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>▪ Amendment to Amendment 4 to refer to the maintenance and enhancement of amenity values, rather than the avoidance or mitigation of adverse effects.</li> </ul>	1 original submission.
<ul style="list-style-type: none"> <li>▪ Amendment to Amendment 14 to apply to night-time operation of retail activities.</li> </ul>	1 original submission.

## **Discussion**

### **Background**

#### Hutt City Council Operative District Plan

Rule 5B 2.2.1 (Permitted Activities) outlines the list of permitted activities within that part of the plan change area currently zoned Petone Commercial Activity Area 2. Permitted activities include:

- Commercial activities above 500m<sup>2</sup>;
- Service stations;
- Brothels and commercial sex services; and
- Education and training facilities, marae and cultural centres on 45 Jackson Street, Petone only (Countdown Supermarket site).

Within the Petone Commercial Activity Area, Industrial Activities, Service Industry Activities, Cottage Industry Activities and Commercial Garages currently require resource consent as a Non-Complying Activity under existing Rule 5B 2.1.4. (a) (Non-Complying Activities). This rule identifies that activities not specifically provided for in this zone, are Non-Complying Activities.

Rule 5B 2.2.1.1 (e) (Area 2 – Permitted Activity Conditions) outline permitted activity conditions for sites abutting Residential Activity Areas.

Within the General Business Activity Area, Industrial Activities, Service Industry Activities, Cottage Industry Activities and Commercial Garages are identified as Permitted Activities under existing Rule 6A 2.1 (a) (Permitted Activities). This rule identifies activities not specifically referred to (i.e. 'catch-all') are Permitted Activities.

Rule 6A2.2 (b) (Controlled Activities) identifies activities on a site abutting or opposite a Residential Activity Area are a Controlled Activity.

Rule 6A 2.4 (i) (Discretionary Activities) identifies Brothels and Commercial Sex Services on a site abutting education and religious uses as well as Residential Activity Areas as requiring consent as a Discretionary Activity.

Rule 6A 2.5 (c) (Non-Complying Activities) identifies service stations along The Esplanade as a Non-Complying activity.

General Rule 14D 2.1 (a) and (b) (Permitted Activities – Conditions) identify the activity status of hazardous facilities with varying effects ratios. The effects ratio for the Petone Commercial Activity Areas are below that for the General Business Activity Areas.

Chapter 3 Definitions of the Operative Plan contains a list of definitions, including definitions for Brothels and Commercial Sex Services, Commercial Garage, Commercial Activities, Drive Through Retail, Hazardous Facility, Industrial Activities, Cottage Industry and Service Industry.

#### Resource Management Act

Section 7 of the RMA identifies that all persons exercising functions and powers in relating to managing the use, development and protection of natural and physical resources, shall have particular regard to the maintenance and enhancement of amenity values and the quality of the environment.

Section 31 of the RMA identifies that the functions of territorial authorities include the control of actual or potential effects on the use, development or protection of land, for the purpose of the prevention or mitigation of adverse effects of the storage, use, disposal or transportation of hazardous substances.

#### Other legislation

##### *Prostitution Reform Act 2003*

The above Act decriminalised prostitution and consequently requires District Plans to contain provisions for this use. The Act requires brothels and commercial sexual services to obtain an operator certificate.

Section 15 of the Act, outlines matters for consideration in the assessment of resource consents for the above types of uses.

##### *Hazardous Substances and New Organisms Act 1996*

The above Act seeks to deal with the on-site effect of hazardous substances. Section 142 of the Act, prevents District Plans from placing additional requirements on the use of these substances, than those considered necessary, to meet the purpose of the RMA.

##### *National Environmental Standard for Assessing and Managing Contaminates in Soil to Protect Human Health, 2011*

The above standard provides a national consistent set of planning controls and soil contaminant values. The standard contains provisions relating to the removal or replacement of fuel storage systems.

#### Proposed Regional Policy Statement for the Wellington Region, May 2010

Identifies the displacement of industrial employment opportunities from established industrial areas, as well as development in locations that undermine industrial employment areas as a regionally significant issue.

Explanation provided under Policy 30: Identifying and Promoting Higher Density and Mixed Use Development – District Plans identifies that industrial and business uses can form part of mixed use development, where uses are compatible and complimentary.

Policy 31 requires district plans to identify and protect key industrial-based employment locations. The explanation under this policy refers to the ability of non-industrial activities when introduced into industrial-based locations, to displace industrial development.

#### **Issues with Existing Plan Provisions**

The existing Plan provisions permit a limited range of activities. In a mixed use environment, some of these activities will continue to be compatible with each other while others will be incompatible. Therefore, it is necessary to review all land uses and determine which activities are inherently compatible with each other, and which activities may be incompatible and should be assessed through the resource consent process.

All activities are subject to existing provisions such as noise, hazardous substances and other city-wide provisions which are not proposed to change.

## Proposed Plan Provisions

Amendment 4 introduces new issues, objectives and policies, as well as explanation and reasons for the activities in the mixed use area. The proposed issue and objective refers to a range of complimentary commercial, servicing, residential and retail activities sought in the proposed mixed use area.

Policy (e) specifically refers to industrial activities as being potentially incompatible with other activities, and/or degrading the character and amenity values of the mixed use area. Paragraph 8 under the Explanation and Reasons, identifies an intention to restrict the establishment and/or operation of certain activities, such as service stations and heavy industrial activities to protect the amenities of the mixed use area.

Amendments 10, 21, 30, 33 and 51 identify the activity status of different activities with the plan change area. Table 1 below illustrates changes in activity status.

Table 1: Activity Status of Land Use Activities under Operative and Proposed Plan Change (as notified)

Activity	Operative Plan		Proposed Plan Change (as notified)
	Petone Commercial Activity Area 2	General Business Activity Area	
			Petone Mixed Use Area (Petone Commercial Activity Area 2)
Industrial	Non-Complying	Permitted*	Discretionary
Cottage Industry	Non-Complying	Permitted*	Permitted**
Service Industry	Non-Complying	Permitted*	Permitted**
Service stations	Permitted	Permitted*, other than on sites fronting Hutt Road (Restricted Discretionary) or along The Esplanade (Non- Complying).	Permitted, other than sites fronting Jackson Street, Hutt Road and The Esplanade (Discretionary Activity)
Drive-Through Retail	Depends on circumstances	Non-Complying	Permitted
Brothels and Commercial Sex Services	Non-Complying	Predominantly Permitted and a Discretionary Activity abutting or opposite 'sensitive' sites.	Permitted**
Education and training facilities, marae and cultural centres	Non-Complying except on the Countdown Supermarket site, where it is a permitted activity.	Permitted*	Discretionary
Childcare Centres	Non-Complying	Permitted*	Discretionary
Licensed Premises	Non-Complying	Permitted*	Permitted**
Commercial Garages	Non-Complying	Permitted*	Permitted**

\*Subject to the site not abutting or opposite a residential zone or facing The Hutt Road or The Esplanade and complying with permitted activity conditions.

\*\*Subject to the site not fronting Jackson Street, Hutt Road or The Esplanade and complying with permitted activity conditions.

Many of the above activities identified within the Petone Commercial Activity Area 2 as “non-complying” is due to the ‘catch-all’ rule whereby any activity not specifically listed in the rules is a non-complying activity.

Amendment 14 outlines permitted activity conditions for sites abutting Residential Activity Areas. Provisions are largely consistent with existing rules within the District Plan, with an additional restriction on the location of mechanical repairs and servicing of vehicles.

### **Evaluation of Issues raised in Submissions and Relief Sought**

#### Industrial Uses

Concern has been raised by several submitters that the plan change does not make sufficient provision for the continuation and establishment of industrial activities, particularly light or small-scale industrial activities. In addition, concern is expressed that existing industrial premises may be subject to reverse sensitivity effects and could be displaced from the plan change area.

The proposed plan change does not alter existing use rights and it would not directly affect the operation of existing industrial activities. However, the plan change seeks to allow for light industrial or small-scale business activities through identifying Service and Cottage Industry Activities as Permitted Activities and restricting other types of industrial activities (particularly heavy industry) as a Discretionary Activity.

Service and Cottage Industrial Activities are broadly defined in Chapter 3 of the Operative District Plan to include a range of small-scale business and light industrial activities, which are typically found in proximity to their customer base. Collectively they cover the production of a range of craft products and services produced using only hand tools or light machinery on a small-scale.

Chapter 3 also provides a definition of industrial activities, which covers both heavy and light industrial activities. By comparing the three definitions, industrial activities requiring resource consent as a Discretionary Activity is seen to include:

- Extraction or conversion of natural resources (which does not currently occur in the plan change area);
- Production, manufacturing or processing of energy from natural or converted resources (which does not currently occur in the plan change area);
- Storage of goods;
- Hire of goods;
- Service and repair of goods beyond a small-scale;
- Research for industrial purposes, geological purposes or agricultural purposes;
- Production, manufacturing or processing of non-craft goods; and
- Production, manufacturing or processing of craft products above a small-scale.

Although the plan change does not explicitly identify provisions for light industrial activities, the reference to servicing activities under Amendment 4 is considered to provide for small-scale business activities. Amendment 4 identifies that heavy industrial activities may be incompatible with other activities, in terms of their nature and intensity of use, traffic generation, noise and odour. It identifies the Council’s intention to manage the location, nature and scale of more intensive or potentially disturbing industrial activities, to ensure that they do not detract from the amenity of the area.

Although the Proposed Wellington Regional Policy Statement 2010 refers to industrial and business uses as capable of being compatible and complimentary with other uses in a mixed use area, it is considered that industrial activities above a small scale or heavy in nature, need to be carefully managed to ensure that this is the case. More intensive industrial and business uses have the potential to have adverse effects on the visual amenity of the area and residential amenity experienced by existing or future residents. These activities are therefore appropriately identified as Discretionary Activities, whereby their effects on their surrounds, can be assessed at the resource consent stage. The RMA would not allow for the refusal of such applications simply based on the type of use proposed. Rather resource consent could only be declined if the Council was of the view that



the proposal would or is likely to have an unacceptable effect on the surrounding area or surrounding land uses. A range of measures are typically available to reduce effects on surroundings to an acceptable degree.

Nevertheless, the classification of more intensive types of industrial activities as a Discretionary Activity provides an appropriate signal, that such uses may need to take additional precautions or active steps to be considered acceptable in the mixed use area (such as noise mitigation or additional landscaping). The resource consent process is an efficient and effective method to assess the appropriateness of the proposed activity. New businesses of this nature, may choose alternative locations in the General or Special Business Activity Zones which are likely to enjoy greater separation from residential uses, and where lower levels of amenity are expected. This approach is consistent with provisions for industrial activities within the Central Commercial Activity Area (the city's other mixed use area), which were adopted on 31 May 2011.

The plan change area is not considered to represent or include a key industrial employment location as identified in the proposed RPS. Scope for heavy industry will remain in the Seaview/Gracefield Industrial Area, as well as other General Business Activity Areas in Petone (e.g. north of Campbell Terrace).

The issue of the possible displacement of existing business and industrial development, as a result of establishing a mixed use area is discussed under Reverse Sensitivity in the Residential Uses Report.

It is considered that there is no need to introduce additional provisions to restrict the location of hazardous industries in the plan change area, as the existing definition of Hazardous Facilities and general rules in Chapter 14D Hazardous Facilities, are considered to effectively manage these facilities as a permitted activity.

#### Service Stations

Concern has been raised by some submitters that insufficient provisions are contained in the proposed plan change regarding service stations. This includes concern that the Council is overly restricting the establishment of such activities, as well as the requested identification of service stations along The Esplanade as a Non-Complying Activity.

Two fuel service stations are currently situated within the plan change area at the corner of Hutt Road and Jackson Street and Gear Street and Jackson Street. Further fuel service stations are located nearby but outside of the plan change area. The definition of service stations contained in the Operative District Plan extends beyond service stations serving fuel, to also include the mechanical washing of motor vehicles, some types of mechanical repair and servicing of motor vehicles and the retail sale of tyres, batteries and other motor vehicle accessories.

Laura Skilton (Submitter 55) and comment from the Council's traffic adviser, Tim Kelly refer to the operational need for service stations to be located on roads with high traffic volumes and that consideration should be given to use of provisions, which might discourage them for being located in such areas.

The identification of service stations as a Discretionary Activity along the three major roads is considered to represent an appropriate balance between providing some opportunity for additional service stations to be established, with maintaining and enhancing the amenity of the mixed use area. Classification as a Discretionary Activity would allow for the consideration of a full range of effects from such a use, including visual effects, noise effects (such as those associated with late night trading) and traffic effects. Requiring resource consent in these locations, is consistent with the relief sought by NZTA, that rules be used to control additional vehicle crossings, turning and parking movements along Hutt Road and the Esplanade.

Because of the ability of service stations to have effects which extend beyond their site boundary, it is recommended that service stations be identified as a Discretionary Activity within the entire plan change area not just the main roads. This change would also have the effect of ensuring that the new activity status of service stations along Jackson Street and Hutt Road, does not encourage their establishment in unsuitable locations. This approach would be consistent with the activity status of fuel service stations within the entire Central Commercial Activity Area.

Z Energy (Submitter 52) who operate a service station at 60 Hutt Road, Petone have made no comment on the change of activity status for service stations, but has requested that the retanking of an existing service station be identified as a permitted activity. They consider that this activity is sufficiently controlled through the National Environmental Standard referred to above.

Under the proposed provisions of the plan change, the retanking of the existing service station at 60 Hutt Road, Petone would require resource consent as a Discretionary Activity. Requiring resource consent for this type of minor activity, which is managed under alternative mechanisms, is not considered to meet the efficiency test of the RMA. It is therefore recommended that the list of permitted activities be expanded to include the replacement of existing fuel storage tanks and ancillary equipment within existing service stations with a cross-reference to the NES.

#### Drive-Through Retail

McDonalds Restaurants (Submitter 112) has requested that drive-through retail activities be added to the list of permitted activities under Amendment 10 to clarify potential ambiguity as to whether they are a permitted activity or not. Further submitter, Simon Werry on behalf of Lighthouse Properties Petone (Submitted 20F) has raised an objection to this activity being added to the list of Permitted Activities.

Drive- Through Retail is considered by officers to represent a type of retail activity and is not specifically excluded from the definition of retail activities in the Operative District Plan. The need for resource consent to establish a drive-through retail outlet is dependent on whether any restrictions are imposed on the construction of any associated retail buildings, and whether it complies with permitted activity standards regarding illumination/lighting and noise. The drive-through facility itself does not represent a building or a structure, nor a retail use in its own right and hence is exempt from the need for resource consent. Consequentially, existing retail facilities would not require resource consent to provide a drive-through facility, subject to meeting the necessary requirements under Chapter 14A – Transport of the Operative District Plan. Nor would resource consent be required to alter existing drive-through arrangements.

Notwithstanding, under recommended changes to Amendment 21, the establishment of a new retail outlet with a drive-through facility would require resource consent as at least a Restricted Discretionary Activity, as it would involve the construction of a new building.

#### Education, Training, Marae and Cultural Centres

The proposed plan change would allow for the consideration of the above uses as a Discretionary Activity. Under the provisions of the Operative District Plan, the only specific provision for these uses, is their identification as a permitted activity on one particular site within Petone Commercial Activity Area 2, now known as the 'Countdown' supermarket site. The proposed plan change deletes this now redundant provision.

Education, training, marae and cultural centres are capable of being successfully incorporated into a mixed use zone, subject to careful consideration of design matters, to control impacts outside the site.

It is recommended that the above uses be identified as a Permitted Activity (except within the WFSSA), as these uses are likely to have similar or less potential effects as other types of permitted activities listed under Amendment 10 such as Commercial Activities, Licensed Premises, Places of Assembly and Commercial Car Garage.

It is anticipated that the establishment of such uses would require the construction of a new building, which would require resource consent under recommended changes to Amendment 21.

#### Childcare Facilities

Under the proposed provisions of the plan change, Childcare Facilities would require resource consent as a Discretionary Activity, despite more intensive activities being identified as a Permitted Activity. The intended provision of a mixture of residential, retail, commercial and business services in the plan change area, may create demand for additional childcare facilities as a result of higher residential and workforce populations. Childcare facilities are expected to prove compatible with a range of development and it therefore recommended that they be added to list of permitted activities.

*An exception to this provision are sites within the WFSSA, where consideration should be given to seismic hazards.*

### Brothels and Commercial Sex Services

Some submitters have raised concern that brothels and commercial sex services are not compatible with residential uses and could detract from the amenity of the 'gateway' streets in the plan change area. In 2004 – 2005, Plan Change 5 was made which incorporated specific provisions into the District Plan for brothels and commercial sexual services in response to the Prostitution Reform Act 2003.

It is considered that when excluding moral considerations, the effects of the above use are likely to be no greater than other uses identified as Permitted Activities under Amendment 10 such as Places of Assembly, Licensed Premises, larger scale Commercial Activities and Cottage Industry Activities. The requirement for such activities to hold an operator license is also likely to limit disturbance outside the site.

Nevertheless it is recognised that residents of existing or future residential properties could have strong objections to this use occurring within a mixed use building or abutting or opposite existing dwellings within a residential zone. Although no schools or churches are currently situated within the plan change area, there is no certainty that this will remain the case and consequently it is recommended that provisions be put in place to prevent brothels and commercial sexual services from operating abutting or opposite these uses or a residential zone, or within a building used or partially used for residential purposes.

It is recommended that a restriction be placed on the establishment of this activity at ground floor level along Jackson Street as a permitted activity, due to possible impacts on the visual amenity of the streetscene resulting from the nature of the use. For example, such a use may not be able to provide a suitable shop frontage.

The above restrictions would be consistent with the approach taken for this activity within the Central Commercial Activity Area and Petone Commercial Activity Area – Area 1 (i.e. Jackson Street Historic Retail Precinct). Activities which do not comply with the permitted activity conditions would require resource consent as a Restricted Discretionary Activity.

### Commercial Garages

Cuttriss Consultants (Submitter 121) has expressed concern that the list of permitted activities in the mixed use area includes Commercial Garages, which may have adverse effects on nearby residential and office activities. The plan change area currently has a number of commercial garages and other vehicle maintenance and supplies oriented businesses.

Whilst it is recognised that motor vehicle repairs carried out within Commercial Garages can have similar noise effects as heavy industrial activities and can be challenging to locate in close proximity to quieter uses like residential or office activities, it is considered that an allowance should be made for this use to continue. Existing garage services employ a number of people in the plan change area and provide a valued local service. In recognition that the plan change area may take some time to transition to a mixed use area, that existing Commercial Garages are compatible with current uses in the plan change area, and that existing noise controls contained in Chapter 14C – Noise of the Operative District Plan are to be retained. Therefore, it is recommended that this use remain a permitted activity and that the compatibility of this use with other uses be monitored in the future. Should it be needed, changes could be made to the district plan for this activity in the future.

### Demolition and Partial Demolition of Buildings

One submitter has requested that the demolition of buildings and partial demolition of heritage buildings be removed from the list of permitted activities under Amendment 10.

General Rules contained in Section 14 Heritage of the Operative District Plan would continue to apply to activities listed in Amendment 10. As a result of General Rule 14F 2.3 (b) (Discretionary Activities), the demolition or partial demolition of any building listed in the Council's Heritage Register (Appendix Heritage 1 and 2) would require resource consent as a Discretionary Activity irrespective of the proposed rules under Amendment 10.

For non-heritage buildings, the impact of demolition is controlled under the provisions of the Building Control Act 2004. No further restrictions are considered necessary for the demolition or partial demolition of buildings.

#### Amendment 14: Sites Abutting Residential Activity Areas

One submitter has raised concern that permitted activity conditions under this amendment may interfere with the ability of bakeries and restaurants to operate, whilst another submitter has raised concern about the absence of restrictions on the night-time operation of retail activities abutting residential zones and the wording of the permitted condition regarding landscaping.

Proposed permitted condition (vi) would prevent the servicing of activities on sites abutting a residential zone between 10pm and 7am, and would apply to small scale commercial and retail uses such as bakeries and restaurants. As referred to in the Residential Uses report, night time activities can be challenging to locate in proximity to noise sensitive uses such as residential properties. It is considered that requiring resource consent for night time servicing, represents an appropriate balance between providing for a range of activities with protecting the amenities of the residents in adjacent Residential Zones. The resource consent process would allow for the consideration of possible adverse effects and their mitigation and/or control (if required).

It is recommended that the permitted activity condition (v) regarding landscaping under Amendment 14 be replaced with a new permitted activity condition regarding landscaping and screening of car parks under Amendment 13.

#### Emergency Facilities

Emergency facilities are any service which provides critical facilities such as police, ambulance and fire. Emergency facilities are currently a Restricted Discretionary Activity in the plan change area with matters of discretion restricted to traffic effects and appearance of buildings and structures. This existing rule was proposed to be retained unchanged under PC29, except for a change in rule number (see Amendment 20). However, several submitters have suggested an alternative activity status for emergency facilities in the plan change area or WFSSA as a result of the natural hazard risks. This issue is discussed in the Natural Hazards report.

A small number of submitters have raised issues relating to the drafting of Amendment 20, and whether this amendment refers to appropriate matters of consideration as a Restricted Discretionary Activity. One submitter has requested that the amendment be deleted. To better manage the potential effects from emergency facilities, it is recommended the matters of discretion are broadened.

In addition, as discussed in the natural hazards report, particular activities and facilities would be exposed to increased risk within the WFSSA. Given the essential service emergency facilities provide post a significant natural hazard event, locating these facilities within the areas at greatest risk should be avoided.

#### Licensed Premises

Licensed premises are excluded from the definition of retail activities in the Operative District Plan. Nevertheless, these activities which include restaurants, bars and cafes, share characteristics in common with small-scale retail activities and are often viewed as a type of retailing by the general public.

Whilst some allowance for licensed premises would add to the vitality and vibrancy of the plan change area, restrictions on their establishment should be incorporated, in order to provide a level of protection to the vitality and vibrancy within the Jackson Street Historic Retail Precinct.

Some allowance for licensed premises along The Esplanade is considered appropriate, subject to the consideration of traffic effects, amenity values and natural hazards. Licensed premises in this location, have the potential to contribute to the amenity and services available to future residents and visitors of the nearby foreshore.

It is therefore recommended that licensed premises be identified as a permitted activity on Jackson Street, a Restricted Discretionary activity along The Esplanade and a Discretionary Activity elsewhere in the Petone Mixed Use Area.

#### Recommendations with Reasons

It is recommended that Amendment 4 be amended because:

- It would provide clarity as to the types of uses provided for within the mixed use area.

- It would clearly identify that light industrial, service and business activities are considered a suitable use for the mixed use area (subject to various considerations).
- The reference to compatible adverse effects in policy (a) detracts from the Council's intention to create an attractive and vibrant mixed use area.
- The word 'certain' in policy (e) is superfluous and could create the false impression that only industrial activities may be controlled in the interests of protecting the character and amenity of the Mixed Use Area.
- Activities which require careful management and assessment through the resource consent process should be referred to in policy (e), including heavy industrial and late-night activities.
- Policy (e) should be amended to refer to the most likely activity to be incompatible with heavy industrial and late-night activities, which is residential development.

It is recommended that Amendment 10 be amended as identified in earlier Reports, in addition to the following provisions because:

- Additional restrictions are provided on the establishment of brothels and commercial sexual services as a permitted activity, to reduce the risk of public disturbance and offence from this type of activity.
- Restricted Discretionary resource consent is required for brothels and commercial sexual services in sensitive locations, in the interests of protecting residential and visual amenity.
- Child care facilities would be a suitable use within the mixed use area. Demand for this use is anticipated to increase as a result of both increased residential and workforce populations.
- Additional restrictions on higher intensity activities within the WFSSA are appropriate, given the higher levels of risk to persons and property.
- Allowing for minor alterations to existing site activities or land conditions as a permitted activity would represent an efficient and effective method of dealing with minor works, which are unlikely to have any additional effect above existing development. These works could include the replacement of fuel storage stands and changes to site layout or configuration.
- To include additional forms of light industrial activities, as a permitted activity.
- To restrict the location of licensed premises as a permitted activity, due to potential to effect the economic vitality of the licensed premises within the Jackson Street Historic Retail Precinct.
- To allow for the assessment of the construction of buildings and larger alterations and additions as a restricted discretionary activity for reasons outlined in the Built Form and Urban Design Report.

It is recommended that activity (p) 'the total or partial demolition or removal of buildings and structures' under Amendment 10 be retained because:

- Demolition and partial demolition of buildings are controlled under the provisions of the Building Control Act.
- Demolition and partial demolition of historical buildings is restricted under General Rules within Section 14F Heritage Buildings and Structures under the Operative District Plan.
- Placing other restrictions on the demolition and partial demolition of buildings would not meet the effective and efficient test under the RMA.

It is recommended that Amendment 14 be amended because:

- Suggested changes to Amendment 13 in the Transportation Section would make permitted activity standards (iv) redundant.
- Proposed requirements for landscaping and screening for sites adjacent residential zones, should apply to all sites which could adjoin residential properties (that is, the entire plan change area).

It is recommended that Amendment 20 be amended because:

- The amendment as drafted contains a typing error which should be removed;
- Appropriate traffic and visual considerations can be more simply expressed;
- The reference to continuous window display frontages is irrelevant for most of the plan change area.
- The suggested changes to matters of considerations under Appearance of Buildings and Structures and Amenity Effects would be consistent with the terminology used in Amendment 21.
- The suggested changes to matters of considerations under Appearance of Buildings and Amenity Effects, recognises that these uses can have adverse visual and amenity effects, which need to be managed;
- The suggested changes to matters of consideration under Natural Hazards and Public Health Benefits, would allow for the consideration of additional important considerations for this use within the plan change area.
- Matters of consideration for emergency facilities need to take into account their vulnerability to damage from natural hazards, as well as the benefits arising to the community from their provision.
- Suggested changes to matters of consideration allow for a balancing of effects, particular the public benefits of provision versus vulnerability to natural hazards. It is possible that the need for emergency facilities would be greater in more hazard prone areas.
- Within the WFSSA, emergency facilities are listed as a non-complying activity.

It is recommended that Amendment 27 be retained because:

- The classification of permitted activities as a Restricted Discretionary Activity in cases where they do not comply with permitted activity conditions, is considered to represent an efficient and effective method of managing the effects of non-compliance.
- General rules which identify non-compliance to a performance standard would lead to an application being treated as a Discretionary Activity would continue to apply, such as non-compliance with the general rule for car parking.
- The deletion of the existing rule would have no effect on the usage of general rules applying to applications involving hazardous materials or development within the WFSSA.

It is recommended that Amendment 30 be amended because:

- The assessment of service stations throughout the plan change area would be consistent;
- Different activity status for service stations throughout the plan change area may encourage their location in less suitable locations, such as streets with narrow roads;
- The assessment of service stations through resource consent as a Discretionary Activity would represent an appropriate balance between providing opportunities for the establishment of this use, with maintaining and enhancing the amenity of the mixed use area.
- The types of effects which could be generated by service stations, such as visual, noise, light, amenity and traffic effects is most efficiently and effectively addressed through the resource consent process as a Discretionary Activity.

It is recommended that Amendment 33 be amended because:

- It would remove less noisy and less intensive industrial activities from the list of Discretionary Activities and allow for their establishment as a permitted activity.
- It would be consistent with the treatment of other permitted activity conditions, which could generate similar effects, such as commercial activities.
- It would signal that Heavy Industrial uses may not be suitable in all locations within the plan change area.

It is recommended that Amendment 51 is retained because:

- Consistent treatment in the assessment of service stations throughout the plan change would lead to less confusion;
- Assessment of Service Stations as a Discretionary Application along The Esplanade, if submitted, could take into account site specific factors, such as amenity of the streetscene and nearby public space along the harbour edge.

## OFFICER RECOMMENDATIONS

The following are officers' recommendations on the submissions received for this topic/issue and amendments to the above PC29 provisions and other actions:

Accept and Reject all submissions relating to the above Amendments to the extent that:

- AMENDMENT 4 [Rule 5B 1.1.2 (Area 2 – Petone Commercial Activity Area)] is amended to read:

### Issue

~~There is demand in Petone for Mixed uses which complement and support each other, such as commercial, small-scale or low intensity light-industrial, business and service activities, servicing, residential and retail activities. Making provision for mixed use activities in Petone would support the social and economic well-being of the area and the City as a whole. However, they but could also detract from the established vibrancy and vitality of the retail areas of Jackson Street Historic Retail Precinct and the Central Commercial Activity Area. It is also necessary to manage the potential adverse effects, including noise, dust, odour, glare, light spill and traffic, of activities so as to maintain and enhance the quality of the environment. In addition, potential reverse sensitivity effects and incompatibility effects between activities may occur.~~

### Objective

To provide for a mixed use activity area within Petone which caters for a range of complementary commercial, small-scale or low intensity light-industrial, business and service activities, servicing, residential and retail activities, increasing the number of residents and workers in Petone, and avoiding or mitigating adverse effects so that on the amenity values of the and character of the area, neighbouring areas and the overall receiving environment are maintained or enhanced.

### Policies

- (a) Provide for a range of residential, commercial, small-scale or low intensity light-industrial, business and service activities, (professional offices, services and entertainment) and retail (groceries, household items, services) activities generally between Hutt Road, Petone Avenue, Campbell Terrace, Victoria Street, Sydney Street and The Esplanade, providing their ~~adverse~~ effects are compatible with each other and the character and amenity values of the area.

...

- (e)(f) Restrict ~~certain~~ activities, including heavy industrial or late-night activities, which may be incompatible with residential and other activities and/or degrade the character and amenity values of the Petone Mixed Use Area.

...

- (j) Manage higher density and higher risk land use activities such as emergency facilities within the Wellington Fault Special Study Area.

- AMENDMENT 10 [Rule 5B 2.2.1 (Permitted Activities) is amended as follows:

Delete activity (e)

~~(e) Service stations, excluding on sites with road frontage to The Esplanade, Hutt Road or Jackson Street~~

Amend activity (f)(g)

(f) Brothels and commercial sexual services, with the exception of

~~(i) Ground floor level on Jackson Street~~

~~(ii) Site abutting or directly across the road from schools, childcare facility, churches and other similar religious establishments or a residential activity area.; and~~

~~(iii) Within a building which is used or partially used for residential purposes.~~

Retain activity (h) Commercial garages

Amend activity (i)

(i) Licensed premises along Jackson Street

Amend activity (j)

(j) Places of assembly, except for sites within the Wellington Fault Special Study Area

New activity (m)

(m) Service, repair or hire of household goods and services

Delete activity (n)

~~(n) The construction, alteration, addition and repair of buildings and structures, except on sites with road frontage to Jackson Street, Hutt Road or The Esplanade.~~

New activity (n)

(n) Research for industrial purposes

Amend activity (o)

~~On sites with road frontage to Jackson Street, Hutt Road or The Esplanade:~~

~~(i) (o) The construction, alteration, addition and repair of buildings and structures where the gross floor area of the additions is less than 5% of the gross floor area of the existing building; or~~

~~(ii) (p) The construction, alteration, addition and repair of buildings and structures which does not change the external building form (floor area and height) of the existing building.~~

New activity (r)

(r) Childcare facility, except for sites within the Wellington Fault Special Study Area

New activity (s)

(s) Education and Training except for sites within the Wellington Fault Special Study Area

New activity (t)

(t) Marae, except for sites within the Wellington Fault Special Study Area

New activity (u)

(u) Cultural Centres, expect for sites within the Wellington Fault Special Study Area

New activity (v)

(v) Minor alterations to existing site activities or land condition:



- (i) The replacement of fuel storage tanks and ancillary equipment works within service stations (also refer the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011); or
- (ii) Change to layout or configuration of existing car parks or existing drive-through facility.

- AMENDMENT 20 [Rules 5B 2.2.2 (b) and 2.2.2.1 (b) Restricted Discretionary Activity)] be amended to read:

Matters in which Council has Restricted its Discretion and Standard and Terms

(i) Traffic effects:

- ~~The adverse Effects on the roading transport network generated by the emergency facilities., including the adverse effects on traffic, cycle and pedestrian movement, parking and access in the immediate vicinity of the site.~~
- ~~Appearance of buildings and structures.~~

(ii) Appearance of Buildings and Structures:

- ~~The adverse Visual effects on the visual impression of the streetscape. In this respect an important consideration is the likely impact on the continuous display window frontage requirements.~~
- Design, external appearance and siting of the building or structures.

(iii) Amenity Values

- Effects upon the amenity values both within the site concerned and upon surrounding land uses.

(iv) Natural Hazards

- Vulnerability to risks from natural hazards
- Measures to avoid or mitigate risks from natural hazards

(v) Public Health Benefits

- Operational needs and requirements of facility;
- Public health benefits arising from facility

- NEW AMENDMENT adding new rule to Rule 5B 2.2.4 Non-Complying Activities as follows:

(a) Emergency facilities within the Wellington Fault Special Study Area

- AMENDMENT 23 [Rule 5B 2.2.2 (Restricted Discretionary Activity)] to be amended to make licensed premises along The Esplanade a restricted discretionary activity. New rule to read as follows:

(e) Licensed Premises on The Esplanade

Matters in which Council has Restricted its Discretion

(i) Amenity Values

- Effects upon the amenity values both within the site concerned and upon surrounding areas from buildings, structures and use of outdoor areas.

(ii) Traffic effects, including effects on the transport network from the volume and type of traffic generated, and the suitability of site access and site servicing arrangements.

- A Transportation Impact Assessment may be required where proposed development is expected to generate more than either 50 vehicle movements/hour or 200 vehicle movements/day.

(iii) Natural hazards

- Whether the potential risk to the health and safety of people and property from fault rupture, subsidence and liquefaction can be avoided or mitigated.

- AMENDMENT 27 [Rule 5B 2.2.3 (a) (Discretionary Activities)] to be retained.
- AMENDMENT 30 [Rule 5B 2.2.3 (c) Discretionary Activity]] is amended to read:
  - (c) Service Stations ~~with road frontage to The Esplanade, Hutt Road or Jackson Street~~
- AMENDMENT 33 [Rule 5B 2.2.3 (c) Discretionary Activity]] is amended to read:
  - (f) Industrial Activities except for:
    - (i) Service, repair or hire of household goods and services;
    - (ii) Research for industrial purposes.
- AMENDMENT 51 [Rule 6A 2.5 (c) Discretionary Activity]] is retained.

## 5.5. Built Form and Design

### BUILT FORM AND URBAN DESIGN

#### RELATED PC29 PROVISIONS AS NOTIFIED

The amendments 'as notified' for this topic/issue in PC29 are the following:

- **AMENDMENT 5 [5B 1.1.3 (Area 2 – Petone Commercial Activity Area)]:**  
*Add a new Section 5B 1.1.3 on Main Entrance and Gateway Routes including an Issue and Objective, Policies, and Explanation and Reasons.*
- **AMENDMENT 6 [5B 1.2.2 (Weather Protection)]:**  
*Amend the Issue, Objectives, Policies and Explanation and Reasons in Section 5B 1.2.2 of the Petone Commercial Activity Area*
- **AMENDMENT 7 [5B 1.2.3 (Character and Building Form and Quality within Petone Mixed Use Area)]:**  
*Add a new Issue, Objective, Policies and Explanation and Reasons as Section 5B 1.2.3 to the Petone Commercial Activity Area*
- **AMENDMENT 11 [Rule 5B 2.2.1.1 (a) – (c) (Bulk and Location Standards)]:**  
*Amend Rule 5B 2.2.1.1 which relates to site coverage, maximum height and recession plane of building and structures, and minimum yard and setback requirements.*
- **AMENDMENT 12 [Rule 5B 2.2.1.1 (d) (Jackson Street Standards)]:**  
*Add new Rule 5B 2.2.1.1 (d) Permitted Activity Standards in relation to Verandahs, Building Frontages and Display Windows on Jackson Street*
- **AMENDMENT 13 [Rule 5B 2.2.1.1 (d) (Landscaping and Screening)]:**  
*Amend existing Rule 5B 2.2.1.1 (d) Permitted Activity Standards in relation to Landscaping and Screening.*
- **AMENDMENT 14 [Rule 5B 2.2.1.1(e) (Sites Abutting Residential Activity Areas)]:**  
*Amend existing Rule 5B 2.2.1.1 (e) Permitted Activity Standards in relation to Site abutting Residential Activity Areas*
- **AMENDMENT 21 [Rules 5B 2.2.2 (b) and 2.2.2.1 (b) (Restricted Discretionary Activity)]:**  
*Add new Rules 5B 2.2.2 (b) and 2.2.2.1 (b) for buildings and structures fronting The Esplanade, Hutt Road and Jackson Street in relation to the construction, alteration of, addition to buildings and structures.*
- **AMENDMENT 22 [Rules 5B 2.2.2 (c) and 2.2.2.1 (c) (Restricted Discretionary Activity)]:**  
*Add new Rules 5B 2.2.2 (c) and 2.2.2.1 (c) for buildings and structures over 12m in height in relation to the construction, alteration of, addition to buildings and structures.*
- **AMENDMENT 26 [Rule 5B 2.2.2.2 (b) (Restricted Discretionary Activity - Conditions)]:**  
*Add new Rule 5B 2.2.2.2 (b) in relation to the construction, alteration of, addition and repair of buildings and structures over 12 metres in height.*
- **AMENDMENT 35 [Rule 5B 2.2.3.1 (c) (Discretionary Activities – Assessment Matters)]:**  
*Add a new Assessment matter Rule 5B 2.2.3.1 (b) in relation to matters in the Petone Mixed Use Area Design Guide*
- **AMENDMENT 36 [Rule 5B 2.2.3.1 (b) (Discretionary Activities – Assessment Matters)]:**  
*Amend Rule 5B 2.2.3.1 (b) in relation to Petone Mixed Use Area Design Guide*

- **AMENDMENT 40 [New Petone Mixed Use Area Design Guide]:**  
*Add a new “Appendix Petone Commercial 2 – Petone Mixed Use Area - Design Guide”*
- **AMENDMENT 41 [New Main Entrance and Gateway Routes Map]:**  
*Add a new “Appendix Petone Commercial 3 – Main Entrance and Gateway Routes which pass through Area 2 - Petone Mixed Use”*
- **AMENDMENT 42 [New Wind Report] :**  
*Add a new “Appendix Petone Commercial 4 – Wind Report”*
- **AMENDMENT 44 [6A 1.1.2 (Main Entrance Routes)]:**  
*Amend the Issue, Policies and Explanation and Reasons in Section 6A 1.1.2 of the General Business Activity Area*
- **AMENDMENT 45 [6A 1.2.2 (Amenity Values of the Esplanade West Area)]:**  
*Delete Section 6A 1.2.2 as follows and amend subsequent numbering accordingly*
- **AMENDMENT 46 [Rule 6A 2.1.1 (c) (Maximum Height of Buildings and Structures)]:**  
*Amend Rule 6A 2.1.1 (c) in relation to maximum height of buildings and structures*
- **AMENDMENT 49 [Rules 6A 2.3 (c) and 6A 2.3.1 (c) (Restricted Discretionary Activities)]:**  
*Delete Rules 6A 2.3 (c) and 2.3.1 (c) in relation to any building or structure on a site fronting The Esplanade*

**(A) HEIGHT, RECESSION PLANES AND SETBACKS**

<b>KEY SUBMITTER POINTS</b>	
<b>Support</b>	2
<ul style="list-style-type: none"> <li>▪ Support proposed height provisions with a maximum height of 30m, and 15m heights with a 45 degree setback.</li> <li>▪ Support the 30m maximum height limit and road frontage height provisions along the three major roads (i.e. 15m along front road boundary and 45 degree setback).</li> </ul>	
<b>Support in part</b>	1
<ul style="list-style-type: none"> <li>▪ Support the proposed height of 30m in certain areas. Good design and ‘human scale’ are more important factors on the quality of the environment than the building height.</li> </ul>	
<b>Oppose</b>	114
<ul style="list-style-type: none"> <li>▪ The permitted maximum heights of buildings should be revised to promote open spaces, recognise geotechnical risks posed by large developments, encourage safe walking and allow adequate space for landscaping.</li> <li>▪ Multi-level development should not be allowed in the Petone West area because this straddles and is adjacent to the Wellington-Wairarapa Seismic Fault line.</li> <li>▪ High building would drastically reduce the amount of light received by residents living in and people using surrounding streets - Campbell Terrace, Nelson Street, Victoria Street, Sydney Street, Fitzherbert Street, Jackson Street, Petone Avenue.</li> <li>▪ Increased heights would be detrimental to shopping experiences along Jackson Street.</li> <li>▪ High rise building will make wind tunnels, especially near the sea and are boring to look at.</li> <li>▪ High buildings will make the area completely unsuitable to families with children who need access to open spaces.</li> </ul>	

- Proposed height inconsistent with Council being signatory of the Urban Design Protocol.
- Increased height will result in increased office space which could result in glut of floor space and compete with other commercial centres such as Lower Hutt CBD.
- Increased height provisions will encourage big box development.
- Increased heights could result in the western entrance to Petone becoming a “canyon” which would detract from the heritage appearance of Jackson Street.
- Buildings of 15m height along Jackson Street, positioned adjacent to the street frontage would create the impression of a “dark canyon”.
- Buildings built along The Esplanade up to the permitted height, would be mainly seen as 30m high buildings (at their full height), despite recession plane above the first 15m.
- Height provisions will impact negatively and will reduce house values.
- The urupa needs to be given more respect. The height limit for buildings adjacent should be 8m.
- Maximum height should be reduced, with any proposed over-height buildings evaluated on the basis of their effect on views and other urban design elements.
- Structures/buildings above 10m should be a restricted discretionary activity
- There should be a transitional height zone between Nelson and Victoria Streets, Fitzherbert Street, and Petone Avenue of 10m in height.
- The proposed provision for a recession plane for buildings above 15m is supported for sites above 1,000m<sup>2</sup>, but not for sites below this area (5B 2.2.1.1) - smaller, narrower sites would yield some very odd shaped buildings over 15m.
- There is a contradiction/confusion between the Permitted and Restricted Discretionary Activity standards under Rules 5B 2.2.1.1 (b) and 5B 2.2.2 (b) and (c).
- A lack of setbacks will detract from the area. The Esplanade is enjoyed by locals and non-local alike. This is the gateway to Lower Hutt and should be a show-piece.
- The entrance corridors should have setbacks, recession planes that are appropriate, in-line with the IBM, NZ Post and Racing Board buildings.
- Heavy traffic along The Esplanade should be a consideration for setbacks from the boundaries.
- A lack of inclusion of setbacks will result in poor quality development.
- There needs to be a setback on The Esplanade of at least 10m.
- Rules for The Esplanade should provide for setbacks.
- Setbacks should be part of the Design Guidelines.
- The plan change has a lack of quality guidelines, including setbacks, especially on The Esplanade. This would result in poor-quality development with no urban parks or landscaping.

#### **Further submissions**

- Support for comments made by Stephen Shadwell submission in regards to building height between Sydney Street and Jackson Street/The Esplanade. Would like to see maximum height reduced either generally or reduce height in Sydney Street to a “lower” height control plane less visible in proportion to existing height limits and buildings.
- Support for the Chocolate Story Ltd submission which opposes the provision for building 30m in height as this could result in mall type developments. This will in turn threaten the economic viability of the precinct as a whole.
- Support for comments made by Stephen Shadwell submission in regards to building height provisions having a negative impact on Nelson Street.
- Support for comments made by Stephen Shadwell in regards to building heights provisions having a negative impact on Nelson Street, in addition to promoting big box development which

would detract from the character of the area.

#### **Late submission**

- David Hunter opposes the plan change as it will create wind tunnelling, loss of privacy to surrounding buildings, on and close to the earthquake zone a dangerous area for 30m buildings will be created and infrastructure will suffer. This will destroy the value of properties in Petone.

### **RELIEF SOUGHT**

#### **Height, Recession and Setbacks**

- Approve the plan change in full as notified.
- Various building height limits requested to apply to all or parts of plan change. Requested building height limits are 8m, 10m, 12m and 15m (alternatively 2, 3 or 4 stories).
- Allow for proportional height limit increases when site coverage is reduced.
- Reduce height limit to 12m where 100% site coverage.
- Height limit of 6m for sites abutting Residential Activity Areas.
- Height limit of 12m for sites abutting the urupa.
- Lower the permitted height limit to 12m in the area bounded by Jackson, Victoria Street and The Esplanade (5B 1.2.3).
- Revise wording for Rule 5B 2.2.1 (b)(ii) such that no part of any building shall exceed a height equal to 10m plus the shortest horizontal distance between that part of the building and the boundary of Jackson Street.
- Height limit of 18m with a maximum height of 12m along street frontages.
- Height limit of 15m with a maximum height of 9m along street frontages.
- Height limit of 15m south of Jackson Street.
- Height limit of 10m, with discretion to allow a few taller buildings if surrounded by landscaped open space, following appropriate design guidelines and addressing issues of shading, wind and views of harbour and hills.
- Height limit of 10m, 12m or 15m (various requested) within the Wellington Faultline Area.
- Height limit of 9m on The Esplanade, Hutt Road, Jackson Street and other boundary street frontages, with a recession plane of 45 degrees, up to a maximum of 12m.
- Height limit of 10m on The Esplanade, Hutt Road, Jackson Street and other boundary street frontages, with a recession plane of 45 degrees sloping upwards from the front boundary, up to a maximum of 20m.
- Either clarify Rules 5B 2.2.2 (b) and (c) or remove the clause that says applications do not need to be publicly notified.
- Have more regard to the findings and urban design outcomes provided in Boffa Miskell Report.
- Establish guideline for each street, what is acceptable or prepare a blueprint with modelling buildings.
- Undertake shade modelling to determine the effects on existing residential buildings.
- Review incentive based rule systems used by other authorities to encourage enhanced amenity.
- Require a Design Guide assessment against all buildings greater than 12m in height.
- Expand the Design Guide into a document comparable with the Central Commercial Area Design Guide with guidelines which address at least as broad a range of issues including, but

not limited to; amenity value, privacy, outdoor space, sun access.

- Stringent height guidelines as agreed to for the development of Christchurch
- As it is not possible for buildings of 15m or 30m height to be constructed in all parts of the plan change area, it is suggested that rules be amended to read:

5B 2.2.1.1 (b) Maximum Height:

- (i) 30.0m, providing that 12m, for properties which do not have a frontage onto Jackson Street, The Esplanade or Hutt Road

5B 2.2.2 (c) The construction, alteration of, or addition to, buildings and structures between 12m and 30m in height, except where:

- (i) The construction, alteration of, or addition to, buildings and structures where the gross floor area of the additions is less than 5% of the gross floor area of the existing building; or
- (ii) The construction, alteration of, or addition to, buildings and structures which does not change the external building form (floor area and height) of the existing building.

- Setbacks and recession planes along The Esplanade should be in line with the Residential Zones i.e. based on 2.5m on the boundary with a recession plane of 45 degrees, a setback of at least 6m with any building height above the recession plane at a specific setback distance.
- Apply the standards in Rule 5B 2.2.1.1.(f) for Sites Abutting Residential Activity Area to Sites Abutting Urupa as well.

#### **Recession Planes and Setbacks Only**

- Remove the Recession Plane requirement for buildings above 15m height on sites under 1,000m<sup>2</sup>.
- Add a 6m setback and landscaping provision together with recession plan for The Esplanade.
- Add a 6m setback for The Esplanade Road frontage and 3m on most other roads.
- Add a 10m setback on The Esplanade frontage.
- Amend the final sentence under the Esplanade to say that development in this area will be required to have a setback (5B 1.1.3)
- Retain recession plane for buildings above 15m for sites above 1,000m<sup>2</sup>, but delete for sites below this land area.
- Add a recession plan which extends from 2.5m above ground level and then at 45° on the east, north and western sides of the Te Puni Urupa. To the south of the urupa, maximum building height of 8m.

### **Discussion– Height, Recession Planes and Setbacks**

#### **Background / Existing Provisions**

The current height limit allowed in the area is generally 30 metre (refer to Figure 1) with a height recession planes and setbacks in relation to residential interface. The 30 metre height limit currently applies to the area zoned Petone Commercial Activity Area – Area 2 and the General Business Activity Area (Esplanade West Area) which covers the majority of the area within the area bordered by Jackson Street, Hutt Road, The Esplanade and Fitzherbert Street. A 10 metre height limit applies to the Jackson Street frontage, with a 45° recession plane extending into the site up to a height of 30metres. A 12 metre height limit also applies to sites adjoining properties zoned General Residential Activity Area (i.e. properties on the eastern side of Sydney Street), except for the southern portion where the 30 metre applies (part of the Esplanade West Area). For all other areas to which this plan change relates (i.e. the General Business Activity Area), the current height limit is 12 metres.

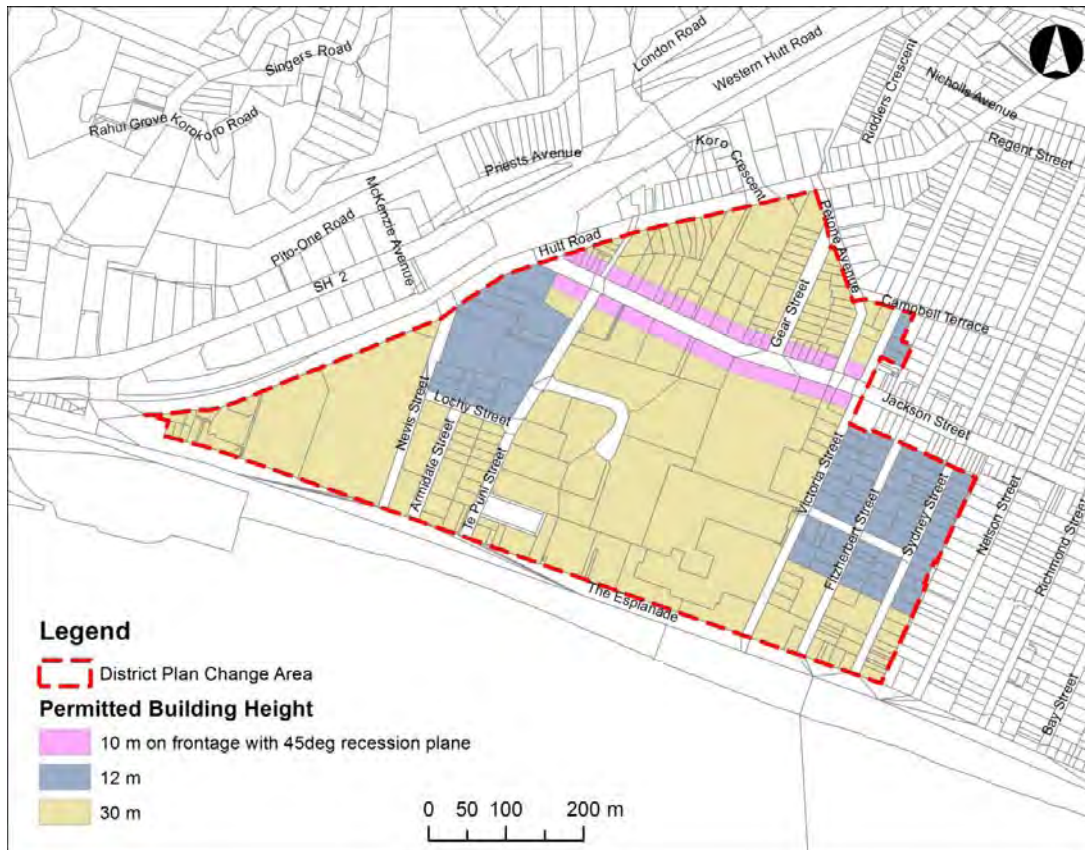


Figure 1: Current Maximum Building Heights under Operative District Plan

Plan Change 29 simplifies the height limits to an across the board 30m and 10m height limit at the residential interface on Sydney Street (see Figure 3 below).

### Issues with Existing Provisions

#### Matching with the Vision

The Petone Vision Statement identifies several outcomes which are relevant to consideration of the Petone West (these apply to most of the topics under this report). Important references from the Vision in respect of height include:

- *Recognising the nature and scale of the urban fabric around Petone and the residential areas surrounded by harbour, river, parks and hills.*
- *Supporting investment with attention to design quality that reinforces and enhances Petone's character*
- *Enhancing and being encouraging of employment and business*
- *Retaining small scale commercial activities and retailing as a defining feature of Petone's and Jackson Street's character*

A viable future for the Petone West area is a transition to a 'mixed use' environment that includes residential activities in combination with light industrial, retail and commercial activities. In association with the increased mix of activities, there is an opportunity and a need for an overall improvement in the amenity of the area including provision of public open space. This area presents a number of opportunities for mixed use which take advantage of its natural and physical qualities and features. These qualities and features include proximity to public transport (at Petone rail station and bus routes), access and proximity to the beach and its open spaces, and access, proximity and amenity to the Jackson Street main street retail/food and beverage area, including its strong heritage character and identity.



## Development Trends

There has been limited development of tall commercial buildings with only four buildings of any tall scale (i.e. more than 3 storeys) including the Racing Board Building (Jackson Street) (late 1980's), Roundhouse (corner Hutt Road and The Esplanade) (1980s), the Wellington Electricity building (The Esplanade) (1990's); and the new building on part of the ex IBM site (2010) (refer to Figure 2). The taller of these buildings (up to 30m) have been developed for commercial uses and the most recent of these (the ex IBM site building) still has vacant space. It is noted that all of these taller buildings have some form of set back from the street frontage.

No new residential developments within the subject area have been developed. However, residential and visitor accommodation developments have been consented but not constructed (e.g. Settlers Development, Jackson Street – 82 apartments and height of 27m; conversion of the former Colgate building and an existing heritage building that fronts to Jackson Street (3 storeys) include residential uses; Autostop, The Esplanade – for visitor accommodation units and height of 30m).

Recent constructed development for commercial activities appears to favour larger format retail activities with relatively large building footprints but relatively low (generally two storey) building height (e.g. The Warehouse, McDonalds, Pak n Save, Countdown (under construction)). Light industrial and service industries dominate the area currently zoned General Business Activity Area. There has been some redevelopment of these sites with new buildings and additions and alterations to existing buildings which are generally two storeys in height.



Figure 2: Aerial Oblique Photograph - from Wainuiomata Hill Road showing taller existing commercial buildings.

The lack of take up of this 'latent capacity' in the allowed maximum building height limits is likely to be a function of the market conditions. The District Plan provides for larger format retail developments and this provision has been successful in the sense of responding to this market demand.

We note that residential activities are not “permitted uses” or provided for in the plan change area under the current provisions which will be inhibiting this type of development in this location to some extent. However, that inhibition is likely also to be a function of:

- the poor amenity of the surroundings such that residential living is seen as ‘attractive’ to potential purchasers
- the large size of the sites and nature and value of existing development held by a relatively limited number of owners
- the lack of any benchmark examples in the area that give the market a lead as to viability/value
- the lack of protection of any residential development investment from adjacent poor amenity developments

### Proposed Provisions Explanation

The proposed provisions (as notified) retain the 30m height limit for the existing areas, but extend it to include the areas previously zoned General Business Activity Area (i.e. where a 12m height limit applies as shown in Figure 1). The existing 12m height limit for properties adjoining the Residential Activity Area (i.e. properties on the eastern side of Sydney Street) is proposed to be reduced to 10m, including the area currently within the Esplanade West Area where the 30m height limit applies. The existing 10m height limit and 45° recession plane on the Jackson Street frontage is proposed to increase to a 15m height limit and 45° recession plane. This 15m height limit and 45° recession plane is proposed to apply to Hutt Road and The Esplanade frontages as well.

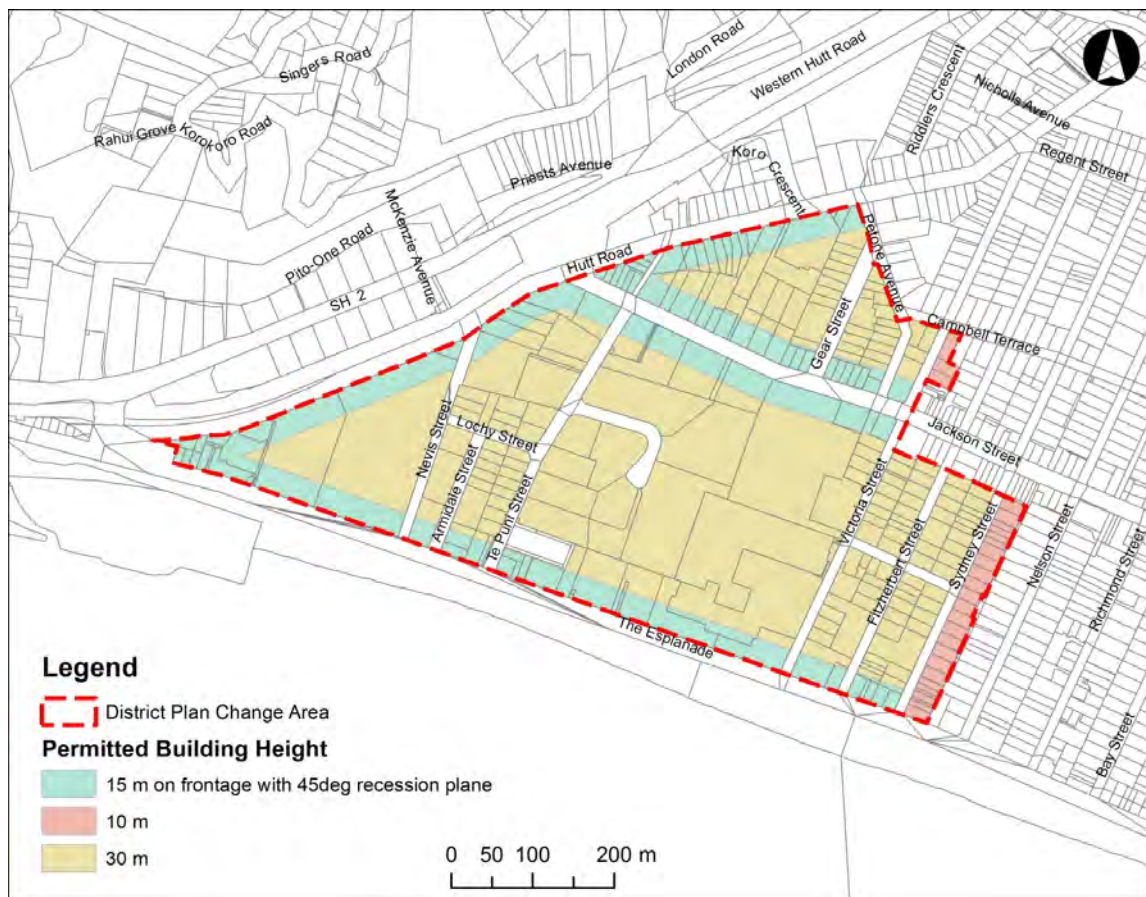


Figure 3: Proposed Maximum Building Heights under Proposed Plan Change 29 as notified

The increased extent of 30m height limits is to provide for taller buildings to provide for commercial offices and residential apartments. The lower frontage height limit and recession plane on the three main roads is to provide a degree of sunlight access and scale modulation to these main routes. The reduced 10m height limit adjacent to the area zoned General Residential Activity Area is to protect the amenity of the adjoining residential areas.

## **Issues Raised by Submitters**

As demonstrated by the number and nature of submission points summarised at the beginning of this report, there are a variety of views expressed and relief sought on the built form on height limits, recession plane and setbacks. A few submitters have expressed support for the built form provisions as they continue the existing provisions and provide flexibility for a variety of developments. However, the significant majority of submitters oppose the built form provisions, particularly the height limits. Relief sought by submitters either relates to a specific aspect of built form standards (e.g. height) or a combination of standards (e.g. height, recession plane and setback).

We note that other built form type rules such as site coverage, open spaces provision, landscape treatment are addressed later in this report.

## **Analysis/Evaluation**

An overarching officer opinion on the matter of built form is that a very clear and strong signal is required on the overall quality of the area to ensure it is proactively transitioned from its current state (e.g. poor quality environment in mixed use terms) towards a new condition to achieve the Petone vision of a good quality mixed use area in this location. Previous reports on the matter of urban design to Council included an Issues and Options paper on 'transitioning' the Petone West area (May 2010) and then a report to the Council District Plan Subcommittee (April 2012).

It is considered important that the District Plan provisions both enable and encourage development with positive change. The District Plan provisions should also provide some protection to existing uses which are compatible with the mixed use as well as the new investments made in the area. It would be unfortunate if good quality new development occurred that was then undermined as to its value and ability to catalyse other good quality development through a poor quality new development in the vicinity.

This approach is encouraged by Policy 53 of the Proposed Wellington Regional Policy Statement, which identifies the region's urban design principles, which are based on the design qualities contained in the New Zealand Urban Design Protocol.

The pace of change is anticipated to be very incremental, especially if the relatively modest apparent market demand in the short to medium term is all taken up with just one or two large buildings. The District Plan provisions need to recognise this potential rate and pattern of development over time.

In respect of height limits, the current provisions generally allow 30 metre high buildings (equates to some 8-9 stories) over a large portion of the plan change area. There is no evidence of any market interest for extensive development at this height - there have only been four buildings of this size built over the past 20 years.

In evaluating the height limits as part of reviewing the existing plan provisions and considering alternative plan provisions, we considered the scale of change that a fully or partially developed area would generate, alignment of change with existing values (e.g. heritage, views, Jackson Street character and viability), development economics, the nature of the existing urban pattern/form, Petone Vision Statement, natural hazards, the conditions required for good quality medium density residential development and recognised principles in urban design (including for example the NZ Urban Design Protocol).

Taking into account the above factors, it is considered the current and proposed heights are not the most efficient or effective means in achieving the transition of the Petone West area through redevelopment.

### Overall Heights

It is recommended to change the height limits to form two different height areas to reflect the different issues and contexts pertaining to Petone West. These two areas are the blocks between Victoria and Sydney Street, and then the remainder of the area. The frontages to The Esplanade and Jackson Street are proposed to be treated differently also. These different areas are discussed below.

#### Victoria to Sydney Street Blocks

It is considered appropriate to provide for a lower height limit in respect of the interface with residential areas (i.e. in the block between Sydney and Nelson Streets) to protect the adjoining residential areas

from building dominance, shading and proximity effects. However, it is also desirable that the Petone West area properties are enabled to redevelop to mixed use. A balance of residential amenity protection and development enablement is required.

Because the properties in this area of Petone West are on smaller sized lots and of some 25 metres depth (average size of 450 m<sup>2</sup>), are on small scale streets, and have good proximity and accessibility to both Jackson Street and the beach, it is considered that these properties will transition well to residential uses and/or smaller scale commercial activities.

It is considered that a height limit of 14 metres within this part of Petone West is generally appropriate as this enables 4 storey development (the Economic Report recommends a minimum of 4 storeys for residential apartment development viability). It also recognises the relatively small lots and relatively narrow streets (12metres width) will better suit smaller scale development.

However, for the boundary with the Residential Activity Area the height limit is recommended to be increased to 12 metres with a recession plane from the boundary (refer to Figure 4).

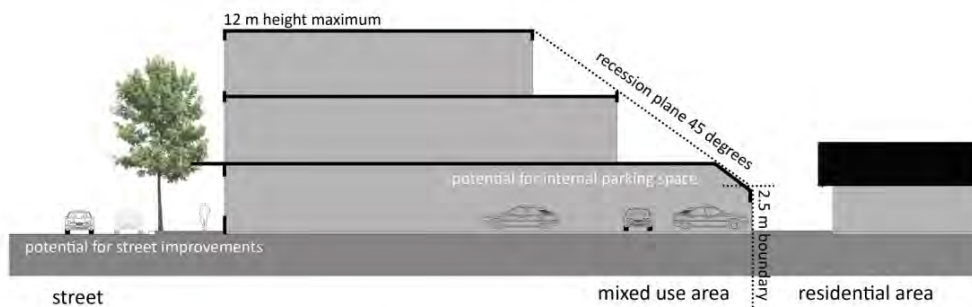


Figure 4: Residential Area relationship - recommended provisions and indicative building form.

This is a consistent height with that currently allowed which in combination with the recession plane is considered to still provide residential amenity protection to the residential properties on Nelson Street (which back on to the Sydney Street properties). The 12 metre height will enable 3 storeys (assuming a 4m height for the ground floor in accordance with the recommended Design Guidelines).

The recommended 12m height limit represents the actual height limit which currently applies at the existing interface between the General Business and General Residential Activity Areas. It also reflects height limits which apply to similar transition areas in the Central Commercial Activity Area.

It is noted that the current 30 metre height limit for the area to the west of Sydney Street is recommended to be lower (at 14 metres) which will reduce overshadowing and imposition to some of the residential properties east of Sydney Street. Consequentially, it is considered that the recommended changes to sites adjacent to residential properties balance effects on adjacent residential properties, with an overall improvement to their long distance outlook.

The current District Plan requirement of an 8 metre set back of buildings in the Petone Commercial Activity Area adjacent to Residential Activity Areas is recommended to be removed. Retaining the current approach at the boundary of the General Business and Residential Activity Areas enables that area which is currently unbuildable (i.e. within the set back) to be utilised as long as the building is within a 2.5 metre and 45 degree angle recession plane. Given the size and shape of the properties adjacent to the Residential Activity Area, this setback is considered to unduly limit the development of these properties for new uses such as residential/commercial mixed uses. A stepped development form is a likely outcome as shown in Figure 4 above.

It is recognised that a scenario of a development at 2.5 metres high on the shared boundary with the Residential Activity Area is possible that could result in overlooking from that development (such as from first and second floors). However, the recommended Design Guidelines set some guidance for design of development to limit this potential effect. Notwithstanding, the existing permitted baseline for this area, as well as for neighbouring properties within the General Residential Activity Area would allow for development, which overlooks these properties.

## The Esplanade

For the blocks which front The Esplanade, the 30m height limit (bottom two images in Figure 5 below) generates shading across the road and onto the beach in the winter months (June midday). During summer, the shading is limited to the public footpath and part of the road width. The shading diagrams show that with a setback (the buildings are moved back from the road front boundary) and recession plane (the building height is lower at the front with the road boundary and steps up higher further back) there is some reduction in the extent of shading. However, even with a setback of 6 metres and a lower frontage height limit of 15 metres and recession plane there continues to be shading across The Esplanade and onto the reserve in winter (albeit at a reduced extent).

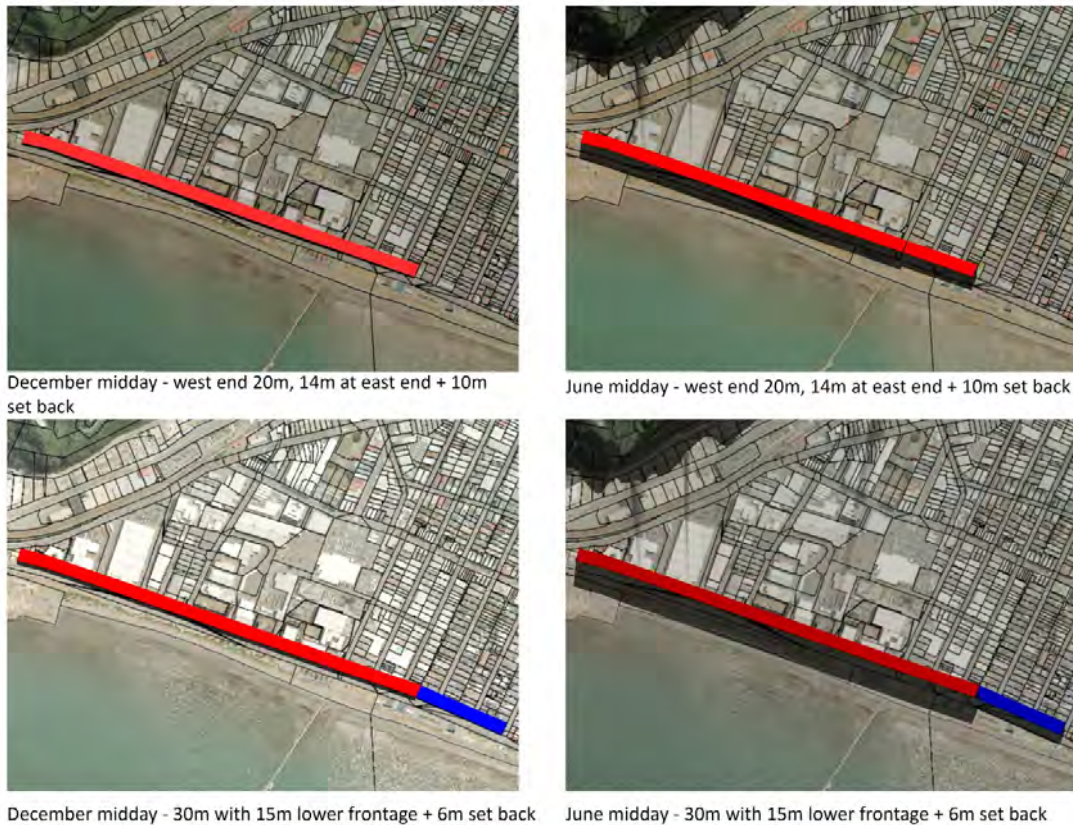


Figure 5: Shadow Diagrams - The Esplanade [note red and blue lines depict a block of 30m width]

The Esplanade for all of its apparent potential as a setting for new development that can take advantage of the coastal context, its views and access to the beach, is a challenging environment within which to generate a high quality of ground level interaction between the public environment (of the street) and the ground level space of the building. The relationship of building development edge to the public environment of The Esplanade (where the aim might typically be for ground floor outdoor dining or café or retail to the street edge), will always be challenged by its south facing aspect (which means it will often be shaded), natural climatic conditions (wind), and the busy traffic on the road (noise, emissions, intensity of vehicle movement) is not considered conducive to a relaxed environment where walking, sitting, or outside socialising would readily occur.

There is also uncertainty as to the future role of The Esplanade in the regional roading network. A current study being conducted by NZTA as part of the Petone to Grenada link project will ideally interact with Hutt City Council regarding the relationship between the road and the adjoining use and built form. It is considered an opportunity for Petone and its future transition to mixed use that activities on The Esplanade are enabled to benefit from the traffic movement as much as possible (the 'movement economy'). As noted above, this is most unlikely to ever be in the form of a harbour edge promenade (like the landward side of Oriental Bay for example). However, it could be business activity which benefits from the volume of traffic but still offers potential public amenity through ground floor publicly accessible activities. This maybe commercial activities or visitor accommodation for example. This will require consideration as to the traffic management for access, on-site garaging,

retention of car parking at the road edge, frequent turning opportunities to side streets, and a reasonable level of amenity treatment to the streetscape.

In respect of height and shading, it is considered more appropriate to seek to limit the amount of shading on the reserve and beach on the south side of the Esplanade, than to unrealistically attempt to manage it on the north (i.e. the landward side).

Accordingly, it is recommended that the height limit for The Esplanade blocks is set at 20 metres with a 10 metre building set back from the front boundary. A setback is consistent with more recent development of commercial type buildings on The Esplanade (although not all are at 10 metres in depth – some are more and others are less), reduces the shade to the beach reserve, and also assists with site vehicle access and amenity improvement opportunities on The Esplanade.

It is recommended within the 10 metre set back it includes a 2.5 metre wide street tree planting edge to the footpath to enable the continuation of the landscape interface between the road environment and the built environment (refer to Figure 6). This setback and landscaping strip will also allow for angle parking spaces to be developed with the enablement of business activities at the ground level of the buildings should the developer wish to. Alternatively the space can be utilised as part of on-site amenities such as entry area landscape and outdoor space. The recommended Design Guidelines will address the design of this interface area between the frontage and the street.

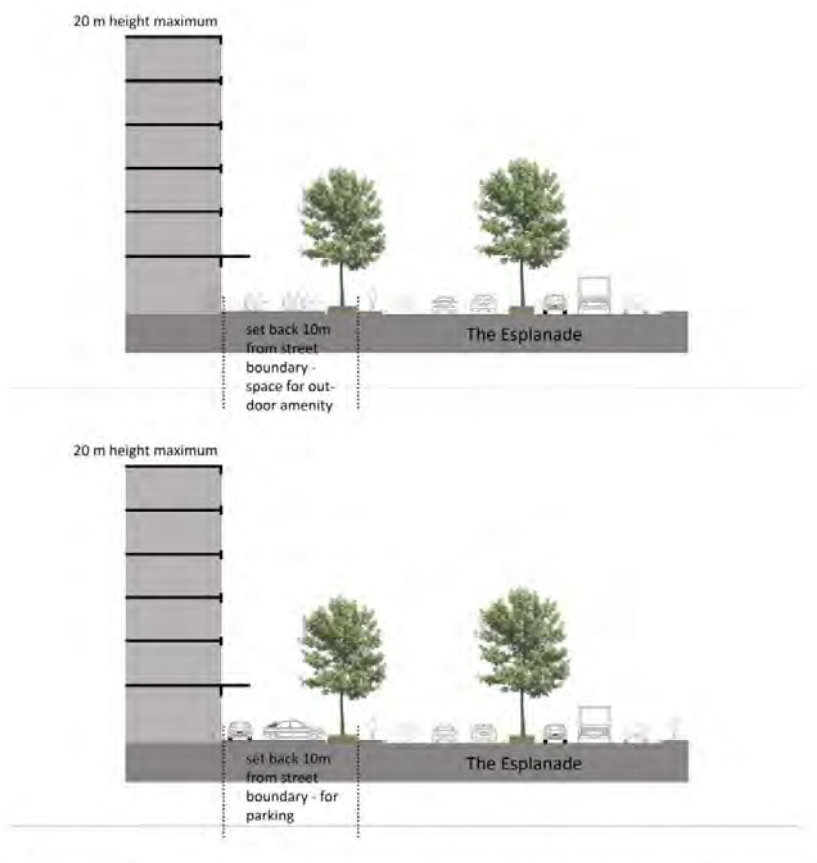


Figure 6: The Esplanade recommended frontage set back and set utilisation options

### Jackson Street

At Jackson Street, the proposed (as notified) height limit provides for 15 metre high buildings on the street edge with a recession plane at 45 degrees up to a maximum height of 30 metres – this is the same as proposed at The Esplanade.

In term of shading effects, given the east west orientation of the street, shading will occur across the public space of the street from buildings of any height on the north side of the street, especially during the winter months when the sun is lower in the sky (refer to Figure 7). Even in summer there is some shading that occurs on the footpath on the north side of the street.

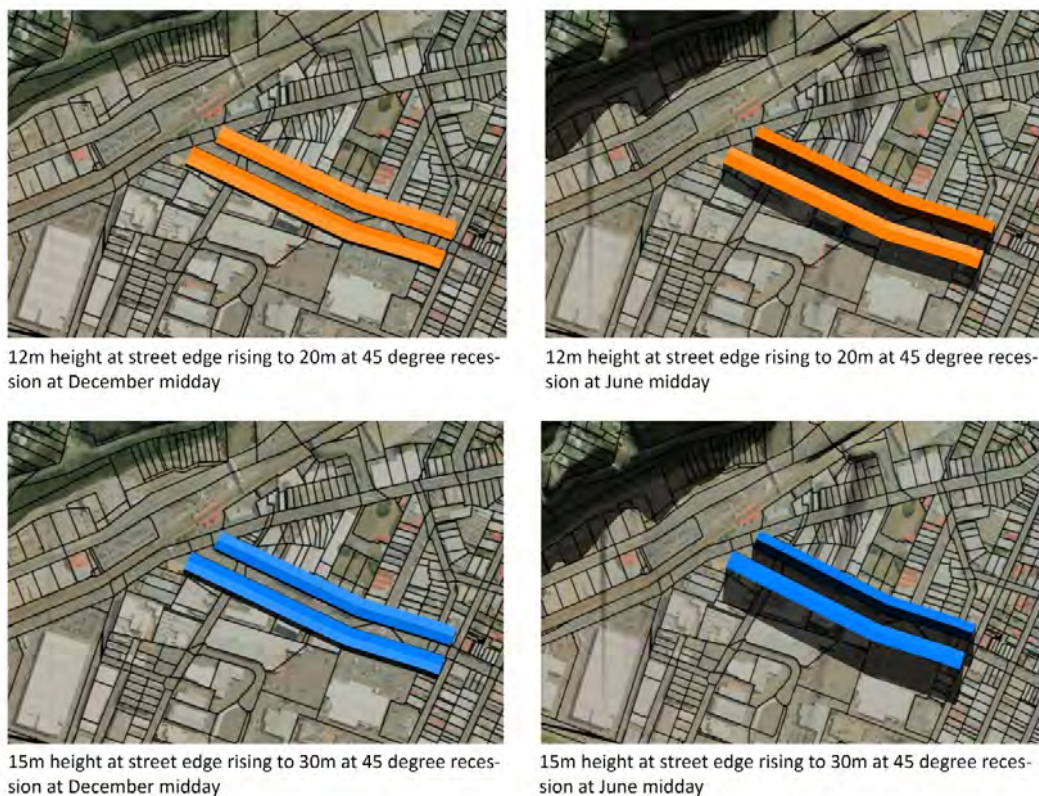


Figure 7: Shadow Diagrams - Jackson Street

The current District Plan provides for 10 metre high buildings on Jackson Street frontage and many of the existing older buildings are of this order of height. There are heritage and streetscape character values that derive from the older buildings that are east of the subject plan change area. In the plan change area however, it is desirable that redevelopment of this western most section of Jackson Street occurs to secure a more walkable and higher amenity streetscape.

It is recommended that the height limit for the Jackson Street frontage be set at 12metres which provides for 3 to 4 storey buildings (refer to Figure 7A). It is recommended to retain the 45 degree recession plane to generate a form that retains the scale of smaller height development fronting the street to mask larger development behind.

There is little difference in shading terms from this height increase (from 10 metres to 12 metres) but it provides more flexibility and incentive for redevelopment whilst staying in relative scale with the older heritage buildings in the eastward section of Jackson Street.

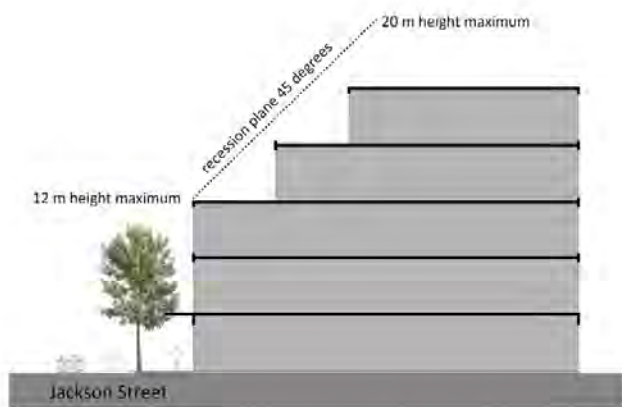


Figure 7A: Jackson Street - recommended height and indicative building form.

### General Height Limits

The blocks between Victoria and Sydney Street are described above and are recommended to have a height limit of 14 metres (except at the residential interface which is at 12 metres). The remainder of the plan change area is recommended to have a height limit of 20 metres. This height is a reduction in the height limits of 30 metres which applies over much of the area currently. The reasons for this recommended change to a 20 metre height limit are:

1. the reduced height would still allow for economically viable redevelopment of the subject land (refer to Economic Report) where it is considered that 6 storeys commercial development is viable and 4 storeys residential development is viable
2. the projected limited short term demand for commercial and residential development and the desire to spread the demand across the area as much as possible so the transition generates a visible difference (i.e. as many new buildings as possible)
3. to encourage a reasonable level of public amenity from the scale of the urban environment recognising the influence of the relationship between building height and public spaces (such as streets and other open space e.g. The Esplanade).
4. ensuring that the area as a future residential environment is of a reasonable quality to both attract people to live there (and so achieve the Plan Change purpose), to catalyse that change so it gathers momentum, and to ensure that the interest of those people investing and living there is protected
5. to assist to realise the Petone Vision

It is recognised that for much of the subject area the new height limit is a reduction from that which currently exists. However, the addition of residential activities as a 'permitted' activity in this area is considered to offset any perceived loss of development opportunity as to enable another market option which was not previously provided for.

### Incentives for More Height – Floor Area Bonus

Within the Plan Change area, it is also recommended that additional 'bonus' height is allowed for in return for the provision of ground level publicly accessible open space and/or new street connections. The area currently has substantial areas with very poor connectivity (i.e. few streets and large blocks) of the type that generates good quality mixed use environments. More streets with more buildings (and the businesses and residents these contain) fronting to those streets generate a better quality of living environment. It is also the case that there is no public open space within the subject area. The Esplanade and beach provide a large open space recreation asset, but there are no smaller scale green or open space areas (except the urupa on Te Puni Street) of the type that will benefit residential uses into the future.

Accordingly it is recommended that to encourage open space and more street connections that a 'floor area bonus' quantum of building floor space in additional height (beyond the 20 metres and up to a height of 30m maximum) is provided for equivalent to the quantum of open space or street connection provided on the site. For example, if a new open space or street section of 1000m<sup>2</sup> is provided then an equivalent bonus floor area would be allowed. This approach would also benefit the owner and occupants of the building and would contribute to marketability and value if designed and implemented well. The ownership of that open space will need to be considered by the developer and Council. Depending on the location and nature of the open space it may be beneficial if this land is passed to Council (public) ownership and so secured and maintained by Council. In the event that this is the case, the expectation is that some financial contribution credit would occur. Alternatively, the owner may prefer to retain ownership (even though publicly accessible) to control the maintenance/frequency/quality of the space for the benefit of occupants. If the provision is for a street connection (in line with the recommended Design Guideline location noted) then the expectation is that this would be secured as public street and in Council ownership. Again the financial implications of this would need to be negotiated on a case by case basis.

The recommended Design Guidelines provide guidance on the location and requirements for any open space to be provided to ensure that it is both appropriately located and designed to result in a



public benefit. There may be situations where it is not appropriate to have increased height from an open space bonus as the location is not suitable for it.

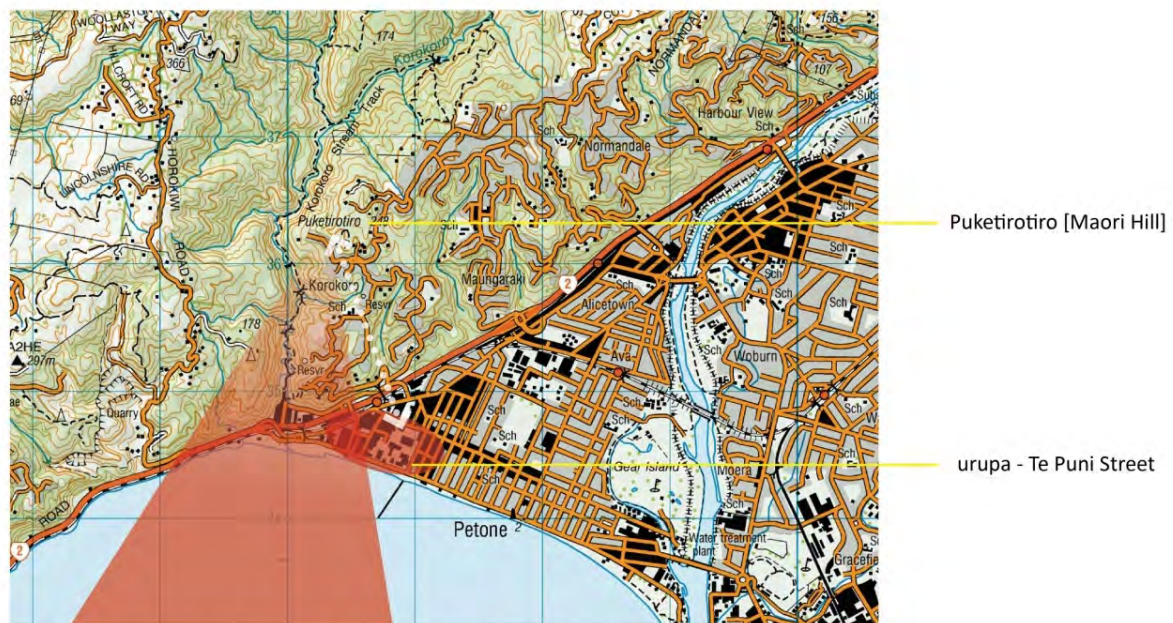
The incentive would not apply to the smaller sites between Victoria and Sydney Streets given these are likely to be too small to enable a quality public space outcome, and may also result in adverse effects for the residential areas nearby. The provision also requires that the 45 degree recession planes from Jackson Street cannot be impinged by any additional height provided through this incentive.

### Prominent Sites

There are locations in Petone West where the sites are prominent and will act as 'markers' or gateways to people travelling from the surrounding areas. These sites are described in the recommended Design Guidelines. At these sites, the height requirements remain (20 metres or 14 metres), but the guidelines recognise the potential at these sites for 'landmark' developments and encourages designs for new buildings which are expressive of this opportunity. This expression can include additional height but also requires more responsibility for the design to be of an appropriate quality given the higher level of visibility and prominence.

### Visual Linkages and Urban Form

The Petone West area sits in a visually prominent position when viewed from the Wellington Harbour and from vantage points across the Hutt Valley. It also has a relatively proximate relationship with the Korokoro hills immediately to the west (refer to Figure 8). These visual connections are of importance to iwi for various cultural and historical reasons including the connections between Pito-one pa and lookout positions and the harbour. They are also significant in terms of the identity of the area and for anyone within the area to be able to orientate and generates a 'sense of place'.



Korokoro hills - significant for various reasons for iwi eg visual connections from Pito-one pa (represented today by urupa) to lookout points - Puketiro-tiro

Figure 8: Significance of relationship to Korokoro Hills

In terms of the way the Hutt Valley as a whole is perceived, the relative height/scale of Petone West relative to other places, such as the Hutt City CBD, is relevant to consider. As Figure 9 identifies, the Petone West area is smaller, but is still large in area relatively compared to the Hutt City Central Area. It is considered important for the identity of both places that the Petone area in terms of its urban form is recognisably different (once it develops over time) than the Central Area.



Hutt Central Area



Petone West Area

Figure 9: Hutt Central Area to Petone West Area comparison

Existing development in the subject area is clearly of a different order of scale than most of the older parts of Petone that adjoin it – Jackson Street Historic Retail Precinct and the residential areas to the east. Its scale derives from its industrial heritage and in one ‘mega’ block the large sized lots that accommodated that industry (freezing works, timber mill etc.). As noted above, there are some existing taller buildings in this area, but most development has a generally low height with a larger floor plate size.

Except for the sites in the subject plan change which are of a smaller size (e.g. Sydney Street), the larger lot areas are likely to continue to generate larger scale buildings – be that larger floor plate low rise buildings with larger surface parking areas, or possibly taller buildings depending on uses. If developments aim for reasonable amenity internally, these taller buildings may typically have in the order of a 20 metre deep floor plate. However, if internal amenity is not an aim of the development, the large block sizes can in theory generate large massed bulky buildings.

From publicly accessible view points within Petone West, the visual linkages with the Korokoro Hills will become more enclosed but views along those streets to the hills (e.g. Jackson Street or The Esplanade – refer to Figure 10) will be retained to some extent. They will become more in the nature of view shafts.



Korokoro hill views, such as along Jackson Street looking west, will be experienced as view shafts with a more consistent development of the built edge to the street at 12m height (dotted lines indicative only)

Figure 10: Significance of relationship to Korokoro Hills

Even the current District Plan provisions would allow for a 'filling out' of the current open site areas and street edges.

Another visual urban form issue is considered to be the overall scale of the Petone area when viewed from the wider perspective of the harbour looking towards it and also across the valley. On the basis of the Petone Vision Statement which seeks a form of development that is characteristic of the area, and if it is accepted that the character is not its 'industrial' nature, but a more 'village' scale, including residential development, diversity and qualities, then the large mass taller buildings will not be appropriate.

Given the above, the recommended height limit is 20 metres (approximately 6 storeys) (except in the blocks from Victoria to Sydney Streets). This height limit will still change the views to the hills, but is lesser in scale than the current 30 metres.

#### Hazard Area

The primary natural hazard identified is the Wellington Faultline which runs through the subject area and is roughly parallel to the Hutt Road. Notwithstanding the other specific Plan provisions which relate to the Wellington Fault Special Study Area, the appropriateness of 30 metre high buildings (current and proposed) needs to be considered. In addition, PC 29 proposes to allow residential activity in this area. A number of submissions seek lower height development due to the hazard risks.

In response to this issue, it is recommended that the advice of the geotechnical and engineering experts is given weight and used to inform the decision. For the benefit of the amenity, scale, economic outcomes it is recommended to reduce the heights across the hazard area to 20 metres (in line with most of the Petone West area). While this reduces the number of people that could potentially be living or working in this area in the future (from the capacity generated by 30 metres in PC29 currently), the onus would still be on the building design being appropriate for the seismic risk the area presents.

#### Urupa

It is considered appropriate that there is a respectful relationship between culturally significant sites and adjacent development to ensure the cultural sites are not dominated by development or shaded. This matter is addressed in the Cultural Heritage Report.

### **OFFICER RECOMMENDATIONS**

#### **HEIGHT, RECESSION PLANES AND SETBACKS**

The following are Hutt City Council officers/advisers recommendations on the submissions received for this topic/issue and amendments to the above PC29 provisions and other actions:

- Set height limit to 14 metres (3 to 4 stories) in the blocks between Victoria and Sydney Streets with a 12 metre limit and a recession plane at 45 degrees from 2.5 metres height on the residential boundary to Sydney Street properties
- Set the height limit at 20 metres (6 stories) in the remainder of the area with a 12 metre height limit to Jackson Street and 45 degree recession plane up to 20 metres
- Set the height limit at properties fronting The Esplanade at 20 metres with a 10 metre set back including a tree planting frontage of 2.5 metres width
- Incentivise the provision of open space and street connections by allowing the equivalent floor area bonus additional height in the 20 metre height area up to a maximum height of 30 metres
- Recognise the prominent sites has having potential for taller buildings
- Use the Design Guidelines to encourage building height to generate positive urban quality outcomes

## (B) SITE COVERAGE

<b>KEY SUBMITTER POINTS</b>	
<b>Support</b>	-
<ul style="list-style-type: none"><li>No specific supporting submissions raise site coverage.</li></ul>	
<b>Oppose</b>	72 (one group submission of 27 people)
<ul style="list-style-type: none"><li>Plan change is inconsistent with Hutt City Council becoming a signatory of the Urban Design Protocol.</li><li>100% site coverage would not provide adequate car parking.</li><li>A better approach is the Christchurch example, which includes neighbourhood parks in areas with a number of multi-storey buildings.</li><li>The permitted site coverage of buildings should be revised to promote open spaces, parks and trees, recognise geotechnical risks posed by large developments, encourage safe walking</li><li>100% site coverage is far too permissive and would detract from the character and amenity values of the area (especially with any retail spaces allowed up to 10,000 m<sup>2</sup> and 10 stories high.</li><li>100% site coverage is detrimental to customer's shopping experiences along Jackson Street.</li><li>Object to 100% site coverage as the heritage character of Petone would be harmed by "outsized" buildings.</li><li>There is a need for less buildings and more open space, with permeable surfaces to allow rainwater penetration and to avoid further overloading the storm-water drainage systems.</li><li>The proposed 100% site coverage allowing no landscaping or green areas will detract from the heritage look of the area and turn Petone into "just another bland shopping centre".</li><li>100% site coverage would create an impersonal, unattractive, intimidating environment, exactly the opposite of what makes Petone a great place to live and visit.</li><li>The 100% site coverage rule appears to be at variance with the proposal to permit residential uses as a permitted activity. This rule does not acknowledge particular problems that rules would cause in narrower streets.</li><li>100% site coverage will create the cheapest possible development opportunities at the expense of the existing environment, businesses and community.</li><li>100% site coverage will encourage big box development.</li><li>100% site coverage does not take into account the small-scale and village feel of Petone.</li></ul>	
<b>Further submissions</b>	
<ul style="list-style-type: none"><li>Support for comments made by Stephen Shadwell in regards to proposed site coverage provisions having a negative impact on Nelson Street.</li></ul>	

## **RELIEF SOUGHT**

- Revise Site coverage to 60%.
- Reduce the permitted site coverage to allow for the provision of green spaces (landscaping).
- Significant reduction in permitted site coverage to allow for green spaces, shared community spaces and landscaping on street frontages of buildings.
- Site coverage reduced to allow for plenty of pedestrian access.

- Reduce the height limit to 12m where 100% site coverage is proposed,
- Allow for proportional height limit increases when site coverage is reduced.
- Include 10-15% green space.
- The proposed permitted site coverage of 100% reduced and coupled with requirements for green spaces and a lot of landscaping

## **Discussion– Site Coverage**

### **Background / Existing Provisions**

The current site coverage standard permits up to 100% site coverage in both the Petone Commercial Activity Area (Area 2) and General Business Activity Area. However, it is noted other District Plan requirements such as car parking and setbacks in some instances will reduce the actual site coverage achieved in many instances.

### **Issues with Existing Provisions**

#### Matching with the Vision and Development Trends

The Petone Vision Statement does not contain any specific direction around site coverage and development, apart from the need for the provision of open space amenity.

As outlined above for height, recent development has been a mix of commercial office, large format retail (LFR) and light industrial/service buildings. In terms of site coverage, most have been less than 100% to provide for on-site car parking, loading, manoeuvring and access. It is typical for a Large Format Retail (LFR) activity to have a relatively high ratio of parking space to floor area. For a supermarket this is often in the order of 4 to 5 parks per 100m<sup>2</sup> floor area and for a LFR like a Harvey Norman in the order of 2 or 3 parks per 100m<sup>2</sup> floor area. Although 'building' coverage has usually been less than 100% for more recent commercial development, much of the un-built area is represented as hard concrete or asphalt surfaces.

### **Proposed Provisions Explanation**

It is proposed to retain the 100% maximum site coverage standard. The basis for retaining this level of site coverage is to provide for the development of a mixed use area that can include multi-storey buildings, built to the front and side boundary so generating a more continuous street edge and to make efficient use of the land area. As noted above it is not a requirement to build at 100% but it is an option.

### **Issues Raised By Submitters**

The site coverage related issues raised by submitters are typically in reference to having less development and more open space. We note that other built form type rules such as height, open spaces provision, landscape treatment are addressed elsewhere in this report.

### **Analysis/Evaluation**

As outlined above for height, an overarching officer opinion on the matter of built form is that a very clear and strong signal is required on the overall quality of the area to ensure it is proactively transitioned from its current state towards a new condition to achieve the Petone vision. This outcome will require carefully considered District Plan provisions to achieve this quality and draw investment that will catalyse change in the direction sought by the Petone vision.

In respect of site coverage currently and proposed to be retained at 100%, the relief sought by submitters is a reduction to a lesser amount to allow for open spaces, greening (and including for stormwater management), parking and a lower scale of development which responds to the Petone character.

To assist in determining an appropriate permitted site coverage standard, consideration has been given to the effects on stormwater peaks and runoff water quality discharges, the benefits of open space to residential amenity, the Petone Vision, existing values and characteristics of the area,

economic considerations and recognised urban design principles and practice (including the NZ Urban Design Protocol).

### Stormwater Management

It is understood from Capacity that there are isolated stormwater capacity issues during high intensity rainfall events in Petone. It is also considered good practice to sustainably manage stormwater on-site as much as practicable. Any reduction in peak flows of stormwater will be a benefit to the current stormwater system and any water quality improvements to discharges (to the harbour) will also benefit to some extent. Given the variability and practicality of managing stormwater on site and the range of potential methods to achieve this, it is recommended that this matter be addressed within the Design Guidelines to enable the most practicable solution to be developed between Council and development proponents.

### Open Space

It is considered beneficial, although not essential, to have provision of open space within the area as it transitions to a mixed use environment. Different people will have different open space and recreational needs. People choosing to live in a mixed use area may be comfortable with less open space on site than those in suburban areas, but some may look to more shared open space resources for their recreational needs.

There is some open space provided for by the Petone foreshore and reserve as well as in the hills to the east. Other recreational resources nearby include Percy Scenic Reserve, Hikoikoi Reserve, McEvan Park, Shandon Golf Course, Memorial Park, Sladden Park, Ava Park, Petone Recreation Ground, Belmont Regional Park and land adjacent the Hutt River Trail.

The streets are also public open space, but the type of space that is required to enable a reasonable quality of living environment is the smaller park and urban courtyard/plaza spaces.

In the absence of any public commitment to provide for common public spaces such as a park, it is appropriate that they are provided for through development. These spaces will be most usefully public private or semi-private space (e.g. public in the day but closed at night). As recommended earlier in this report, it is recommended to incentivise open space provision on site through a floor area bonus. It is also recommended that the Design Guidelines include further provision in relation to on-site open space provision and quality of design.

It may be that in the longer term the Council can also use part of its financial/development contributions to supplement open space by providing a larger public space in the area. It is appropriate that Council defers any such commitment until such time as the transitional process to mixed use has occurred to some extent and it can understand the most appropriate location and scale of such space (or spaces). It is also important that larger spaces are functionally useful given the issue of weather influences.

It is important to recognise that not all open space is good – left over space or poorly sited open space can generate poor quality environments. It is not recommended to require specific size or reduction in site coverage (as it's a maximum), but to provide for the provision of open space on sites in conjunction with the building design. A small well designed and located open space in Petone that offers shelter (e.g. from wind), good sun access, trees for shade, and that feels safe and well used (i.e. it is appropriately sized to the level of use) will be better than a large poorly sited open space in terms of its amenity.

### Hazard

The ground shaking hazard area is discussed above in respect of the height rules. The advice of the geotechnical and engineering experts will need to inform the approach to site coverage as it will to height. It is recommended that site coverage remain at 100% within the hazard area, as providing the building design is appropriate for the seismic risk, there is no other basis to require it to be any less than the remainder of Petone West.

## OFFICER RECOMMENDATIONS

### SITE COVERAGE

The following are Hutt City Council officers/advisers recommendations on the submissions received for site coverage and amendments to the above PC29 provisions and other actions:

- Retain the current and proposed provisions for 100% site coverage.
- Incentivise the provision of on-site open space through the height rules
- Encourage through the Design Guidelines the design of on-site car parking to incorporate permeable surface and landscape treatment

## (C) BUILDING AND SITE DESIGN

### KEY SUBMITTER POINTS

#### Support

1

- Support Objective and Policies a(i) and a(ii) and (b) to (g) (5B 1.2.3).

#### Support in part

4

- Support Policies (a) to (d) (SB 1.1.3) but they do not go far enough. Should retain Policy 6A 1.1.2 which intends to protect public space on the foreshore.
- Support last two paragraphs under Explanations and Reasons (5B 1.2.3). However, there is a need for specific control through design guides near the boundary of existing residential areas, when height and other standards are exceeded.
- Support the intention of the Design Guide, but unsure of how a guide works in practice and wonders if it will set up a complicated system and expensive process.
- Not opposed to development per se in Petone West, but it must be of high quality design and fit in with the area.

#### Oppose

83 (one group submission of 26 people)

- Proposed change is inconsistent with Hutt City's becoming a signatory of the Urban Design Protocol.
- Petone should draw on overseas experience and learn the lessons of others to encourage 'green development'.
- Plan change is not supported by Boffa Miskell with respect to urban design.
- The proposed Design Guide should provide positive guidance to building owners and designers and provide a tool against which a proposed building's design qualities can be measured by Council planners.
- Provisions undermine the goals for the Lower Hutt CBD that has been set under the Making Places.
- Many of the policy statements are not "borne out in the proposed plan change as there are no requirements (to satisfy) any of these policies – so either the whole section needs to be deleted, or rules need to be amended to carry these policies through (5B 1.2.3).
- The plan change allows for residential development without adequate design quality including no open space requirement per unit or daylight or sunlight access to units.
- Provisions for residential development in the absence of quality controls, would allow for inner-city in-fill housing and a significant degradation of the character and attractiveness of the area.

Provisions will not be conducive to healthy living conditions for body and soul.

- The lack of quality design guidance and the absence of recreational/landscape options will diminish the amenity value of the foreshore.
- The lack of quality design guides is likely to result in poor-quality development lowering the value of the area.
- The design of new buildings would be driven by cost as they are built for business purposes and would therefore exclude many features that would enhance people's experience of the area.
- The Council should be sending out a clear message to potential developers that any buildings should meet the highest possible environmental standards.
- Requiring a 'design resource consent' for all development would match the aim of transforming this into an attractive and functional mixed use environment.
- "Encouraging" good design as will not lead to high quality design outcomes (5B 1.2.3 (Policy g)). Design "requirements" are to be mandatory to achieve high quality design outcomes.
- High probability that initial developments will be cheap structures which will not achieve the desired outcomes or enhance the amenity of the area (5B 1.1.3).
- Design code should include building design that allows multi-level buildings to become tsunami shelter zones, use of wooden cladding.
- Design guidelines are limited to main entrance and gateway routes, but should apply to all new building.
- Good design will prevent cheap and nasty buildings, and poor design adversely impacting on the look and feel of Petone and Lower Hutt.
- Without detailed design guidance it is highly debatable that the Council will achieve 'quality living spaces' as referred to in policy (c).
- Building design needs to incorporate adequate noise attenuation measures.
- The Rules do little to support the stated policies (e.g. 5B 1.2.3 (e) and (g)).
- Object to Rule 5B 2.2.1.1(d) (i) as it implies that retail buildings will occur here, when other commercial activities are also allowed. Commercial buildings do not require display windows.
- Do not support Policy (5B 1.2.3).a(iii) – Jackson Street frontages
- Building to the front boundary and display windows is a standard urban design approach to retail areas, and is not necessarily appropriate for Petone. Given the emphasis on retaining the character of the historic Jackson Street precinct, a different approach may be desirable.
- The display window requirement is onerous for a mixed use area and is not necessarily desirable.
- Verandahs are irrelevant as this part of Jackson Street does not have foot traffic like the historical part of Jackson Street (5B 2.2.1.1 (d)).
- Any provision for weather protection in any new development beyond Victoria Street is questionable. The provision is unlikely to promote and at best will deliver a small section of cover to isolated pockets of new development.
- Verandahs should be provided by the Council. If verandahs are to be provided by developers, they should not be used to create additional net lettable areas for the floors above. Council needs to safeguard the public air space between the site boundary and street roadway.
- Unclear what is meant by the paragraph "for sites fronting... of the central area". The term 'public environment' needs to be explained (5B 1.2.3).
- With the retention of the existing floor space restrictions, there is no need for a specified frontage width.
- Rules 5B 2.2.2 (b) and 2.2.2.1 (b) need to add additional considerations such as relationships to



existing buildings, streets, open spaces, residential areas and impacts on views to and from the area.

- Modify Rules 5B 2.2.2 (b) and 2.2.2.1 (b) to encompass all buildings in the zone which do not meet the conditions (i.e. all buildings above 8m adjoining residential areas or urupa or above 10m elsewhere in the zone)
- Cross-reference Rules 5B 2.2.2 (b) and 2.2.2.1 (b) to controlled activity provisions, for where a building includes residential activities.
- Rules 6A 2.3 (c) and 6A 2.3.1 (c) should support an attractive, safe, liveable environment and should be retained.
- The rule regarding design of buildings along The Esplanade is obscure and “impossible to interpret”.

#### **Further submissions**

- Support submission made by Petone Historical Society and considers that Petone has a character that needs to be protected.
- Support submission made by Alex Edmonds which opposes the lack of design guidelines. As a result of this, the unique feel of Petone as a heritage village could change.

### **RELIEF SOUGHT**

- As a minimum, the appropriate Design Guidelines from the CBD should be strengthened and be mandatory.
- A comprehensive master plan is essential.
- Apply the best of both guidelines of CBD’s and include the findings of the urban design guideline results that Boffa Miskell previously reported on.
- Need to incorporate the seven qualities for well-designed, safer places as in the CPTED (crime prevention through environmental design).
- There should be a greater obligation on property owners, developers, builders and designers to follow the guidelines in the Petone Mixed Use Area – Design Guide.
- Much more compliance with the Wellington Regional Strategy expectation of quality urban form and design – as a city that looks good, feels safe and is easy to get around attracts economic growth.
- Greater minimum design specification
- Bring in controls and design guidance that ensure that future residents have access to adequate living conditions in all types of residential development
- New buildings need design guidelines and strategic future proofing and quality building design for all generations.
- Clear design guideline for all new buildings across the entire proposed zone that includes the provision of outdoor areas for each residential apartment and access to sunlight ensured.
- Guidelines must ensure that future buildings are designed in a manner which is respectful to the character of Petone and ensures that there is a high quality entrance route to the Hutt Valley.
- Design guidelines should ensure the safety of local workers and residents is paramount.
- Design guide should require the provision of open space around buildings and small parks.
- Design guidelines need to be green.
- Design guidelines should interact with the Harbour and the Esplanade.
- A plan change that will offer excellent guidelines and positive direction for Petone and protection

of Wellington Harbour.

- The plan change needs to draw more heavily on the principles of the NZ Urban Design Strategy and Te Aranga Maori Cultural Landscape Design Strategy.
- Design guidelines which are compatible with the fresh, emerging character of Petone.
- Environmentally sustainable design guidelines/requirements for all new buildings across the entire proposed zone that have the provision of outdoor areas/space.
- Consistent design throughout the Jackson St, Hutt Road and The Esplanade, Petone. Ideally the design will be in keeping with the special village culture that has been fostered from the Jackson St Heritage Area.
- All building proposals must follow ecological principles and be built to the highest possible standards in an environmentally sustainable manner, and which will date and grow old gracefully.
- Any buildings within the existing Earthquake fault boundaries should be of acceptable design and subject to the same stringent conditions specified for the construction of the Harvey Norman building in Rutherford Street, Lower Hutt
- Add a new policy to that in addition to control over building design for taller buildings, residential activities in all buildings will be subject to a design guide.
- Amend Policy to “require” well designed buildings instead of “encourage”.
- Retain Policy 6A 1.1.2
- Retain Rule 5B 1.2.2 unchanged.
- Modify the last part of the Objective to read “on the Jackson Street Area 1 frontage” (5B 1.2.2)
- Delete words “and encourage circulation” in the Explanation and Reasons, as this is “meaningless verbiage” (5B 1.2.2).
- Delete Policy 5B 1.2.3 (a) (iii)
- Add a new policy to provide that buildings over 10m will be subject to a design review and consideration in terms of location, relation to other buildings exceeding 10m in height, visual impact, open space and views, relationship to nearby residential activity area and management of natural hazards risk.
- Add a new policy to say that building over 10m may be appropriate in this area, subject to management of their effects on the wider environment.
- Add a new policy to that in addition to control over building design for taller building, residential activities in all buildings will be subject to a design guide.
- Alter the wording of Rule 5B 2.2.1.1 (d) (i) to read: All buildings should be built to the front boundary of the site and delete the following text (and have display windows along the frontage. The ground floor façade surface shall have a minimum of 60% transparent glass display windows.)
- Delete Amendment 12.
- Delete requirement in 5B 2.2.1.1 (d) (i) for display windows, or reduce % requirement.
- Delete whole of 5B 2.2.1.1. (d) (ii).
- Retain Rules 6A 2.3 (c) and 6A 2.3.1 (c).
- A minimum size of 70m<sup>2</sup> per unit.

## **Discussion– Building and Site Design**

### **Background / Existing Provisions**

The current District Plan has limited 'Design Guideline' type provisions in relation to the design of new development in the PC29 area. There is provision in relation to the 'gateways' and also for Jackson Street's older character frontage area. Design Guidelines apply also to Jackson Street for the area east of Victoria Street (i.e. these do not apply to the PC29 area). There are also comprehensive Design Guidelines that apply in the Hutt City Central Area.

### **Issues with Existing Provisions**

#### **Matching with the Vision**

The Petone Vision seeks a range of overall amenity improvements and retention of Petone's positive characteristics. For the area to transition to a quality environment then the design of development needs to be good to ensure that it becomes a positive change and that momentum for that change is generated. The concept of design guidance has also been introduced to the Hutt City Central Area where a comprehensive design guide has been prepared and is now operative.

Other aspects of these provisions covered in this section of the report address rules in relation to the street frontage design for Jackson Street and the issue here is seeking to ensure that the redevelopment over time of the Jackson Street frontage creates a good walking and retail environment to extend the street character to the railway station. The current development occurring there is typically open car parking or has no built edge relationship to the street. The recently consented Countdown Supermarket repeats this format of car parking frontages to Jackson Street, but has added smaller retail units to the back of the car parking area similar to standard larger format retail.

### **Proposed Provisions Explanation**

The proposed provisions amend objectives, policy and rules for building design. The provisions are to some extent seeking to simplify the plan direction recognising that the three different zones that have applied there (General Business and Petone Commercial 1 and 2) have sought to be rationalised. The proposed provisions also introduce a limited design guide and rules that only apply to sites with frontages to Jackson Street, Hutt Road and The Esplanade.

### **Issues Raised by Submitters**

The issues raised by submitters on design quality provisions are extensive and cover policy framework, rules and Design Guideline matters. The submitters seek more comprehensive content for the Design Guidelines and changes to the policy framework and rules as they relate to the application of these guidelines.

### **Analysis / Evaluation**

The principal issue raised under this heading is the lack of any design management to ensure that a reasonable quality of development occurs in the transition to mixed use. As noted previously it is recommended to increase the Design Guideline content to cover a larger range of matters.

It is recommended to align as far as appropriate the Petone guidelines to those that were developed for the Hutt City Central Area such that there is a consistent approach to managing design quality. There are some different points of focus required at Petone, but in general the guidelines will be the same where applicable. Consistency between the guidelines also allows for efficient administration and makes the design process easier for developers and their design teams many of whom will be operating across the city and in both the Central Area and Petone.

Reference should be made to the recommended Design Guidelines for the content changes (see Appendix).

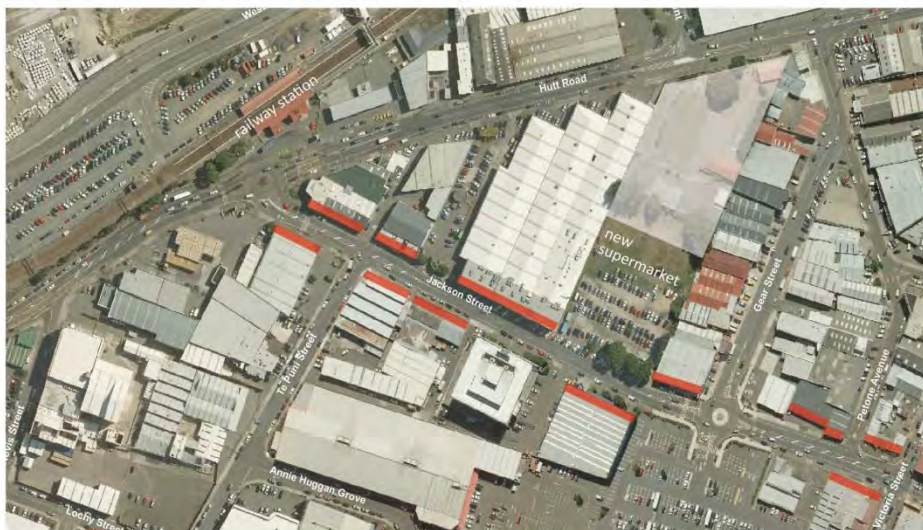
The Design Guidelines are recommended to apply to all building development in the Petone West plan change area and be applied through a consenting process. Applicants will be required to provide a design statement to address how the proposal satisfies the guidelines. Applicants will be encouraged to liaise with Council from the very earliest points of the design process to ensure that Council's expectations for development and the developer's aspirations are mutually understood. There are several matters of detail in the submissions which are addressed below.

## Te Aranga Maori Cultural Landscape Strategy (2008)

This strategy is acknowledged and will be recognised and provided for within the guidelines described above. The relationship of development and its design to the cultural landscape of both the Petone West area and its broader context will require appropriate consideration of the strategies aims.

### Frontages to Jackson Street

Several submissions question the requirements for buildings to 'front' to Jackson Street (i.e. between Victoria Street and Hutt Road) and for these to have display windows/and or canopy over. Although it is acknowledged that currently there are only some buildings with this 'built' street edge relationship (i.e. buildings are built to the footpath boundary or close to it) (refer to Figure 11) the potential remains and is generally achievable.



Jackson Street has some existing 'built edge' (represented by the red lines) which have a range of conditions from blank walls, small set backs and a few glazed shop fronts. One building is set at a different level (Racing Conference) and another is open at its edges (ie canopy only at service station on corner Gear Street). The new supermarket is also noted - this is built back from the street edge.

Figure 11: Jackson Street frontages

The benefit of this arrangement is that Jackson Street can become more pleasant for walking and connect what will be a growth area in Petone West to the existing Jackson Street traditional mainstreet to the benefit of businesses located there. In order for this to be successful, the frontage will also need to be relatively continuous.

Economically, there is likely to be interest in the opportunities here given the good level of passing traffic and the relatively slow speed environment that the street environment generates. It is also where there are high levels of activity currently generated by the supermarket and other LFR.

Although intermittent, there are buildings along this street section that already front to the street edge. The frontage length of Jackson Street is in the order of 450 metres from Hutt Road to Victoria Street. There is approximately 185 metres of building on the street frontage on both the north and south side of the street currently. There are large gaps where future development built to the street edge is possible.

It is recommended that the provisions continue to require that buildings built to street edge incorporate display windows to prevent blank walls which will detract from the quality of the streetscape.

### Master Plan

Although a master plan would enable the vision to be more comprehensively expressed in spatial terms, the use of this urban planning tool is unlikely to be effective at this time in Petone West. To be effective all of the existing (and there are multiple) owners will need to be prepared to commit to a lengthy process of design and very definitive design outcomes. It is considered that at this time there are many variables that cannot be accommodated within a master plan and it is more effective to provide some flexibility through the District Plan provisions and guidelines.

## OFFICER RECOMMENDATIONS

### BUILDING AND SITE DESIGN

The following are Hutt City Council officers/advisers recommendations on the submissions received for site coverage and amendments to the above PC29 provisions and other actions:

- Require resource consent for all buildings and additions to buildings for entire plan change area and subject to assessment against the Design Guidelines.
- Develop the Design Guidelines to provide for a more comprehensive set of guidance of a similar nature to that which applies in the Hutt City Central Area.

## (D) LANDSCAPE TREATMENT

### KEY SUBMITTER POINTS

<b>Support</b>	1
▪ Support the deletion of parts of Rule 5B 2.2.1.1 (d)	
<b>Support in part</b>	1
▪ Residential and commercial development along The Esplanade includes some form of landscaping. This has a number of benefits.	
<b>Oppose</b>	21
▪ Explanation and Reasons (SB 1.1.3) identifies a deficiency in plan provisions in relation to landscaping.	
▪ There needs to be a lot more landscaping requirements, especially on the main routes and within the 10m setback on The Esplanade.	
▪ Add new rule that indicates where setbacks are required, or at least 30% of the area shall be planted and maintained with trees which will reach a mature height of at least 5 metres, or similar.	
▪ Landscaping requirements, including setbacks from streets, should form part of the Design Guidelines. These guidelines should also include Community Protection through Environmental Design.	
▪ Amendment 13 deletes all reference to a landscaping plan.	
▪ The removal of the requirements to landscape car park areas adjacent to roads (Rule 5B 2.2.1.1 (d)).	
▪ The wording of rule 5B 2.2.1.1 (e) (ii) is unclear about what the maximum surface and ground level site frontage requirements are for Jackson Street, Hutt Road and The Esplanade. It appears that you could have 100% of the frontage of a site on these roads covered by parking, which is contrary to the desired outcome of the design guidelines. Further clarification on this matter is required.	
▪ The current Design Guide is not adequate and landscaping should be expected for every development.	
▪ The lack of encouragement of urban parks and landscaping, will result in poor-quality development.	
▪ More emphasis and inclusion of green spaces in the area as a whole (such as a park or outdoor community space) and on individual sites	
▪ Landscaping and building setback should be required.	

- The plan change has a lack of quality guidelines, including setbacks, especially on The Esplanade. This would result in poor-quality development with no urban parks or landscaping.
- Open spaces and landscaping can improve the attractiveness of areas.
- Existing Section 5B 1.2.3 should be retained.
- Larger car parks must incorporate high quality landscaping, minimise tarmac and storm-water impacts.
- Landscaping and green space requirements are required to create a pleasant look and feel.

## RELIEF SOUGHT

- Remove the statement *“There is no landscaping requirement, however, landscaping may enhance the character of the site”*, and require landscaping be providing to The Esplanade gateway route
- Alter the final sentence under The Esplanade to say that development in this area will be required to have a setback and to provide landscaping to enhance the character and quality of development (SB 1.1.3).
- Add new rule that indicates where setbacks are required, or at least 30% of the area shall be planted and maintained with trees which will reach a mature height of at least 5 metres, or similar
- Revise Amendment 13 to compliment the requirements of Amendment 21.
- Retain the requirement to landscape or screen car parks adjoining roads (Rule 5B 2.2.1.1 (d)).
- The provision of green spaces and a lot of landscaping.
- Some land/space put aside for a community area that could be developed into a park or some kind of outdoor community space.
- Set rules for landscaping and setback.
- Plan for more landscaping.
- Include landscaping requirements in the setback area and recession plans for new buildings abutting urupa.
- Require landscaping of car parking areas. Include landscaping and storm water management in the design guideline for the whole area.
- Retain Section 5B 1.2.3 and require landscaping of car parks.
- That a 6m setback and landscaping provision together with recession plan are in place for The Esplanade.

## Discussion– Landscape Treatment

### **Background / Existing Provisions**

The current District Plan has limited provision for landscaping. There is some provision of landscaping in relation to car parking areas and it is deliberately required to be minimised on The Esplanade.

### **Issues with Existing Provisions**

#### Matching with the Vision

The Petone Vision seeks a range of overall amenity improvements and retention of Petone’s positive characteristics. For the area to transition to a quality environment then the design of development needs to be good to ensure that it becomes a positive change and that momentum for that change is

generated. The concept of design guidance has also been introduced to the Hutt Central Area where a comprehensive design guide has been prepared and is now operative.

#### The Esplanade

The form of development on the Esplanade needs to better reflect the environment and form of development that has occurred in recent times.

#### Consistency

The use of Design Guidelines as similar to the Hutt Central Area is considered appropriate to ensure that there is a consistent approach to the quality of urban design in the city.

#### **Proposed Provisions Explanation**

The proposed provisions amend objectives, policy and rules. The policies and objectives remove reference to landscaping as well as the rule requiring 5% of the carparking area to be landscaped. The proposed provisions introduce a limited design guide and rules that address the street frontage at Jackson Street, Hutt Road and The Esplanade.

#### **Issues Raised by Submitters**

A large number of the submissions focus on the need for more provision for landscape treatment and design to be included in the Design Guidelines.

#### **Analysis / Evaluation**

It is noted that landscape treatment must be sufficiently 'robust' and meaningful in scale to make a difference in this largely commercial/industrial area. In terms of landscape treatment which is not associated with an open space park (as discussed earlier) then there are several locations this is typically provided. These are (a) in streets themselves through street tree planting and berms; (b) in open at grade parking areas; (c) on site as a frontage treatment for example; and (d) greening of buildings themselves (green roofs/walls, balconies, plaza etc).

In terms of street tree planting it is recommended that this be subject to a long term strategy by Council as part of its asset planning. The recommended Design Guidelines do identify some typical street 'types' which could apply and will be used to guide design for floor area bonus considerations. However, for many of the streets in Petone West the current uses which involve large vehicles and outside movements of goods would potentially be incompatible with street trees.

It is recommended through the application of the Design Guidelines that parking areas (i.e. at grade/surface) are treated to create a landscape which is both more permeable in part (for stormwater runoff reduction) as well as greener in the sense of a tree 'structure' through street tree scale plantings. These will mature over time and provide a scale which makes these more 'comfortable' places for people walking through and visually reduces the 'hardness' of open asphalt surfaces.

It is also recommended to require a good scale street tree frontage to The Esplanade to address the specific conditions there, but planting frontages (except in relation to car parking areas are not expected).

In terms of the greening of buildings themselves this is also addressed in the recommended Design Guidelines.

### **OFFICER RECOMMENDATIONS**

#### **LANDSCAPE TREATMENT**

The following are Hutt City Council officers/advisers recommendations on the submissions received for this topic/issue and amendments to the above PC29 provisions and other actions:

- Add a landscape treatment requirement for open at grade carparks and along The Esplanade frontage.
- Incentivise the provision of open space and street connections by allowing the equivalent floor space in the 20 metre height area.

- Use the Design Guidelines to encourage quality open space provision in the form of landscape design for parking areas and The Esplanade frontage including stormwater low impact design.

## (E) MAIN ENTRANCES / GATEWAYS

### KEY SUBMITTER POINTS

#### Support in part

1

- Support Policies (a) to (d) (SB 1.1.3) but they do not go far enough. Should retain Policy 6A 1.1.2 which intends to protect public space on the foreshore.

#### Oppose

23

- A better definition/description needs to be given of the identity of the main entrance and gateway routes, referred to in Policy (a) (SB 1.1.3)
- Concern that design guidelines will not achieve the stated objectives. Disconnect between objective and policies and associated rules and standards in recognising and enhancing the image and visual appearance of the main entrances and gateways (SB 1.1.3).
- Explanation and Reasons (SB 1.1.3) identifies a deficiency in plan provisions in relation to landscaping.
- More encouragement is required for small retail and cafes along the Esplanade, to support local residents there and visitors to the beach, rather than focusing small retail solely along Jackson Street.
- There is little definition and detail as to what constitutes 'high quality' and requirements appear to be limited to the main entrance way, whilst omitting the minor streets requiring high quality development (SB 1.1.3).
- No green spaces or ecological corridors have been encouraged, in order to become a high quality mixed use space, outdoor areas and open public areas are essential for healthy vibrant places to live, work and visit (SB 1.1.3).
- Proposed height provisions along the gateway routes are concerning.
- 100% site coverage promotes development which is inconsistent with existing development along the gateway route (which is one of the most important in the region).
- As the plan change emphasises the importance of gate way routes, it also seems important to retain the requirement for notification (5B 2.2.2 (b) and (c)).
- New Main Entrance and Gateways Routes Map appears to extend the Jackson Street Main Entrance Route into the Petone Commercial Activity Area 1, where it would have no effect.
- Provision 6A 1.1.2 needs to include Petone Esplanade.
- There is also a lack of recognition of the Esplanade as a gateway entrance.
- The permitted height and site coverage could lead to the western entrance to Petone becoming a 'canyon', which detracts from the heritage appearance of Jackson Street.
- Given the importance of this area as an entrance route to the Hutt Valley, and to ensure consistency throughout the District Plan, design guidelines should be developed for properties south of Jackson Street.
- The plan change should acknowledge the 'gateway' (of Petone) and provide an attractive, softened, green entrance to invite people along The Esplanade.
- Concern that provisions regarding height and setback would not provide an appropriate open quality for the entrance ways of Petone.



## RELIEF SOUGHT

- Retain Policy 6A 1.1.2
- Amend Policy (a) (5B 1.1.3) to reflect that entrance and gateway routes have different requirements.
- Add “visual attractiveness” to policy (b) (5B 1.1.3).
- Add reference to the need for larger buildings to also be managed to enhance their relationship with each other in these areas (5B 1.1.3).
- Alter the final sentence under The Esplanade to say that development in this area will be required to have a setback and to provide landscaping to enhance the character and quality of development (5B 1.1.3).
- Plan amendment which better encourage The Esplanade Strip properties to cater to visitors and local users of the waterfront area.
- Rezoning should be restricted initially to encourage mixed use development around the transportation node and entrance ways.
- Limit building heights on Jackson Street and ensure that building scale on The Esplanade enhance the foreshore’s setting.
- Delete Rules 5B 2.2.2 (b) and (c).
- Limit the Jackson Street Main Entrance Route in the New Main Entrance and Gateways Routes Map to the frontage which is actually in the Petone Commercial Activity Area 2.
- Ensure New Main Entrance and Gateways Routes Map shows all street – currently Petone Avenue is obscured.
- Only development sympathetic to the Petone Esplanade is permitted by retaining the current provisions.
- Guidelines must ensure that future buildings are designed in a manner which is respectful to the character of Petone and ensures that there is a high quality entrance route to the Hutt Valley.
- Council should take this opportunity to create a wonderful, progressive entrance to Petone and the Hutt, that will take Petone forward in a positive direction that is beneficial for the whole area and withdraw their support for this proposed plan change.
- Recognition that this is a key Gateway to the city and ensures that green space, good design and a transition from shoreline and transport links is paramount in these focal entranceways.

### **Discussion– Main Entrances / Gateways**

#### **Background / Existing Provisions**

The current District Plan has some recognition of gateway routes in its policy and in the provisions in relation to design of buildings at these locations.

#### **Issues with Existing Provisions**

##### Matching with the Vision

The Petone Vision seeks a range of overall amenity improvements and retention of Petone positive characteristics. Although the significance of gateway locations remains, the quality of all development needs to improve if the area is to transition to a quality environment. The concept of design guidance has also been introduced to the Hutt Central Area where a comprehensive design guide has been prepared and is now operative.

## Consistency

The use of Design Guidelines as similar to the Hutt Central Area is considered appropriate to ensure that there is a consistent approach to the quality of urban design in the city.

### **Proposed Provisions Explanation**

The proposed provisions amend objectives, policy, and rules for the main gateway/entrances. The policies and objectives are to some extent seeking to simplify the plan direction recognising that the three different zones that have applied there (General Business and Petone Commercial 1 and 2) have sought to be rationalised. The main gateway/entrances provisions have been moved from the General Business Activity Area Chapter to the Petone Commercial Activity Area Chapter as well as changes to the wording. The proposed provisions also introduce a limited design guide and rules that address the street frontage at Jackson Street, Hutt Road and The Esplanade (i.e. the main gateways/entrances).

### **Issues Raised by Submitters**

The issues raised by submitters on design quality provisions are extensive and cover policy and objectives as well as rules. The submitters seek more comprehensive content for the Design Guidelines and change to rules as they relate to the application of these guidelines. A large number of the submissions focus on the need for more provision for the key entrance areas to the city and to manage the scale and design of development here to recognise the visibility and the significance to the perception of the city as a whole.

### **Analysis / Evaluation**

The Petone West area is spatially at an important 'landmark point' where the valley transitions to the harbour. The movement networks converge at this place too and thus it is both visible across the harbour from as far away as Wellington City and Eastbourne, as well as from the highway network.

Accordingly this visibility means that there is an important role for Petone West 's built form to play in the way people 'see' the Hutt Valley, the sense of arrival (or departure), and in the provision of the visual 'clues' as to main entrance points for those seeking to access Petone and its amenities.

The key sites which are 'gateways' have been identified in the Design Guidelines and these will be provided for in the design of buildings to reflect their status as such. This recognition may include provision for extra height to signal the importance of the point, or in the way the building design responds to what are typically corner sites that will usually be seen on at least two sides.

The Esplanade itself is recognised as a linear interface between the harbour and Petone and presents a series of gateway movements along its length. The recommended treatment of The Esplanade is addressed previously in this report.

It is noted that with the aim of transitioning Petone West to a higher quality mixed use environment that the previous focus on addressing only the quality of the gateways and entrances has changed. It is now recommended that the quality of outcomes sought from design for all the plan change area be increased. This is recommended to be achieved through the recommended Design Guidelines.

## **OFFICER RECOMMENDATIONS**

### **MAIN ENTRANCES / GATEWAYS**

The following are Hutt City Council officers/advisers recommendations on the submissions received for this topic/issue and amendments to the above PC29 provisions and other actions:

- Set the height limit at properties fronting The Esplanade at 20 metres with a 10 metre set back including a street tree planting frontage of 2.5 metres width
- Incentivise the provision of open space and street connections by allowing the equivalent floor area bonus additional height in the 20 metre height area up to a maximum of 30 metres
- Recognise the prominent sites as having potential for taller buildings

Use the Design Guidelines to encourage building height to generate positive urban quality outcomes

(F) WIND

KEY SUBMITTER POINTS	
<b>Support</b>	1
<ul style="list-style-type: none"><li>Use of wind rules.</li></ul>	
<b>Support in part</b>	1
<ul style="list-style-type: none"><li>It may be more appropriate to bundle Amendment 22 requiring a wind report for all buildings above 10m and that they be subject to design control as at least a restricted discretionary activity.</li></ul>	
<b>Oppose</b>	13 (one group submission of 8 people)
<ul style="list-style-type: none"><li>Wind rules need to apply to all buildings above 10m.</li><li>High rise buildings will create wind tunnels.</li><li>Petone should have specific guidelines for all buildings and structures to ensure that there are no adverse outcomes in terms of shadow and wind effects. There is no overall or cumulative wind rule. Tall buildings could alter wind effects of adjacent buildings, leading to non-compliance with wind standards. Mitigating cumulative effects is difficult.</li><li>100% site coverage will exacerbate wind issues.</li><li>The scale of 3 or 4 storey buildings are of the 'human scale' appropriate in a windy climate, and a good fit for Petone.</li><li>There should be no retail permitted on The Esplanade due to wind.</li><li>Rules 5B 2.2.2 (b) and 2.2.2.1 (b) could be expanded in relation to the requirement for a wind report.</li></ul>	

RELIEF SOUGHT
<ul style="list-style-type: none"><li>Amend Rules 5B 2.2.2 (c) and 2.2.2.1 (c) by changing the reference of 12m to 10m.</li><li>Consider bundling with an expanded Amendment 22 context.</li><li>Ensure no more wind tunnels are created in this very exposed suburb.</li><li>Development should be limited to low-rise buildings no more than 12m high, and be designed to moderate the effects of wind</li></ul>

**Discussion– Wind**

**Background / Existing Provisions**

The current District Plan has provision for managing wind in the Esplanade West Area.

**Issues with Existing Provisions**

Matching with the Vision

The Petone Vision seeks a range of overall amenity improvements and retention of Petone positive characteristics. For the whole of the area to transition to a quality environment then the design of development needs to be good at all locations to ensure that it becomes a positive change and that momentum for that change is generated. Applying wind management provisions across the area as a whole is thus important.

### Consistency

The use of consistent and workable wind provisions for both the Central Area and Petone is considered appropriate given the scale of development proposed and the similar objectives sought in terms of public space amenity.

### Effectiveness

The wind provisions in the General Business Activity Area are somewhat ineffective for technical reasons. The plan change provides an opportunity to address this situation. The plan change also represents an effective response to known high levels of wind in the plan change area. Land to the south of Jackson Street in the plan change area is identified as a Very High Wind Zone in accordance with NZS 3604.

### **Proposed Provisions Explanation**

The proposed provisions (as notified) amend the rules as they apply to wind and submitters have responded as described above. The existing wind provisions in the General Business Activity Area are proposed to be removed as they would become redundant (i.e. no buildings over 12m are permitted) and new rules are proposed to be added to the Petone Commercial Activity Area - Area 2 which match the rules applied in the Central Commercial Activity Area. The provisions proposed are intended to make wind rule consistent with those elsewhere in the city and address functional issues with those.

### **Issues Raised by Submitters**

The issues raised by submitters on wind provisions are limited to those rules and typically thresholds where the wind rules apply in terms of heights.

### **Analysis / Evaluation**

The context of Petone West is such that high speed and general blustery winds are frequently experienced – both from the south (cold) and the north west (most common). With the transition to a more residential and mixed use environment the quality of the outdoor public space (i.e. streets and other open spaces) is an important consideration and one affected by wind speed. It is not practicable to eliminate wind, but building and open space design can be managed to reduce dangerous wind speeds at ground level. Wind issues are more likely to occur where there are differential buildings heights and this is a likely circumstance as Petone West transitions from its low heights to more frequent taller buildings. Accordingly it is recommended that the provisions that apply to the Hutt City Central Area be similarly applied in Petone West. This is a set of provisions which are also consistent with those which apply in Wellington City.

## **OFFICER RECOMMENDATIONS**

### **WIND**

The following are Hutt City Council officers/advisers recommendations on the submissions received for this topic/issue and amendments to the above PC29 provisions and other actions:

- Apply the wind provisions to Petone West as they apply to the Hutt City Central Area
- Use the Design Guidelines to encourage building design to address wind issues in Petone West.

## **(G) ON-SITE AMENITY (RESIDENTIAL ACTIVITY)**

### **KEY SUBMITTER POINTS**

<b>Support in part</b>	1
▪ The plan area is a suitable location for high-density mixed land use with a high-density mixed land use with a high residential component	
<b>Oppose</b>	47 (one group submission of 12 people)

- The wording of rule 5B 2.2.1.1 (f) (vi) is inconsistent as the first part seek 5% of the car parking area to be landscaped, whilst the second part seeks landscaping of car parking areas adjoining residential areas or fronting roads. Limiting landscaping to 5% would prevent the amount of landscaping sought.
- Rule 5B 2.2.1.1 (f) (vii) would allow for retail activities as a permitted activity, the hours of operation need to be limited in sites adjoining residential areas as this would detract from the amenity values of residential areas.
- Time restrictions from Rule 5B2.2.1.1 (f) (vii) may impact on genuine activities people might expect in a mixed use area such as a bakery and restaurant.
- Opposed to Rule 5B 2.2.1.1 (e) (iii) as:
  - Properties on the eastern side of Sydney Street are generally built to 3.0m clear of the rear boundary.
  - These properties were built prior to the existing requirement for an 8m setback.
  - Many of the sites have a 5m front yard for packing purposes.
  - An 8m rear yard requirement, reduces the maximum building length from approximately 22m at present to 17.0m, reducing the value and use of these sites
  - The suggested reduction in the rear yard setback would lead to no physical changes for buildings abutting adjoining residential land, given the existing pattern of a 3m setback.
- The Western end of Petone should have a focus on residential accommodation. Petone has a shortage of modern buildings that suit the lifestyles of younger working people.
- The plan change allows for residential development without adequate design quality including no open space requirement per unit or daylight or sunlight access to units.
- Provisions for residential development in the absence of quality controls, would allow for inner-city in-fill housing and a significant degradation of the character and attractiveness of the area. Provisions will not be conducive to healthy living conditions for body and soul.
- Allowance for residential developments with no outdoor areas will increase population and put increased pressures on existing infrastructure.
- Mixed use must be of high quality design and mainly involve residential and commercial development, rather than retail (or small retail) development.
- A lack of open spaces and neighbourhood parks will not encourage residential development.
- The plan change will seriously compromise residential amenities through being able to build 30m structures on residential boundaries which will eliminate afternoon sun. Further the plan change will transform residential areas from an attractive residential neighbourhood, into an area that has a large commercial/industrial structure looming over it.
- A height of 30m and 100% site coverage would detrimentally affect neighbouring residential properties.
- It is important that all residential areas in Petone have some outdoor area. Green and garden areas must be planned in any group housing complex.
- The proposed retail rules will destroy the current balance of retail, residential and commercial activities that makes up the unique character of Petone.
- 30m buildings should be setback from sites at present zoned as residential.
- Consolidates uses which can have adverse effects, in an area generally clear of residential dwellings.
- There is a lack of control on the location and design of new residential developments.
- It is important that the objectives and policies recognise that a lower level of residential amenity is expected in this zone, when compared to traditional suburban residential zones.
- There is an unrealistic expectation that the reverse sensitivity issues which are likely to arise when residential uses are mixed with existing light industrial uses, can be effectively mitigated

on-site.

- There is a lack of any control on the location and design of new residential developments.
- The plan change does not provide for the protection of residential properties. Existing residential properties would be adversely affected by very high buildings situated even a couple of streets away (especially residents on Nelson, Fitzherbert and Sydney Street). Problems include:
  - Overlooking of backyards;
  - Light and noise pollution;
  - On-street car parking
- Solar optimum allowances similar to those in general residential zones are necessary to create pleasant living spaces, and attract good quality owners and tenants.

## RELIEF SOUGHT

- Amend Rule 5B 2.2.1.1 (f) (vii) as follows:

(vi) ~~(v) At least 5% of car parking areas not contained within buildings must be landscaped. Areas within the car parking area and areas adjoining residential areas and/or fronting roads must be landscaped~~ A landscaping strip with a width of no less than 1m shall be provided along any boundaries which front the road (except where a vehicle crossing is required), or are shared with a Residential Activity Area. In addition, at least 5% of any on-site car parking areas must be landscaped".
- Addition of a new Rule 5B 2.2.1.1 (f) (vi) (a) to read:

Where a site abuts a Residential Activity Area retail activities (including licensed premises) shall not operate between the hours of 10pm and 7am.
- Amend Rule 5B 2.2.1.1 (f) to refer to 8m.
- Amend Rule 5B 2.2.1.1 (e)(iii) by reducing the rear yard requirements to be reduced to 3.0m
- Height is an issue as it will affect sunlight access for residential properties.
- Reject the plan change and bring in controls and design guidance that ensure that future residents have access to adequate living conditions in all types of residential development.
- A minimum size of 70m<sup>2</sup> per unit.
- Clear design guideline for all new buildings across all of the proposed zone that includes the provision of outdoor areas for each residential apartment and access to sunlight ensured
- Residential properties be sited close to already existing properties.
- Requirement for green spaces and a restriction on building heights in streets adjacent to residential areas.
- The setback of such buildings (buildings up to 30m height) from existing residential sites.
- Allow more parking for residential apartments.
- Residential plans are made with a wider view of Petone, which includes plans for preschool, school, 'elderly' facilities and green space.
- Ensure the rules adequately address the issue of reverse sensitivity to provide for the continuation of existing business and the provision of adequate (amenity) of any new residential activities.
- The following change to 5B 1.1.2 (j):
  - add the words while recognising that amenity values in Zone are lower than in suburban Residential Zones to Policy (a).
  - Add new policy (i) that reads Residential development should be managed, designed and

located so as to avoid or mitigate any potential reverse sensitivity effects on existing commercial development in the locality.

- Add a new paragraph under points (a) to (d) Explanations and Reasons which reads: For mixed use areas with a business and residential activity mix to work well, compatibility issues need to be managed. These issues arise between different forms of development (bulk/scale) and also in relation to the effects of certain activities (noise, glare, emissions, parking). The zone's provisions are designed to manage these issues while recognising that a mixed use residential/business environment offers a different lifestyle than that found in a suburban residential or business area.
- Controls and design guidance that ensures that future residents have access to adequate living conditions and outdoor area in all types of residential development.
- Make residential and education facilities unlikely in the high hazard area.
- Prioritise intensive residential development near Petone railway station
- Inclusion of residential amenity around buildings.
- Design control for all residential activities in Area 2.

## **Discussion– On-Site Amenity (Residential Activity)**

### **Background / Existing Provisions**

The current District Plan has limited provision for on-site amenity associated for example with residential development. There is provision for the interface with the residential areas on Sydney Street.

### **Issues with Existing Provisions**

#### Matching with the Vision

The Petone Vision seeks a range of overall amenity improvements and retention of Petone is positive characteristics. For the area to transition to a quality environment then the design of development needs to be good to ensure that it becomes a positive change and that momentum for that change is generated.

#### Residential Uses

Introducing the opportunity for residential development also brings responsibility to ensure that the environment is suitable for this activity. This is a matter the current provisions provide no direction on.

### **Proposed Provisions Explanation**

The proposed provisions amend the residential interface controls from the General Business Activity Area including height limit. There are no on-site amenity requirements proposed.

### **Issues Raised by Submitters**

The issues raised by submitters on on-site amenity provisions are extensive. The submitters seek more comprehensive content for the Design Guidelines to address residential amenity and change to rules as they relate to the application of these guidelines.

### **Analysis / Evaluation**

In relation to residential amenity there are several topic areas within the submissions. These are addressed below:

#### Residential Interface (Sydney Street)

As noted earlier in this report under Height it is recommended to manage the interface with residential properties to the east of the Plan Change area by a 12 metre height limit and a recession plane from a point at 2.5 metres height on the boundary and 45 degree slope. The 8 metre set back (or any lesser set back) is not recommended to be retained as this will limit development potential for the Petone West area. It is considered that by the combination of the proposed height and a recession plane, in addition to lower maximum permitted heights for the area east of Victoria Street, that an appropriate

balance is achieved between opportunities for new development and residential amenity for adjacent properties.

#### On site Residential Amenity Open Space

The provision of open space as part of residential development will be both encouraged by the incentives in relation to building height, as well as provisions that require a minimum of open space provision for each residential unit. Because the area currently has little open space amenity it is considered important that each residential development has some on site provision for open space. It is recommended that this on-site open space be set at a minimum area of 20m<sup>2</sup> and a minimum dimension of 2.5 metres with it being contiguous with the main living area of the unit. In the residential zones of the city, generally the provision is for 35m<sup>2</sup> and 3 metre minimum dimension. It is recommended to be reduced in Petone West to recognise that apartment or smaller unit living anticipates less outdoor open space and recognises that this will often be elevated above ground in the form of a balcony. These are more difficult to manage for wind conditions and if too large become burdensome to maintain and provide little functional value if they cannot be used often. Smaller sheltered spaces are considered more appropriate.

#### Noise

The issue of noise conflicts between residential activities and commercial areas is recognised as a potential issue and will be addressed through the noise rule provisions as discussed in the Noise Report. The recommended Design Guideline also provide guidance on designing to mitigate noise effects – both from external as well as between residential units in the same development.

#### Privacy

The recommended Design Guidelines will provide guidance on design for privacy. The interface with existing residential properties will be included in the considerations in the guidelines.

#### Sunlight Access

The recommended Design Guidelines will provide guidance as to design for sunlight access to residential units. This also applies to open space provision. It is accepted that the proposed building heights would affect sunlight access to streets which are oriented north/south at times. However, this outcome would also occur under the existing provisions. Recommendations are made to improve on the existing situation and limit shading to the beach side of The Esplanade and to Jackson Street as far as practicable. The recommended changes are considered to represent a net improvement for sunlight access.

### **OFFICER RECOMMENDATIONS**

#### **ON-SITE AMENITY (RESIDENTIAL ACTIVITY)**

The following are Hutt City Council officers/advisers recommendations on the submissions received for this topic/issue and amendments to the above PC29 provisions and other actions:

- Set height limit to 14 metres (3 to 4 stories) in the blocks between Victoria and Sydney Streets, except at the boundary with the residential areas where height limit is 12 metres with a recession plane at 45 degrees from 2.5 metres
- Incentivise the provision of open space and street connections by allowing the equivalent floor area bonus additional height in the 20 metre height area up to a maximum of 30 metres
- Use the Design Guidelines to encourage quality open space provision on site for each residential development and in the design of any on site public open space provision
- Require a minimum area provision of on-site open space of 20m<sup>2</sup> with a minimum dimension of 2.5m for each residential unit



## 5.6. Natural Hazards

### NATURAL HAZARDS PROVISIONS

#### RELATED PC29 PROVISIONS AS NOTIFIED

The amendments 'as notified' for this topic/issue in PC29 are the following:

- AMENDMENT 4 [**5B 1.1.2 (Area 2 – Petone Commercial Activity Area)**] which outlines a new issue, objective and policies for the Petone Mixed Use area, in addition to outlining explanation and reasons.
- AMENDMENT 10 [**Rule 5B 2.2.1 (Permitted Activities)**] which sought to identify activities which do not require resource consent.
- AMENDMENT 11 [**Rule 5B2.2.1.1 (a) – (c) (Bulk and Location Standards)**] which sought to identify the permitted height of buildings.
- AMENDMENT 20 [**Rules 5B2.2.2 (a) and 2.2.2.1 (a) (Restricted Discretionary Activity)**] identifies matters for the consideration of resource consents for Emergency facilities.

KEY SUBMITTER POINTS	SUBMITTERS
<b>Submitter Feedback</b>	
Concern raised regarding treatment of natural hazards	136 original submissions and 1 further submission.
<b>The following are the key points made by submitters regarding natural hazards</b>	
<ul style="list-style-type: none"> <li>▪ Concern that no additional requirements are introduced to deal with natural hazards following the Christchurch earthquakes.</li> </ul>	Approximately 83 original submitters
<ul style="list-style-type: none"> <li>▪ Concern that risks posed by natural hazards has not been sufficiently recognised or considered.</li> </ul>	Approximately 82 original submitters.
<ul style="list-style-type: none"> <li>▪ Concern regarding the range of uses allowed in the WFSSA.</li> </ul>	Approximately 38 original submitters.
<ul style="list-style-type: none"> <li>▪ Concern regarding the permitted height of buildings allowed within the WFSSA.</li> </ul>	Approximately 53 original submitters.
<ul style="list-style-type: none"> <li>▪ Concern that the Council is acting in a manner contrary to its safety responsibilities.</li> </ul>	Approximately 16 original submitters.
<ul style="list-style-type: none"> <li>▪ Concern that development is being promoted near a known fault line.</li> </ul>	Approximately 16 original submitters.
<ul style="list-style-type: none"> <li>▪ Concern that narrow streets in the plan change area would increase difficulties in responding to an emergency.</li> </ul>	Approximately 3 original submitters.
<ul style="list-style-type: none"> <li>▪ The Building Act at present does not address natural hazard risks relating to liquefaction, tsunami and fault line rupture.</li> </ul>	1 original submitter

RELIEF SOUGHT	SUBMITTERS
<ul style="list-style-type: none"> <li>▪ Introduce additional rules to address or minimise natural hazard risks.</li> </ul>	Over 100 original submitters
<ul style="list-style-type: none"> <li>▪ Reduce the permitted height of buildings in the WFSSA, including a reduction to 15m.</li> </ul>	Approximately 52 original submitters
<ul style="list-style-type: none"> <li>▪ Reduce the range of permitted activities in the WFSSA.</li> </ul>	Approximately 53 original submitters
<ul style="list-style-type: none"> <li>▪ Wait for the findings of the Royal Commission into the Canterbury Earthquakes<sup>9</sup></li> </ul>	Approximately 9 original submitters
<ul style="list-style-type: none"> <li>▪ Wait for legislative changes following the above Commission.</li> </ul>	Approximately 3 original submitters
<ul style="list-style-type: none"> <li>▪ Change the activity status for development within or close to the WFSSA including <ul style="list-style-type: none"> <li>– Residential uses made a Discretionary or Prohibited Activity;</li> <li>– Educational uses made a Discretionary Activity;</li> <li>– Emergency Services made a Discretionary or non-Complying Activity;</li> <li>and</li> <li>– Development within 20m of the fault rupture made a Non-Complying Activity.</li> </ul> </li> </ul>	Over 10 original submitters
<ul style="list-style-type: none"> <li>▪ Relocate existing development away from the foreshore.</li> </ul>	2 original submissions.
<ul style="list-style-type: none"> <li>▪ Further investigate natural hazard risks, including flooding and liquefaction.</li> </ul>	2 original submitters
<ul style="list-style-type: none"> <li>▪ Introduce rules to avoid inappropriate development in high flood risk areas and require a minimum 1 in 100 year flood building level.</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>▪ Review and reconsider the plan change, with regard to recent research on hazards</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>▪ Consideration of research to more precisely identify the location of the fault line in the plan change area.</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>▪ Plan for at least a 1.0m rise in sea levels over the next 100 years or ensure new development is resilient to sea level rise.</li> </ul>	Approximately 5 original submitters
<ul style="list-style-type: none"> <li>▪ Ensure the plan change adheres to policies in the New Zealand Coastal Policy Statement.</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>▪ Delete Amendment 20 and change the activity status of Emergency Facilities to a Discretionary or Non-Complying Activity.</li> </ul>	5 original submitters

<sup>9</sup> The Final Report of the Royal Commission into the Canterbury Earthquakes has subsequently been released.

<ul style="list-style-type: none"> <li>▪ Further consideration of the full range of costs of the do-nothing option (retaining the status quo)</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>▪ Mitigation measures as outlined in the GHD report commissioned by Council are adopted.</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>▪ Amend general rules in District Plan regarding Natural Hazards and Earthworks</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>▪ Amendment to Amendment 4 to include a new issue, policy and explanation regarding natural hazards, which allows additional restrictions on development within the WFSSA.</li> </ul>	1 original submitter

## **Discussion**

### **Background**

#### Hutt City Council Operative District Plan

Chapter 14H of the Operative District Plan refers to a range of natural hazards affecting Hutt City, including seismic induced hazards, landslide hazards, flood hazards and coastal hazards.

Section 14H 1.1.1 contains an issue and policies for 'Risks Associated with Natural Hazards', as well as Explanation and Reasons. This issue and objective is outlined below:

#### *"Issue*

*There is a risk of harm to people and damage to their property from natural hazards associated with seismic activity, landslides, flooding and coastal hazards. The risk to people and their property should be avoided or mitigated.*

#### *Objective*

*To avoid or reduce the risk to people and their property from natural hazards associated with seismic action, landslides, flooding and coastal hazards".*

The Wellington Fault Special Study Area (WFSSA) measuring approximately 150m in width is shown on the planning maps in the Operative District Plan, as covering part of the plan change area. The WFSSA is known to include the Wellington Fault, although uncertainty exists as to its precise position within this area. Land within the WFSSA is expected to suffer permanent ground deformation, if a major rupture occurred along this fault line.

Rule 14H 2.1(a) identifies that all structures and buildings (other than accessory buildings) within the Wellington Fault Special Study Area (WFSSA) are a Restricted Discretionary Activity. Section 14H 2.1.1 (a) identifies that matters of consideration for this activity are restricted to:

1. Confirmation that the building or structure is more than 20m from the Wellington Fault; or
2. Necessary engineering precautions have been taken.

There are no other planning restrictions on the placement or construction of buildings, which apply in the plan change area, in response to natural hazard risks.

### **Relevant Legislation and Guidance**

Local government has various roles and responsibilities on avoiding or mitigating the risks from natural hazards. Below is a summary of the relevant legislative context and requirements to this plan change. In addition, reference is made to guidance on land use planning decision-making for natural hazards. These matters are relevant considerations under Section 74 of the RMA in preparing and determining the proposed plan change.

### Resource Management Act 1991

Section 7 of the RMA refers to the need to have regard to the effects of climate change.

Under Sections 30 and 31 of the RMA, Regional Councils and Territorial Authorities (e.g. District Councils) have shared responsibility for the avoidance or mitigation of natural hazards, with the Regional Policy Statement to provide direction and clarity on this shared responsibility for each region (discussed further below).

Sections 73 and 293 of the RMA indicate that a proposed district plan must give effect to a regional policy statement or regional plan, unless a departure is of minor significance and does not affect the general intent and purpose of the proposed policy statement or plan.

Section 75 of the RMA, requires District Plans to give effect to any New Zealand Coastal Policy Statement.

### Local Government Act 2002

Section 11A of the above Act identifies core services provided by local authorities as including “*the avoidance or mitigation of natural hazards*”. Local authorities are required to have particular regard that this core service makes to communities.

### Civil Defence Emergency Management Act 2002

Section 3 of the Act identifies the purpose of the above Act as including the following:

- Improving and promoting the sustainable management of hazards in a way that contributes to the social, economic, cultural and environmental well-being and safety of the public and also to the protection of property;
- Encourage and enable communities to achieve acceptable levels of risk from hazards;
- Require local authorities to coordinate emergency management through several mechanisms including planning activities, covering the principles of reduction, readiness, response and recovery; and
- The co-ordination of emergency management, planning and activities across a wide range of agencies and organisations.

Section 17 identifies the functions of Civil Defence Emergency Management Groups, including local authorities as including:

- The identification, assessment and management of hazards and risks;
- Consultation and communication of hazards and risks;
- Identification and implementation of cost-effective risk reduction; and
- Promote and raise public awareness of hazards and risks.

A new Wellington Region Emergency Management Office (WREMO) was launched on 2 July 2012 to manage Civil Defence Emergency Management services in support of the nine City, District, and Regional Councils of the Wellington region. This office has primary responsibility for implementing the above Act in the Wellington region.

### Building Act 2004

The Building Act 2004 controls the construction of new buildings and additions/alterations to existing buildings.

Sections 72 and 73 of the Building Act impose certain obligations on the Council and property owners where an application is made for a building consent on land where natural hazards exist. Under Section 71 of the Building Act, natural hazard means “erosion (including coastal erosion, bank erosion, and sheet erosion); falling debris (including soil, rock, snow, and ice); subsidence; inundation (including flooding, overland flow, storm surge, tidal effects, and ponding); and slippage, such as the potential for flooding, rockfall, erosion, subsidence or land slippage”.

Although the above definition does not refer to tsunamis or earthquakes, the Building Act and Building Code set out requirements for natural hazard risks including:

- Require buildings to withstand certain loads, including those due to earthquake and wind and limit the probability of floods
- Prescribe a hazard factor which is used to determine design level earthquakes for specific locations in New Zealand according to the assessed risk from earthquakes
- Require foundations to have specific design where they are on ground subject to land instability, ground creep, subsidence, seasonal swelling and shrinking, changing ground water level, erosion, dissolution of soil in water and effects of tree roots.

In response to the Canterbury earthquakes, the Government and the Ministry of Business, Innovation and Employment are considering further changes to the above Act, including the introduction of building restrictions or requirements for extensive land remediation or deep foundations for specific subsoil types and areas at high earthquake risk.

For the plan change area and natural hazard requirements under the Building Act, the Hutt City Council's Building Department currently consider the plan change area hazard prone in terms of 'subsidence'. To address this hazard risk under the requirements of Section 72 of the Act, penetrometer testing as a minimum is expected, which generally forms part of a geotechnical report. Subject to findings, additional investigation and specifically designed foundation details may be required. The need for specifically designed foundation details may also triggered through compliance with NZ Standard 3604, regarding requirements for piling.

#### New Zealand Coastal Policy Statement 2010

Objective 5 seeks to ensure that coastal hazard risks are managed by:

- locating new development away from areas prone to such risks;
- Considering responses, including managed retreat, for existing development in this situation; and
- Protecting or restoring natural defences to coastal hazards.

Objective 6 seeks to enable people and communities to provide for their social, economic and cultural wellbeing and their health and safety, through subdivision, use and development.

Policy 24 of the Statement requires the identification of coastal hazards, including risks which may occur in the next 100 years. It requires an assessment of effects of climate change, taking into account national guidance and best available information on the likely effects of climate change on the region or district.

Policy 25 contains the following policies regarding subdivision, use and development in areas potentially affected by coastal hazard risk over at least the next 100 years:

- a) *“avoid increasing the risk of social, environmental and economic harm from coastal hazards;*
- b) *Avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards;*
- c) *Encourage redevelopment or change in land use, where that would reduce the risk of adverse effects from coastal hazards, including managed retreat by relocation or removal of existing structures or their abandonment in extreme circumstances, and designing for relocatability or recoverability from hazard events;*
- d) *Encourage the location of infrastructure away from areas of hazard risk where practicable;*
- e) *Discourage hard protection structures and promote the use of alternatives to them, including natural defences; and*
- f) *Consider the potential effects of tsunamis and how to avoid or mitigate them.”*

#### Proposed Wellington Regional Policy Statement, as at May 2010

Policy 62 in the RPS allocates responsibilities for land use controls for natural hazards. This policy states:

*“Regional and district plans shall recognise and provide for the responsibilities listed in Table 12 when developing objectives, policies and methods, including rules, for the control of land use for the avoidance or mitigation of natural hazards.*

*Table 12: Allocation of responsibilities for land use controls for natural hazards*

	<b>Responsibilities for developing objectives</b>	<b>Responsibilities for developing policies</b>	<b>Responsibilities for developing rules</b>	<b>Responsibilities for developing other methods</b>
<i>Land in the coastal marine area and beds of lakes and rivers</i>	<i>Wellington Regional Council</i>	<i>Wellington Regional Council</i>	<i>Wellington Regional Council</i>	<i>Wellington Regional Council</i>
<i>Other land</i>	<i>District and city councils and Wellington Regional Council</i>	<i>District and city councils and Wellington Regional Council</i>	<i>District and city councils</i>	<i>District and city councils and Wellington Regional Council</i>

Therefore, under Policy 62, Hutt City Council and the District Plan must include objectives, policies, rules and other methods for controlling the use of land for the avoidance or mitigation of natural hazards, with territorial authorities (City and District Councils) the only authorities with responsibility to develop rules.

Policy 28 states that District plans shall:

- a) *“identify areas at high risk from natural hazards; and*
- b) *Include policies and rules to avoid subdivision; and*
- c) *Include policies and rules to avoid inappropriate development in those areas”.*

Policy 50 outlines that changes to district plans need to consider the minimisation of risk and consequences of natural hazards on people, communities, properties and infrastructure. It outlines considerations for deciding whether new development or activities is inappropriate or not. These considerations include:

- Frequency and magnitude of natural hazards;
- Residual risk (risk that remains after protection works are put in place);
- The potential for climate change and sea level rise to increase the frequency and magnitude of hazard events;
- Whether the location of development will foreseeably require hazard mitigation works in the future;
- The potential for injury or loss of life, social disruption and emergency management and civil defence implications;
- Any risks and consequences beyond the development site;
- Avoiding inappropriate development in areas at high risk from natural hazards (that is, areas likely to experience moderate to high levels of damage such as fault rupture zones
- Need to locate habitable floor areas and access routes above the 1:100 year flood level, in identified flood hazard areas.

The explanation of this policy refers to the need to support the Civil Defence Emergency Management Principles of hazards and/or risk reduction, readiness, response and recovery.

Policy 51 outlines matters for consideration for hazard mitigation measures including:

- The need for structural protection works or hard engineering measures;

- Avoiding structural protection works or hard engineering methods unless it is necessary to protect existing development or property from unacceptable risk and works form part of a long-term hazard management strategy that represents the best practicable option for the future; and
- Residual risk remaining after mitigation works are in place.

Policy 53 refers to the need to consider the achievement of the region's urban design principles, when considering plan changes. Appendix 2 identifies that the principle of Custodianship includes the avoidance or mitigation of the effects of natural and man-made hazards.

Preparing for Future Flooding: A guide for Local Government in New Zealand, Ministry for the Environment, May 2010

The above document provides guidance on the future flood risk assessment process and outlines the following principles for managing future flood risk:

- Take a precautionary approach;
- Use flexible or adaptive management options,
- Use no-regrets options;
- Use low-regrets options;
- Avoid making decisions that will make it more difficult for you or others to manage climate change risks in the future;
- Use progressive risk reduction; and
- Adopt an integrated, sustainable approach to the management of flood risks.

The document refers to a range of options of managing future flood risk such as:

- Avoiding risk where possible;
- Controlling risk through structural or legislative measures including planning-based tools;
- Use of non-regulatory measures such as guidelines and codes of practice;
- Transferring risk through insurance;
- Accepting risk;
- Emergency management planning,
- Use of soft engineering solutions;
- Warning systems;
- Communicating risk including residual risk to affected parties;
- Managed retreat from coastline; and
- If necessary, consider hard engineering solutions or structural treatment options.

National Civil Defence Emergency Management Strategy, 2008, Department of Internal Affairs

Establishes four themes for an integrated approach to Civil Defence Emergency Management of Risk Reduction, Readiness, Response and Recovery. Reduction is defined as identifying and analysing long-term risks to human life and property from hazards, taking steps to eliminate these risks if practicable, and if not, reducing the magnitude of their impacts and the likelihood of their occurring.

The four goals for the vision for a Resilient New Zealand are:

1. Increasing community awareness, understanding, preparedness and participation in civil defence emergency management;
2. Reducing the risks from hazards to New Zealand (to acceptable levels)
3. Enhancing New Zealand's capability to manage civil defence emergencies; and
4. Enhancing New Zealand's capability to recover from civil defence emergencies.

Coastal Hazards and Climate Change: A Guidance Manual for Local Government in New Zealand, Ministry for the Environment, 2nd edition July 2008

The purpose of the guidance manual is identified as including:

- A precautionary approach in land-use planning regarding new and changes to existing development, that takes into account the level of risk, existing scientific knowledge and scientific uncertainties;
- The avoidance of new development which is exposed to or increases the levels of coastal hazard risks over its intended lifetime; and
- Progressively reducing the levels of risk to existing development over time.

The guidance document advocates risk avoidance, but recognises that in many cases (particularly for existing development), avoidance may be impractical and a mix of risk-reduction and risk-transfer approaches are required.

The document discourages the use of hard engineering measures to provide coastal protection for the following reasons:

- Commits future generations to a solution which requires future resources;
- Need for ongoing maintenance or upgrading;
- Protective structures typically have a shorter lifespan than adjacent buildings;
- Cost of maintaining or upgrading protecting structures;
- Use of protection structures may be contrary to the principle of sustainably managing coastal margins; and
- Possible detriment to natural character, amenity and public access values of beaches.

It identifies that planned or managed retreat from the coastline is expected to *“need to become a fundamental and commonly applied risk-reduction measure within the next few decades. The alternative would be a considerable increase in the scale of hard coastal protection works that are installed”*.

The guidance recommends that planning and decision timeframes allow for a minimum sea level rise of 0.8m by the 2090's.

Climate Change Effects and Impacts Assessment: A Guidance Manual for Local Government in New Zealand - 2nd edition, Ministry for the Environment, May 2008

The above document provides guidance on assessing risks from climate change, with the intention of reducing vulnerability to these risks. It identifies potential impacts that climate change can have on:

- Wastewater drainage systems;
- Stormwater drainage systems;
- Road network;
- Coastal erosion;
- Flooding; and
- Water levels and water quality in rivers.

It advises that:

1. all proposals in the vicinity of the coast (including the enlargement or replacement of existing buildings) be evaluated in terms of expected sea-level rise over the next century; and
2. Plans should specify information that must be provided with applications for subdivision or development that are likely to be affected by hazards, including the potential implications of climate change.



Planning for Development on Land on Close to Active Faults: A guideline to assist resource management planners in New Zealand, Ministry of the Environment 2004

The above document provides guidance on the avoidance and mitigation of risk from fault rupture. It recommends restrictions on development within 20m of fault lines.

Hutt City Council's Long Term Plan 2011-2022

Refers to the following projects regarding natural hazards.

1. Seismic Vulnerability of Wastewater Systems, which is expected to involve an investigation of vulnerability to these seismic hazard risks and the preparation of disaster readiness and response plans.
2. SH2 – Korokoro Catchment Flood Mitigation, which involves a detailed assessment of the level of risk in low lying areas between SH2 and the Western Hills and mitigation of significant risks identified.

The SH2 – Korokoro Catchment Flood Mitigation Project is intended to be carried out between 2022/23 and 2031/32. Approximately \$8.8 million is allocated for this project.

### **Potential Future Changes to Legislation and Guidance**

Future changes to the Resource Management Act 1991 have been indicated by central government following the release of recommendations of the Technical Advisory Group report on RMA Principles and the Final Report of the Royal Commission into the Canterbury Earthquakes in late 2012.

We have summarised below the recommended changes from the above reports to provide an indication of potential changes.

The Technical Advisory Group report on RMA Principles released in February 2012 recommended that the Minister of the Environment amend section 6 of the RMA Act to include the *“managing of significant risks associated with natural hazards”* as a matter of national importance. In addition, this report recommended that a national policy statement or national environment standard on the management of natural hazards be promulgated and that Section 106 of the RMA be amended to limit the subdivision of land, if it would result in any significant increase in risks associated with any natural hazard.

The Final Report for the Royal Commission into the Canterbury Earthquake released on 10 December 2012 also recommended that Sections 6 and 7 of the RMA be amended to ensure that district plans are *“prepared on a basis that acknowledges the potential effects of earthquakes and liquefaction, and to ensure that those risks are considered in the processing of resource and subdivision consents”*. Adding that *“applicants for resource and subdivision consents should be required to undertake such geotechnical investigations as may be appropriate to identify the potential for liquefaction risk, lateral spreading or other soil conditions that may contribute to building failure in a significant earthquake. Where appropriate, resource and subdivision consents should be subject to conditions requiring land improvement to mitigate these risks”*.

On the 28 February 2013, the Ministry for Environment released a discussion document titled *‘Improving our resource management system’*, which proposed changes to section 6 of the RMA, including explicit reference to the need to consider the risks and impacts of natural hazards.

### **Identification of Hazard Risks in Plan Change Area**

The project titled *“It’s our Fault – Defining Earthquake Risk in Wellington”* seeks to improve the resilience of the city to a major earthquake. Research for the project has been undertaken by GNS Science in collaboration with Massey University, NIWA, University of Canterbury and Victoria University. This project has been divided into three stages, with the likelihood phase completed and the effects and impact phases on-going.

Key findings in relation to the plan change area are:

- The chance of having a large magnitude earthquake (around 7.5 on the Richter Scale) along the Wellington Fault in the next 100 years is around 10%.

- Plan change area is characterised by 'marginal marine sediments, very soft to soft organic silt, sand and clay' <sup>10</sup>;
- Entire plan change area is characterised as containing Class D soils 'Deep or soft soil sites', one known Class E site 'Over 10m very soft swamp deposits' and an overlay indicating the possibility of other localised Subsoil Class E sites<sup>11</sup>.
- Identification of site subsoil class E sites within the Holocene sediments at Petone. A zone has been defined covering the south-west of the Hutt Valley where localised subsoil class E sites are expected to be present due to prevailing local geological conditions;
- Petone area is anticipated to experience significant liquefaction/and or ground shaking amplification in the event of a strong earthquake<sup>12</sup>.
- West Petone would experience subsidence of between 1.1m to 1.4m in the event of a significant earthquake event on the Wellington Fault Line; and
- A combined depth of Petone Marine Beds and Waiwhetu Artesian Gravels of over 60m in the plan change area<sup>13</sup>.

Recommendations contained in the study are:

1. Within the zone that may contain Class E sites shown on Map 4, the absence of Class E conditions should be proven by geotechnical investigation; and
2. Need for further investigation of the geotechnical and geophysical properties of sediments in the top 30m, as the quantity and quality of geotechnical information currently available is insufficient to characterise the significant variability revealed.

The *Combined Earthquake Hazard Map for the Hutt Valley* produced by the Greater Wellington Regional Council illustrates that the plan change area has a high risk of liquefaction potential, ground shaking, fault movement and tsunami. This map is attached as Appendix 6. This map identifies the effects of each hazard and possible mitigation options.

*The Lower Hutt Tsunami Evacuation Zone Map 2011* illustrates that the plan change area is in the Orange Evacuation Zone. This map is attached as Appendix 6.

A series of maps have been made available to the Council from GWRC and GNS which provides an indication of earthquake and other hazards in the plan change area. These maps are attached as Appendix 6.

The Report '*Sea-Level Variability and Trends: Wellington Region*' prepared by NIWA and published by Greater Wellington Regional Council, June 2012 contain the following key findings, relevant to the plan change area:

- Sea levels in Wellington Harbour are predicted to rise 0.8m by the 2090s or approximately 1m in the next 100 years;
- Relative sea levels may also be affected by polar ice-sheet loss and tectonic subsidence; and
- Regional subsidence from slow-slip events has increased the relative sea-level trend in the Wellington region since about 1997.

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<sup>10</sup> Illustrated in Figure 2 of *Its Our Fault – Geological and Geotechnical Characterisation and Site Class Revision of the Lower Hutt Basin* by D.P. Boon, G. D. Dellow, N.D. Perrin and B. Lukovic, GNS Science Consultancy Report 2010/163 June 2010

<sup>11</sup> Illustrated in Figure 4 of '*NZS1170.5:2004 Site Subsoil Classification of Lower Hutt*' by D. Boom, N.D. Perrin, R.V Dissen and B. Lukovic from the British Geological Society and GNS Science, included in the papers for the Proceedings of the Ninth Pacific Conference on Earthquake Engineering, Building an Earthquake-Resilient Society 14-16 April 2011 in Auckland, New Zealand.

<sup>12</sup> Referred to in '*GeoSciences'08 Field Trip Guides - Field Trip 1 Wellington Fault: Neotectonics and Earthquake Geology of the Wellington-Hutt Valley Segment*' by J. Begg, R. Langridge, R.V Dissan, T. Little from GNS Science and Victoria University of Wellington.

<sup>13</sup> Depth of soil types illustrated in Figures 3.3 and 3.4 of above report.

The report contains the following key recommendations:

- For existing development, it is recommended that a rise of up of 0.7m to 1.4m is planned for by 2115 depending on the potential consequences and ability to adapt in future;
- New subdivisions or new infrastructure such as roads, that a sea level rise of at least 1.5m be used, depending on future risks and the potential for future adaptation
- *“Existing coast development including infrastructure will require incremental or staged plans to adapt to rising sea levels to keep hazard risk to tolerable levels until a point eventually when managed retreat becomes the only sustainable option for buildings or infrastructure. This situation pertains to most of the urbanised or developed coastal fringes of the Wellington Region”.*
- *“Guidance on which sea-level rise value to adopt for existing development needs to integrate short-term requirements for upgrading buildings and assets within the confines of a long-term adaptation plan for the wider coastal community or suburb. Such integration can then flow through to appropriate planning and building requirements e.g., minimum ground levels, style of foundation, relocatability of assets, sustainable coastal hazard protection measures, and limit on existing use rights to facilitate eventual managed retreat”.*

NIWA (Taihoro Nukurangi) is engaged in a long running project on Coastal Adaption to Climate Change, which involves the mapping of national coastal sensitivity. This project is ongoing.

Geotechnical consultants, GHD with input from GNS, were commissioned by the Council to prepare a report on the proposed plan change. Their report titled *‘Report for Petone West District Plan Change: Natural Hazards Review and Geotechnical Considerations’* dated February 2012 identifies the plan change area as vulnerable to a range of earthquake related hazards including:

- surface fault rupture (fault section)
- ground shaking
- liquefaction;
- tsunami inundation;
- ground level change;
- shallow soils (west of the fault section);
- variable soil depths (fault section); and
- Deep soils (east of the fault rupture section).

This report contained the following recommendations (in summary):

1. Monitor and react to findings of the Canterbury Earthquake’s Royal Commission.
2. The Council review its standards and guidelines for infrastructure and building construction, having regard to the above.
3. All new structures and buildings, as well as those retrofitted must have comprehensive and appropriate intrusive ground investigation data.
4. Investigation to more precisely identify the location of the Wellington Fault.
5. Only structures that are not for habitable or working purposes and those structures which are lightweight with appropriately designed piled foundations be constructed within the fault avoidance zone.
6. No construction within WFSSA or Fault Rupture Zone to be building importance levels 3-5 (this level applies to educational uses, uses attracting 300 or more persons and emergency facilities<sup>14</sup>).
7. The implementation of a ground engineering register and register of “Geotechnical Guru’s”.

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<sup>14</sup> A definition of Building Importance Levels is contained in the GHD report.

8. Review of local building consent processing requirements.

GHD were also employed by the Council to respond to natural hazard issues raised by submitters and review their earlier recommended conditions in light of these submissions and any new information available.

In their follow-up report dated 8 March 2013, they recommended some minor modifications to recommendations 1, 2, confirmed that recommendations 3, 4, 7 and 8 continued to apply, changes to recommendations 5 and 8 and added two new recommendations.

Changes to earlier recommendations and new recommendations included:

1. No construction within the 'Fault Rupture Zone' to be buildings 2b-5<sup>15</sup> inclusive;
2. *"All new buildings and structures should have a completed geotechnical and hazard desk study that considers natural hazards on a more global sense (i.e. more than lot specific) and site specific geotechnical intrusive investigation...."*
3. *That Section 14H Natural Hazards of the District Plan be revised to reflect the current level of knowledge (sic) natural hazards that have the potential to affect Hutt City; and*
4. *With regards to Chapter 14H – Natural Hazards, of the District (sic) Plan, the part sentence 'or that necessary engineering precautions have been taken' be removed from clause 14H 2.1.1 (i). This part of the clause creates a loophole or that the 'necessary engineering precautions' are better defined".*

#### **Issues with Existing Plan Provisions**

With the exception of flood risks associated with the Hutt River, the effectiveness and efficiency of the existing rules regarding natural hazards are due for review. A review of these provisions is intended as part of the Council's rolling review of the Operative District Plan.

The Natural Hazards Chapter of the District Plan has not been updated to reflect changes in Government guidance regarding natural hazards since 2004. The only natural hazard within the plan change area identified in the maps accompanying the Operative District Plan, is the location of the WFSSA.

#### **Proposed Plan Provisions**

The proposed plan change does not alter existing rules regarding natural hazards. However, it increases the range of permitted activities in the Wellington Fault Special Study Area (WFSSA) and the wider plan change area.

Amendment 10 increases the range of permitted activities in the mixed use zone to include:

- a) Retail activities up to 10,000m<sup>2</sup>;
- b) Residential activities;
- c) Licensed premises;
- d) Places of assembly; and
- e) Visitor accommodation (with the exception of the current Esplanade West area in the General Business Activity Area zone, where this use is already permitted).

Amendment 11 increases the maximum height of buildings in part of the plan change area from 12m to 30m.

Amendment 20 amends the numbering of the rule regarding matters of consideration of Emergency Facilities as a Restricted Discretionary Activity, but does not alter the content of this rule.

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<sup>15</sup> Buildings within 2b to 5 including commercial buildings, multi-unit residential buildings, emergency facilities, buildings which attract large crowds and emergency facilities.

## Evaluation of Issues Raised in Submissions and Relief Sought

### All Hazards

The plan change area and particularly the WFSSA have been identified as at risk from natural hazards by various submitters. Submitters on the plan change, and in particular GWRC and GNS, have raised strong concerns regarding the treatment of natural hazards in the plan change area, or more specifically the absence of additional controls on development in response to known natural hazard risks. Concern is raised that risks from liquefaction, flooding, climate change and sea level rises have not been adequately considered, investigated or understood.

Although the proposed plan change does not reduce natural hazard provisions in the plan change area, it increases the range of permitted activities in both the plan change area and WFSSA, and allows for the intensification of existing activities. Proposed permitted activities include residential and visitor accommodation, as well as uses which could attract high numbers of visitors such as licensed premises and places of assembly. The proposed plan change therefore represents an increase in property and persons at risk from natural hazards.

### Seismic Hazards

GWRC in their submission refer to Hutt Valley as one of the most at risk urbanised areas in New Zealand. They point out that their seismic hazard map for the Hutt Valley identifies the plan change area as being at high risk from amplified ground-shaking and liquefaction during a large earthquake.

Submitters have raised strong concern over the permitted height of buildings and lack of restrictions on residential development within the WFSSA. GWRC have identified one of their primary reasons for opposing the plan change as the *“risk of seismic activity in the plan change area and a lack of adequate provisions for building and development in the Wellington Fault Special Study Area.”*

Relief sought by GNS Science includes the adoption of the mitigation measures recommended by GHD in their report dated February 2012. GNS have also referred to risk reduction methods available to reduce the consequences of natural hazards, including:

- Use of reinforced concrete;
- Use of piled foundations;
- Use of elevated building foundations;
- Emergency evacuation provisions in new buildings; and
- Geotechnical design of buildings and infrastructure.

Submitters have referred to the high costs of not introducing new restrictions on development in response to natural hazard risks, in terms of possible damage to property, loss of life, damage to infrastructure, lack of resilience (ability to function) of infrastructure or buildings following seismic events and unspecified social costs. In addition, submitters identify the benefits deriving from such action, including the future-proofing of infrastructure and buildings, lower insurance costs and increased desirability/marketability of the area.

The proposed plan change as notified relies on the existing WFSSA provisions and other mechanisms and methods outside the District Plan to avoid or mitigate the risks from natural hazards. The other primary regulatory mechanism used is the Building Act where new developments are required to comply with the requirements in the NZ Building Code. As outlined in the introductory section of this report, the Building Act is concerned with a building's construction and the safety and integrity of the structure based on seismic risks of ground shaking. In addition, at present, the requirements of the Building Act do not consider hazard risks from liquefaction, tsunami or fault rupture. The existing District Plan provisions for the WFSSA are solely focused on avoiding or mitigating the risks from fault rupture. Risks from tsunami are mitigated through emergency management and civil defence methods, such as community awareness campaigns and evacuation warning systems.

Given these natural hazard risks, submitters have requested the plan change introduced additional controls to avoid or mitigate these risks. In evaluating the benefits and costs in preparing the plan change, the Council considered the costs of additional controls would discourage development, in turn, not achieving the objective of supporting economic growth and creating a mixed use area. A

small number of submitters, including GNS, question this assessment, and have expressed the view that additional restrictions which address natural hazard risks, would not significantly discourage investment in the area or prevent mixed-use development.

We consider there is insufficient information currently available to predict the outcome on development activity of additional controls for natural hazards, particularly given the uncertainty as to future nationwide changes to the Building Act, RMA, the possible introduction of a National Policy Statement on natural hazards, as well as the responses of other territorial authorities to the findings of the Royal Commission on the Canterbury Earthquakes.

The set of Combined Earthquake maps for the Wellington Region published by Greater Wellington Regional Council, indicate that Wellington CBD, Lyall Bay and Petone have a high level of hazard risk. Hazard risk is therefore unlikely to prevent Petone from competing with Wellington CBD for additional development, although risk-adverse investors and occupiers may consider other alternative locations with lower hazard risk.

Given the public nature of information on hazard risks within the Wellington Region, a more proactive approach to natural hazard risk management may be seen as desirable by developers to counterbalance, the awareness of these hazards.

Although additional restrictions on development would impose additional costs (e.g. investigations and design/construction requirements) on developers and could potentially discourage some investment, these costs could be far outweighed by the economic and social costs attributable to a natural disaster. Although a range of seismic risk reduction measures are available, it needs to be taken into account that the implementation of these measures may be constrained by costs, technological choices available, and constraints on the use of intrusive ground investigation or construction methods (such as need for resource consent or danger of polluting groundwater resources).

Having considered the information available on the seismic hazard risks, the matters raised by submitters and relief sought, the discussion at the pre-hearing meeting, as well as expert advice provided to Council on this matter, HCC officers consider specific requirements need to apply to the Petone Mixed Use Area to avoid or mitigate these seismic hazard risks. There are two aspects to these requirements: 1. Land Use Activities and 2. Buildings.

However, before discussing these specific requirements, we note a matter of scope arises with the plan change and relief sought in submissions. As noted earlier, the proposed plan change as notified does not amend or add any natural hazard provisions (e.g. provisions relating to the WFSSA in Chapter 14H). Some submissions have sought amendments to the provisions in Chapter 14H, including 'addressing holes' in Rule 14H 2.1.1 as commented at the pre-hearing meeting. As the provisions of Chapter 14H apply city-wide and were not subject to change in the notified plan change, it is considered any amendments to Chapter 14H are outside the scope of this process. Any changes to Chapter 14H are anticipated as part of the wider review of natural hazard provisions. Therefore, any requirements responding to the seismic risks for the Petone Mixed Use Area would need to be contained within Section 5B of the District Plan.

In relation to land use activities, while supporting the objective of a mixed use environment as a general principle, some activities which accommodate a large number of people or serve a critical function during natural disasters should be managed within areas at high risk from natural hazards. The approach recommended by GHD based on Building Importance Categories (BIC) is considered an effective risk management approach. This approach identifies different types of buildings and their uses based on their vulnerability to loss of life and property should a seismic event occur. Low vulnerability/occupancy buildings are permitted, while high vulnerability/buildings are restricted. More stringent controls would apply to the WFSSA as the most at-risk area. Therefore, it is recommended a new policy and associated rules be added to Section 5B 1.1.2 to apply this risk management approach for land use activities in the Petone Mixed Use Area in response to the seismic hazard risks.

In addition to the general approach recommended above, the current and proposed provisions currently list 'emergency facilities' as a restricted discretionary activity. These current/proposed rules are intended to manage the traffic and visual amenity effects from this type of activity, and do not consider an emergency facility's role in a post-natural disaster event. Given the critical role of emergency facilities in a natural disaster and being able to effectively respond, given the seismic

hazard risks in the Petone Mixed Use Area, siting such as facility in this location may not be appropriate. For this reason, it is recommended emergency facilities be listed as a non-complying activity within the WFSSA.

In relation to buildings, the requirements under the Building Act are considered the primary mechanism for ensuring buildings are designed and constructed in response to the ground conditions and seismic natural hazard risks. However, under the RMA, seismic natural hazard risks are wider than the Building Act and include fault rupture, liquefaction and subsidence. Given the high risk posed by these seismic hazards in the Petone Mixed Use Area, it is considered appropriate the District Plan includes provisions to manage these risks.

In understanding and assessing these risks, the vulnerability of each development and building would depend on the site and development proposal. Therefore, a case-by-case assessment of these risks and proposal is considered the most efficient and effective approach, rather than prescriptive standards of requirements. To understand and assess the ground and seismic risks, site specific geotechnical investigations are required, as outlined in the recommendations from GHD. It is recommended natural hazards be added as a matter of discretion for all new buildings in the Petone Mixed Use Area so they are assessed as part of the resource consent process.

The level of detail required in the geotechnical investigation at the resource consent stage would be left to the discretion of the geotechnical engineer. Minimum information requirements or investigations could be developed by Council as a guide to assist developers if warranted, with a basic outline of the information requirements recommended to be added to Section 17 of the District Plan. It is noted previous geotechnical investigations in the Petone Mixed Use Area ('Century City' commercial building) required resource consent from the Greater Wellington Regional Council due to intrusive ground testing above aquifer.

Some submitters requested lower building heights due to the risks from seismic hazards. The above recommended measures are considered the most effective and efficient measures for managing the risks from seismic hazards. While lower buildings would reduce the potential number of people and property within the Petone Mixed Use Area, restricting the height of buildings may impact on the ability to achieve the overall objectives for this area of providing for a wide range of activities. It is noted the height limit is recommended to be reduced to 20m for built form reasons.

Given the above assessment, the recommended mitigation measures are considered to balance the risk of damage from natural hazards with allowing economic and social benefits arising from the creation of a mixed use area. Consideration of natural hazard risks needs to take into account the existing developed nature of the plan change area and the scale of commercial, office and business activities currently provided for in this area, in the absence of measures with mitigate natural hazard risk. Recommended changes to the plan change are considered to provide a net benefit in terms of reducing natural hazard risks.

The developed nature of the plan change area is expected to increase the level of acceptable risk. In the absence of the plan change proceeding, it is anticipated that the plan change area would continue to be used for range of commercial, retail and business activities.

#### Flooding

GWRC have identified one of their primary reasons for opposing the plan change as the *"lack of information on the flood hazard in the plan change area and therefore any provisions to avoid or appropriately mitigate flood risk"*. They have referred to the potential for the plan change area to experience flooding from a range of sources including:

- Flooding hazards associated with Hutt River;
- Stormwater runoff from the Western Hills in Korokoro stream;
- Local stormwater runoff;
- Effects of climate change such as sea level rise; and
- Coastal storm surges.

GWRC have referred to major flooding within and adjacent the plan change area in 1976, arising from a storm event. The Council's GIS database 'Hutt View' illustrates that The Esplanade as an

'Inundation Area under Investigation', whilst three sites adjacent Hutt Road are identified as being inundated during the 1976 storm event.

As discussed in the Stormwater and Infrastructure section of this report and the comments received from GHD on flooding, the flood risk from the Korokoro Stream has a degree of uncertainty. Investigations into the 1976 flooding identified debris blocking the drainage infrastructure as a contributor to flooding from the stormwater event. A debris collector has been installed post 1976 and there is no record of flooding from this stream since this time. Notwithstanding this, the risk from flooding still exists with the Hutt City Council Long Term Plan making provisions for a SH2 – Korokoro Catchment Flood Mitigation project. This project involves a detailed assessment of the level of risk in low lying areas between SH2 and the Western Hills and mitigation of significant risks identified. This work is programmed for the period 2022/23 and 2031/32.

Given the uncertainty about the extent and depth of floodwaters from the Korokoro Stream for the plan change area, and one-off nature of the previous flood event, imposing additional controls or limits on development in the plan change area is considered inappropriate. As any area with a high level of development, providing for further mixed use development is not considered to exacerbate the risks to people or property.

In relation to flood risk from the Hutt River, the flood protection structures (stopbanks) provide protection up to a 1 in 440 year flood event. This level of protection is considered to provide an acceptable degree of protection to the Hutt City. It is noted no land use planning controls apply to any other areas of Hutt City (e.g. CBD, Taita, Alicetown) for the residual risk if the event of a stopbank breach or failure. Therefore, it is considered it would not be appropriate to introduce controls to the Petone Mixed Use Area for flood risks from the Hutt River.

#### Sea Level Rise

GWRC, GNS, Submitter 81 (Wendy Saunders) and Submitter 249 (James Crampton) have raised concern that the plan change does not plan for a rise in sea levels over the next 100 years. Wendy Saunders refers to Petone as being identified by Bell and Hannah (2012) as one of the predicted worst affected areas by climate change in New Zealand and suggests that the plan change is contrary to Policy 25 of the New Zealand Coastal Policy Statement. James Crampton requests that the plan change incorporates managed retreat from the Petone foreshore and refers to current estimates of predicted sea level rise as ranging between 0.8m and over 1.5m by the end of the century. A coastal buffer zone and managed retreat are considered essential by this submitter, to address sea-level rise, co-seismic subsidence and tsunamis.

From a land use planning perspective, sea level rise poses a risk to the full length of the harbour edge in Hutt City. Therefore, any consideration of sea level rise should also take into account other areas outside the plan change area so a consistent approach can be applied for the whole city. Chapter 14H in Operative District Plan refers to coastal hazards, including sea level rise, but limited provision is made for these hazards. It is anticipated coastal hazards and sea level rise would be addressed as part of future review of Chapter 14H Natural Hazards.

Notwithstanding this, sea level rise could impact the Petone Mixed Use Area by impacting on the functioning of the existing stormwater network. As outlined in the comments received from GHD on the stormwater network, changes to the network may be required over time in response to sea level rise to ensure it continue for function adequately. The "Regional Standard for Water Services" adopted in November 2012 incorporates provision for climate change and sea level rise for design and construction of new and upgraded reticulated infrastructure.

In terms of land use planning responses, given the high level of existing development in the plan change area, options such as managed retreat are considered to have significant costs which would not outweigh the benefits. The use of buffers is considered an effective option at present, with the plan change area already having a buffer in the form of The Esplanade foreshore and road. Future upgrades to this road, State Highway 2 and other infrastructure in the area may result in new hazard protection works, including sea level rise. Therefore, given the value of Esplanade and adjacent land to the north, such coastal protection systems may be appropriate in the future due to sea level rise if required.



At this time, the most appropriate response to sea level rise is an ongoing programme of monitoring, upgrading stormwater infrastructure, the use of emergency management measures, and reviewing the overall natural hazards chapter.

### **Recommendations with Reasons**

Overall, in relation to the natural hazard related amendments in the proposed plan change the following recommendations are made:

It is recommended that Amendment 4 is amended to include a new policy for the management of natural hazards because:

1. It would provide clarity that separate provisions exist for natural hazard management, particularly within the WFSSA, without the need to cross-reference to the Natural Hazards section of the District Plan.
2. It is consistent with Section 31 of the RMA in respect to the control of actual and potential effects on the use, development or protection of land, for the avoidance or mitigation of natural hazards.
3. It is consistent with Section 5 of the RMA in respect to avoiding, remedying or mitigating any adverse effects of activities on the environment.
4. It is consistent with expert advice from GHD and GNS that additional natural hazard risk management measures should be introduced.

It is recommended that Amendment 10 is amended to exclude more intensive types of activities within the WFSSA because:

1. It would provide clarity that separate provisions exist for development within the WFSSA, without the need to cross-reference to the Natural Hazards section of the District Plan.
2. It is consistent with Section 31 of the RMA in respect to the control of actual and potential effects on the use, development or protection of land, for the avoidance or mitigation of natural hazards.
3. It is consistent with expert advice from GHD and GNS that additional natural hazard risk management measures should be introduced.

It is recommended that Amendment 11 is amended to reduce the permitted height of buildings within the plan change area for reasons outlined in the Built Form and Urban Design Report.

It is recommended that Amendment 20 is amended to include natural hazards as a matter for consideration for Emergency Facilities because:

1. It is consistent with Section 5 of the RMA in respect to avoiding, remedying or mitigating any adverse effects of activities on the environment.
2. It is consistent with Section 31 of the RMA in respect to the control of actual and potential effects on the use, development or protection of land, for the avoidance or mitigation of natural hazards.
3. It is consistent with evidence from GHD that additional provisions are needed to address natural hazard risks for more vulnerable land uses.
4. The proposed changes recognise the ability of emergency facilities to be damaged by natural hazard risks within the entire plan change area and the role that such facilities could have, following a natural disaster.

It is recommended that existing Rules in Chapter 14H of the Operative District Plan are retained, as changes to this chapter are considered to be outside the scope of the plan change.

The recommendations are considered to satisfactorily address concerns raised by submitters regarding seismic hazard risks and the increased awareness of these risks following the Christchurch Earthquakes. Under the recommendations, all new buildings and larger alterations and additions to existing buildings within the plan change area would require resource consent, and the consideration of how this development responds to natural hazard risks, in addition to compliance with existing provisions contained in Chapter 14H Natural Hazards. A more detailed geotechnical investigation is proposed for larger-scale or more vulnerable uses within the WFSSA.

## OFFICER RECOMMENDATIONS

The following are Hutt City Council officers recommendations on the submissions received for this topic/issue and amendments to the above PC29 provisions and other actions:

Accept and Reject all submissions relating to the above Amendments to the extent that:

- AMENDMENT 4 [5B 1.1.2 (Area 2 – Petone Commercial Activity Area)]

New policy added regarding natural hazards, as follows:

- (l) Manage higher density and higher risk land use activities and development to ensure that the use and development avoids or mitigates the risks posed by seismic hazards.

New text added to Explanation and Reasons as follows:

The Wellington Fault traverses the Petone Mixed Use Area, which places the area at high risk from seismic activity. Due to the potential for large numbers of people to congregate or work in community facilities and large commercial buildings, as well as facilities which provide critical services during emergency events, the establishment of specific activities are restricted. These restricted activities are based on the Building Importance Categories in the Building Code. In addition, any new development will need to undertake a site specific investigation of the seismic hazards (fault rupture, liquefaction and subsidence) to determine the risks to people and property posed by the hazards and the measures proposed to avoid or mitigate these risks.

- AMENDMENT 10 [Rule 5B 2.2.1 (Permitted Activities)] is amended to read

Amendment to activity (j)

- (j) Places of assembly, except for sites within the Wellington Fault Special Study Area

New activities added

- (r) Childcare facility, except for sites within the Wellington Fault Special Study Area

- (s) Education and Training except for sites within the Wellington Fault Special Study Area

- (t) Marae, except for sites within the Wellington Fault Special Study Area

- (u) Cultural Centres, expect for sites within the Wellington Fault Special Study Area

- AMENDMENT 11 [Rule 5B2.2.1.1 (b) – (c) (Bulk and Location Standards) is amended to read:

Maximum Height and Recession Plane of Buildings and Structures:

- (i) ~~30.0m~~ 20.0m, provided that –

- (ii) ~~15.0m~~ 12.0m on road front boundary of Jackson Street, Hutt Road and The Esplanade with a recession plane of 45° sloping inwards up to ~~30.0m~~ 20.0m in height

- (iii) 14.0 m for properties to the east of Victoria Street, except for those site which abut the General Residential Activity Area.

- AMENDMENT 20 [Rules 5B2.2.2 (a) and 2.2.2.1 (a) (Restricted Discretionary Activity)] is amended to read:

Rule 5B 2.2.2 Restricted Discretionary Activity

- ~~(a)~~(b) Emergency facilities.

Matters in which Council has Restricted its Discretion and Standard and Terms

- (i) Traffic effects:

- ~~The adverse Effects on the roading transport network generated by the emergency facilities, including the adverse effects on traffic, cycle and pedestrian movement, parking and access in the immediate vicinity of the site.~~

~~Appearance of buildings and structures.~~

(ii) Appearance of Buildings and Structures:

- ~~The adverse Visual effects on the visual impression of the streetscape. In this respect an important consideration is the likely impact on the continuous display window frontage requirements.~~
- ~~Design, external appearance and siting of the building or structures.~~

(iii) Amenity Values

- ~~Effects upon the amenity values both within the site concerned and upon surrounding land uses.~~

(iv) Natural Hazards

- ~~Vulnerability to risks from natural hazards~~
- ~~Measures to avoid or mitigate risks from natural hazards~~

(v) Public Health Benefits

- ~~Operational needs and requirements of facility;~~
- ~~Public health benefits arising from facility~~

Rule 5B 2.2.4 Non-Complying Activities

(b) Emergency facilities within the Wellington Fault Special Study Area

- AMENDMENT 21 is amended to read:

(b) The construction, alteration of, addition to buildings and structures fronting Hutt Road, The Esplanade or Jackson Street, except for those works permitted under Rule 5B 2.2.1 (n) and (o).

New matter of discretion:

(vi) Natural hazards

- The outcomes of the geotechnical investigation on seismic hazards, including fault rupture, subsidence and liquefaction.
- Whether the potential risk to the health and safety of people and property from fault rupture, subsidence and liquefaction can be avoided or mitigated.
- The design and layout of the development, including buildings, to avoid or mitigate the effects from fault rupture, subsidence and liquefaction.

- AMENDMENT 34 is amended to add higher risk land use activities in the WFSSA as Discretionary Activities:

(h) Within the Wellington Fault Special Study Area, the following:

- (i) Places of assembly
- (ii) Childcare facility
- (iii) Education and training facility
- (iv) Marae
- (v) Cultural Centres

- AMENDMENT 35 is amended to add a new assessment matter for Discretionary Activities:
  - (c) Natural hazards, including geotechnical investigation on seismic hazards, including fault rupture, subsidence and liquefaction, and measures to avoid or mitigate the effects from fault rupture, subsidence and liquefaction.
  
- AMENDMENT 59: Add a new with new information requirements to Sections 17.1.1 and 17.1.2 to read as follows:
  - 17.1.1 Land Use Consents
    - (h) In areas subject to high risk from seismic activity, including the Wellington Fault Special Study Area, geotechnical information provided by a suitably qualified person assessing the seismic risks for the subject site, including fault rupture, ground shaking, subsidence and liquefaction. The information shall identify the location and depth of any fault trace and/or fault trace deformation, location and depth of subsidence, and liquefaction risk.
  - 17.1.2 Subdivision Consents
    - (g) In areas subject to high risk from seismic activity, including the Wellington Fault Special Study Area, geotechnical information provided by a suitably qualified person assessing the seismic risks for the subject site, including fault rupture, ground shaking, subsidence and liquefaction. The information shall identify the location and depth of any fault trace and/or fault trace deformation, location and depth of subsidence, and liquefaction risk.
  
- The Natural Hazards section of the Operative District Plan be systematically reviewed, so that relevant provisions within the Plan Change Area are extended across the City where appropriate.
  
- The Natural Hazards section of the Operative District Plan be reviewed following any legislative changes to the RMA regarding natural hazard management.

## 5.7. Traffic and Parking

### TRAFFIC PROVISIONS

#### RELATED PC29 PROVISIONS AS NOTIFIED

The amendments 'as notified' for this topic/issue in PC29 are the following:

- AMENDMENT 4 **[5B 1.1.2 (Area 2 – Petone Commercial Activity Area)]** which proposes a new issue and objective for the Petone Mixed Use area, as well as outlining policies and explanation and reasons.
- AMENDMENT 8 **[5B 1.2.3 (Landscaping and Screening)]** which proposes a new policy and explanation and reasons for car parking within the Petone Commercial Activity Area.
- AMENDMENT 10 **[Rule 5B 2.2.1 (Permitted Activities)]** which identifies activities which do not require resource consent.
- AMENDMENT 19 **[Rule 5B 2.2.1.1 (j) (General Rules)]** which deletes existing matters for consideration for retail activities with a gross floor area exceeding 3000m<sup>2</sup>.
- AMENDMENT 21 **[Rules 5B 2.2.2 (b) and 2.2.2.1 (b) (Restricted Discretionary Activity)]** which identifies matters which the Council has restricted its consideration for the construction, alteration or addition to buildings and structures fronting the three major roads in the plan change area.
- AMENDMENT 55 **[14A(iii) 1.1.2 (Adequate Car Parking Provision in the Petone Commercial Activity Area)]** which amends the issue and explanation and reasons for car parking provision in the Petone Mixed Use area.
- AMENDMENT 56 **[14A(iii) 1.1.5 (Adequate Car Parking Provision in the South and Western Petone Business Activity Area)]** which deletes the reference to the southern Petone Business Activity Area.
- AMENDMENT 57 **[Rule 14A(iii) 2.1(c)(ii) (Permitted Activity – Conditions)]** which amends existing minimum car parking provisions for activities with the Petone Commercial and Suburban Commercial Activity Areas.
- AMENDMENT 58 **[14A(iv) 1.1 (Safe and Adequate Provision for Servicing)]** which deletes the reference to the southern area of Petone.

KEY SUBMITTER POINTS	SUBMITTERS
<b>Submitter Feedback</b>	
Concerned Raised regarding Transportation Provisions.	111 original submissions and 4 further submissions.
<b>The following are the key points made by opposers to the transport provisions:</b>	
▪ New retail and residential development will result in additional traffic congestion.	Approximately 104 original submissions.
▪ New retail and residential development will exacerbate existing shortages of car parking.	Approximately 21 original submissions.
▪ Traffic impacts of the plan change need further investigation, particularly in relation to traffic volumes along The Esplanade and SH2	Approximately 15 original submissions.
▪ The plan change provides poor traffic	Approximately 9 original submissions.

management.	
<ul style="list-style-type: none"> <li>Insufficient car parking is required for new residential development</li> </ul>	Approximately 6 original submissions.
<ul style="list-style-type: none"> <li>Greater encouragement should be given to more environmental friendly forms of travel</li> </ul>	Approximately 5 original submissions.
<ul style="list-style-type: none"> <li>Insufficient measures are put in place to achieve transport related policies.</li> </ul>	Approximately 4 original submissions.
<ul style="list-style-type: none"> <li>The proposal does not give effect to the Wellington Regional Policy Statement.</li> </ul>	Approximately 2 original submissions.
<ul style="list-style-type: none"> <li>The plan change will lead to capacity and safety issues around the SH2/Hutt Road Interchange and further compromise the efficient movement of freight along The Esplanade.</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>The plan change may result in the need to upgrade existing transport infrastructure which has not been provided for.</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>The plan change reduces the opportunities to collect financial contributions for transport upgrades.</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>Much of the local infrastructure is at or already nearing capacity at peak teams</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>It is difficult to predict the type and scale of development that could occur and their corresponding traffic effects, given the 'permissive' nature of the plan change.</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>The lack of new pedestrian linkages may hamper the development of the mixed use area.</li> </ul>	Approximately 2 original submitters
<ul style="list-style-type: none"> <li>There is a lack of connectivity for pedestrian and cycle access.</li> </ul>	Approximately 2 original submitters
<ul style="list-style-type: none"> <li>The Council should be promoting environmental forms of travel such as use of public transport, walking and cycling.</li> </ul>	Approximately 5 original submissions.
<ul style="list-style-type: none"> <li>Pedestrian and cycle access is totally ignored in the plan change.</li> </ul>	Approximately 2 original submitters

<b>RELIEF SOUGHT</b>	<b>SUBMITTERS</b>
<ul style="list-style-type: none"> <li>Additional on-street parking requirements including 1 space per residential unit; and - use of minimum car parking standards for retail developments outside centres (as per Appendix Transport 3 in the Operative District Plan)</li> </ul>	Approximately 6 original submissions.
<ul style="list-style-type: none"> <li>Introduction of a maximum car parking regime with reduced on-site car parking requirements.</li> </ul>	1 original submitter

<ul style="list-style-type: none"> <li>▪ Further consideration of car parking standards for higher density development.</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>▪ Full traffic assessment or investigation</li> </ul>	Approximately 7 original submissions
<ul style="list-style-type: none"> <li>▪ Use of traffic mitigation measures</li> </ul>	Approximately 4 original submissions
<ul style="list-style-type: none"> <li>▪ New provisions to address traffic and parking impacts</li> </ul>	Approximately 3 original submissions.
<ul style="list-style-type: none"> <li>▪ Policies or development which encourages or supports pedestrian/cyclist movement</li> </ul>	Approximately 8 original submissions.
<ul style="list-style-type: none"> <li>▪ Attractive linkages/walkways/covered walkways between Petone Station and Jackson Street</li> </ul>	Approximately 2 original submitters
<ul style="list-style-type: none"> <li>▪ Development that is supportive of pedestrians and cyclists or user friendly to sight seers and workers</li> </ul>	Approximately 10 original submitters
<ul style="list-style-type: none"> <li>▪ The provision of pedestrian and cycle routes, accessways and facilities - as is stated in the current District Plan.</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>▪ Amendments to policies in Amendment 4 to address traffic impacts</li> </ul>	2 original submissions
<ul style="list-style-type: none"> <li>▪ Amendment to Amendments 8 (Car parking) or 13 (Landscaping and Screening) to increase requirements for car park screening, landscaping or storm-water management.</li> </ul>	Approximately 6 original submissions
<ul style="list-style-type: none"> <li>▪ Amendment to Amendment 8 (Car Parking) to refer to adverse effects which can be caused by the provision of car parking.</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>▪ Amendment to Amendment 10 (Permitted Activities) to prevent additional vehicular crossings, turning or parking movements onto the major roads.</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>▪ Amendment to Amendments 10 (Permitted Activities) and 24 (Notification of Restricted Discretionary Activities) to require consent for all new retail and commercial activities with a floor space above 3,000m<sup>2</sup>, with the NZTA automatically consulted on these applications.</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>▪ Amendment to Amendment 10 (Permitted Activities) to require consent for larger building developments and the consideration of traffic impacts.</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>▪ Amendment 19 (current matters of consideration for retail activities above 3,000m<sup>2</sup>) be deleted.</li> </ul>	4 original submissions
<ul style="list-style-type: none"> <li>▪ Retain provisions under Amendment 19 (current matters of consideration for retail activities above 3,000m<sup>2</sup>) to ensure that the effect of development on walking, cycling</li> </ul>	1 original submitter

and public transport are considered.	
<ul style="list-style-type: none"> <li>▪ Amendment to Amendment 21 (matters of consideration for development fronting major roads) to refer to additional traffic related considerations.</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>▪ Amendment to Amendment 21 (matters of consideration for development fronting major roads) to extend application to all sites within the plan change area.</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>▪ Amendment to Amendment 57 (Permitted Activity Conditions) to change car parking requirements. Suggested changes are 1 car parking space per residential unit, car parking provision for retail developments in accordance with Appendix Transport 3 in the Operative District Plan and the introduction of a maximum car parking regime.</li> </ul>	4 original submissions
<ul style="list-style-type: none"> <li>▪ Additional provisions to ensure a mixed range of land uses is provided</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>▪ Practical future proof solutions to the parking issues that occur in the greater area bounded by Cuba Street, Udy Street, Hutt Road and The Esplanade.</li> </ul>	1 original submission.
<ul style="list-style-type: none"> <li>▪ Study on how the present public transport systems could be better coordinated and enhanced, maybe a pedestrian overpass from Petone Station across Hutt Road.</li> </ul>	1 original submission.

## **Discussion**

### **Background**

#### Hutt City Council Operative District Plan

Section 5B 1.1.2 outlines the existing issue, objective, policies and explanation and reasons for the Petone Commercial Activity Area 2. The objective of this area is “to cater for the demand for large scale vehicle oriented retailing activities and other large scale activities”.

Policy (d) outlines the intention to ensure that large scale retail activities are designed to provide:

- (i) “Where practicable and appropriate, on-site accessibility for public transport services; and
- (ii) Practical access to existing or planned public transport services off site; and
- (iii) Pedestrian and cycle routes and facilities”.

Rule 5B 2.2.1 specifies the range of permitted activities in Petone Commercial Activity Area 2. This rule allows for the construction and extension of buildings on that part of Jackson Street within the plan change area as a permitted activity, subject to its intended use falling within the range of permitted activities.

Rule 5B 2.2.2 (a) identifies retail activities with a gross floor area exceeding 3,000m<sup>2</sup> are a Restricted Discretionary Activity. Section 2.2.2.1 (a) identifies matters for consideration for the above type of activity as including effects on the transport network

Section 5B 2.2.2.1 (a) (i) refers to the need to consider the following types of traffic effects for large (>3,000m<sup>2</sup>) format retail activities:



- *“The adverse effects on the surrounding transport network of the movement of people and goods generated by the retail activity. An important consideration here is the ability of the surrounding road network to accommodate the likely increases in movement generated.*
- *The adverse effects of the activity on traffic, cycle and pedestrian movements, public transport services and parking and access within the immediate vicinity of the site.*
- *The extent to which the activity is designed to provide:  
where practical and appropriate, on-site accessibility for public transport services;  
practical access to existing or planned public transport services off-site; and  
pedestrian and cycle routes and facilities.”*

Section 6A 1.1.3 outlines an issue, objective and policies for Environmental Effects within the General Business Activity Area. Potential adverse effects to be managed include traffic.

Rule 6A2.1.1 sets out permitted activity conditions which control the scale and intensity of permitted activities.

Section 6A 2.2 (a) identifies that permitted activities in the southern business area of Petone which does not comply with Parking, Loading and Unloading Permitted Activity Conditions (contained in General Rules Chapter 14A Transport) are a Controlled Activity. This activity status reflects the size, configuration and development pattern of the majority of properties in this location, and the likely difficulties in complying with the on-site parking and loading standards.

Rule 6A2.3 currently requires new buildings and structures and extensions to existing buildings and structures on a site fronting The Esplanade or Hutt Road to require resource consent as a Restricted Discretionary Activity. Matters of consideration include traffic generation for both roads and car parking and servicing for development along The Esplanade.

Section 12.2.2.1 outlines the ability of the Council to require a ‘Traffic Impact Fee’ for retail activities in all activity areas with a gross floor area exceeding 3,000m<sup>2</sup>.

Chapter 14A of the Operative District Plan contains a range of traffic related rules, the majority of which are to be retained under proposed the plan change.

Section 14A (iii) 1.1.2 outlines the issue, objective and policies for Adequate Car Parking Provision in the Petone Commercial Activity Area.

The issue includes the comment that *“if the on street parking is insufficient there is the potential for poor parking behavior which creates a traffic hazard, visual detractor and an adverse effect on the amenity value of the area. Safe and adequate off street parking should be available in the vicinity of Jackson Street to accommodate the parking demand of the workforce and shoppers”.*

Related policies refer to the provision of ‘sufficient parking spaces’ and the provision of parking spaces in a safe manner that enhances the safe and efficient operation of the roading system.

Section 14A (iii) 1.1.5 outlines the issue, objective and policies for Adequate Car Parking Provision in the Southern and Western Petone Business Activity Areas. This policy applies to part of the plan change area to the east of Victoria Street. The issue for this area states:

*“Many of the sites in the southern and western areas of Petone, which are in the General Business Activity Area, are small sites. Some of the sites are unable to provide sufficient space for parking and servicing. It is necessary to manage activities on these sites to ensure that adequate provision is made for car parking and servicing”.*

General Rule 14A (iii) 2.1 (c)(ii) outlines minimum car parking requirements for retail and commercial activities, as well as licensed premises within the Petone Commercial Activity Areas 1 and 2.

General Rule 14A (iii)2.1 (e) outlines permitted activity standards for cycle parking. It requires secure cycle parking for:

- 1) Businesses with 10 or more employees, at a rate of 1 space per 30 employees; and
- 2) Places of assembly or entertainment facility at the rate of 1 space per 100m<sup>2</sup>.

## **Relevant Legislation and Guidance**

Local government has various roles and responsibilities on avoiding and managing traffic impacts. Below is a summary of the relevant legislative context and requirements relevant to this plan change. In addition, reference is made to transportation policies and priorities for the Wellington Region, and the Hutt Valley in particular. These matters are relevant considerations under Section 74 of the RMA in preparing and determining the proposed plan change.

### **Resource Management Act 1991**

Section 5 of the RMA identifies the purpose of the Act is to promote the sustainable management of natural and physical resources. It also refers to the need to avoid, remedy or mitigate adverse effects on the environment.

Sections 30 of the RMA allocates the function of strategic integration of infrastructure (including transport infrastructure) to the Regional Council, in this case Greater Wellington Regional Council. The regional council is the key agency for implementing public transport activities.

However, Sections 30 and 31 of the RMA give the function of the 'establishment, implementation and review of objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources' to both the regional council and local Councils. The above function is considered to include the integration of land use and transport planning decisions.

Sections 73 and 74 of the RMA require District Plans to give effect to regional policy statements, and take into consideration proposed regional policy statements.

### **Land Transport Management Act 2003**

The purpose of the Act is to contribute to the aim of achieving an affordable, integrated, safe, responsible and sustainable land transport system. The Act identifies the principle body responsible for regional transport planning as the Regional Council, through the preparation of regional land transport programs and land transport strategies.

### **Proposed Wellington Regional Policy Statement as at May 2010**

Policy 7 of the above statement, requires District Councils to include policies and rules in their District Plan which protect regionally significant infrastructure, including protection from nearby development which would adversely affect its efficient operation. Regionally significant infrastructure includes State Highway 2, the Hutt/Wairarapa Railway Line and The Esplanade.

Policy 9 requires district plans to include policies to promote travel demand management mechanisms, including land use planning to reduce dependence on the private car. The explanation under this policy refers to the importance of ensuring good connectivity within and between settlements to optimise walking, cycling and public transport.

Policy 10 refers to promoting energy efficient demand. The explanation under this policy refers to enabling everyday services such as shops, businesses and community facilities to be accessed by walking and cycling.

Policy 53 identifies the need to consider the region's urban design principles, when considering plan changes. Appendix 2 identifies that the principle of 'Connection' includes:

- facilitation of green networks that link public and private open space;
- placing a high priority on walking, cycling and public transport; and
- providing environments that encourage people to become more physically active.

Policy 56 of the above statement outlines the need for Council's to take into account the following transportation related considerations when undertaking plan changes:

- a) *"whether traffic generated by the proposed development can be accommodated within the existing transport network and the impacts on the efficiency, reliability or safety of the network;*
- b) *connectivity with, or provision of access to, public services or activities, key centres of employment activity or retail activity, open spaces or recreational areas;*

- c) *whether there is good access to the strategic public transport network;*
- d) *provision of safe and attractive environments for walking and cycling; and*
- e) *whether new, or upgrades to existing, transport network infrastructure have been appropriately recognised and provided for”.*

Policy 57 requires plan changes to give regard to whether development is located and sequenced to:

- a) *make efficient and safe use of existing infrastructure capacity; and*
- b) *coordinate with the development and operation of new infrastructure.*

#### New Zealand Transport Strategy, 2008

The strategy outlines the government's vision and objectives for transport in 2040. A key focus of the strategy is the integration of transport and land use planning, as well as better urban design.

#### Government Policy Statement on Land Transport Funding 2012-13 – 2021/22, Ministry for Transport published July 2011

The statement sets out the government's outcomes and priorities for the land transport sector.

Paragraph 43 refers to the importance of integration between transport and land use planning, which should ensure new commercial and residential developments meet the cost of their infrastructure impact on the wider transport network and urban planning principles are applied.

#### Wellington Regional Land Transport Strategy 2010-2040, Greater Wellington Regional Council, October 2010

The strategy outlines the government's transport intentions for the Wellington Region. Key issues are the need to manage anticipated increases in travel demand, as well as the integration of transport and land use planning.

The vision of the strategy is:

*“To deliver an integrated land transport network that supports the region's people and prosperity in a way that is economically, environmentally and socially sustainable”.*

The plan identifies a range of integrated planning policies to help achieve the above vision, including:

- Support for the growth and land use aspirations of the Wellington Regional Strategy and the Regional Policy Statement, particularly in relation to compact, well designed and sustainable regional forms;
- Support land use principles that minimise dependence on the private car;
- Support better integration of transport and land use planning by identifying roading hierarchies and advocating for appropriate access controls in District Plans;
- Ensure new land use development includes provision for walking, cycling and public transport services, consistent with relevant best practice guidance; and
- Ensure major recreational, tourist and freight traffic flows are taken into account during planning processes.

Section 12 of the strategy refers to the need to encourage higher density housing and mixed use development close to centres and public transport links; the encouragement of local employment opportunities; and travel demand management.

The strategy includes the following target for 2020 *“All large subdivisions and development include appropriate provision for walking, cycling and public transport, where appropriate”.*

The document identifies the rail corridor between Wellington Station and Upper Hutt Station as a Strategic Public Transport Network, and The Esplanade as a strategic transport 'Major District Distributor'. State Highway 2 outside the plan change is also identified as a Primary Distributor.

Significant transport issues identified within or near the plan change area are:

- Severe congestion at peak times on SH2 and The Esplanade;

- Significant heavy vehicles flows between Seaview/Gracefield and Wellington; and
- Expected freight volume growth anticipated to worsen congestion in freight movements.

The above document is complemented by a range of other transport related plans and documents. Of greatest relevance to the plan change area is the Hutt Corridor Plan.

Hutt Corridor Plan, Greater Wellington Regional Council, November 2011

Current objectives of the above plan include:

1. Provide for current and future growth pressures in the Hutt Corridor in accordance with the Wellington Regional Strategy and Regional Policy Statement;
2. Reduce service congestion on the road network including focusing on congestion 'hotspots' between Ngauranga and Petone and the Petone Esplanade/SH2 intersection; and
3. Improve the mode share of walking, cycling and public transport.

The above plan identifies the following traffic constraints in or near the plan change area:

- Severe congestion on The Esplanade at peak times between Seaview/Gracefield and the SH2;
- Expected doubling of freight volumes over the next few decades;
- The Esplanade carries significant volumes of traffic (about 30,000 vehicles per day, of which around 10% is heavy commercial vehicles.
- Congestion exacerbated on The Esplanade by merging with SH2 traffic at its western end, the design of the current Petone interchange and the design of intersections along this road;
- The ability of The Esplanade to cope as a regional strategic corridor is limited;
- Vulnerability of the Esplanade to the impacts of climate change and damage from a large seismic event;
- Rail services expected to reach capacity during peak times within the next 5 years;
- Issues with reliability of the rail network over recent years;
- Many park and ride facilities are at or nearing capacity;
- SH2 south of Petone experiences the heaviest volumes of the whole corridor (around 67,000 vehicles per day) with severe congestion at times; and
- Limited east west connections between SH2 and SH1, particularly the absence of a direct link between the key freight and employment centres of Lower Hutt/Petone/Seaview and Johnsonville/Porirua.

Projects identified for the 2012-2015 period close to or within the plan change area are:

- The proposed Grenada and Petone link road (identified as a 'strategic road network project');
- Safety and capacity improvements along SH2 (NZTA lead agency).
- New Petone interchange and use of 'ramp metering/signaling' (anticipated to be substantially completed by 2018) (NZTA lead agency).
- 'Beach to Bush' walking and cycling connection at Petone interchange (GWRC expected to be lead agency);
- Investigation and response to Climate Change and Natural Hazard Impacts on Strategic Transport network (anticipated completion by 2015) (GWRC lead agency).
- Investigate short-term options for upgrades to The Esplanade, Petone to maximise traffic efficiency. Includes investigating a dedicated walkway/cycleway. In addition to implementing 'appropriate upgrades' identified. (HCC lead agency)<sup>16</sup>

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<sup>16</sup> Funding allocation for this contained in Hutt City Council Long Term Plan 2011-2022

- Investigate the wider economic benefits of a new Cross Valley Link connecting Gracefield with SH2 (including consideration of 'end to end' freight trips, the regional and national significance of this route, and projected freight volume data). (HCC lead agency).
- Advocate for the retention of the Seaview/Gracefield rail corridor for potential future freight movements.<sup>17</sup>

In relation to short-term upgrades to the Esplanade, the report states *"This does not involve any major capacity increase or significant widening. The proposed improvements are expected to focus on intersection upgrades and changes to parking layout - to achieve improved traffic flows and enhanced pedestrian and cyclist access. These improvements will be investigated in the 2011/12 financial year, and would be substantially implemented during the 2012-15 RLTP period if found to be effective"*.

The plan identifies the inland cross valley link as a "crucial piece of work" that represents the preferred long term roading solution to accommodate future growth in traffic volumes. However low benefit/cost ratios have made it unlikely to receive funding support from the NZTA and insufficient funds are currently available to implement this option.

The plan also refers to HCC aim of encouraging more intensive residential development and large multi-use development (including residential) at the western end of Petone. This area is described as a key site where significant future development is planned, that will *"generate significant new trips and activity that will need to be accommodated by the transport network"*.

Possible long-term solutions for congestion on the SH2 (beyond 10 years) include significant reclamation and excavation works to build in both additional capacity and extensive natural hazard protection. In addition, the introduction of some form of congestion charge or road pricing scheme is signalled in the Plan.

#### Wellington Regional Public Transport Plan 2011-2021, Greater Wellington Regional Council

The Wellington Regional Public Transport Plan 2011-2021 identifies Petone as a regionally significant centre and strategic interchange, with Petone Railway Station situated along the Rapid Transport Network.

#### Wellington Regional Land Transport Programme, Greater Wellington Regional Council 2012-2015

Identifies land transport funding priorities for the above three year period. Works funded in or near the plan change area in this period are:

- Investigation of Petone to Grenade Link Road (2012) (NZTA lead agency)
- Design of Petone to Grenada Link Road (2014)
- Seaview/Gracefield Multimodal Transport Needs Study (HCC lead agency)<sup>18</sup>

The list of other significant activities expected to commence within 10 years, includes the Esplanade Upgrade Project.

#### Wellington Regional Travel Demand Management Plan, Greater Wellington Regional Council 2005

The above document contains an overview strategy for managing travel demand in the Wellington region. It identifies a 2016 land transport strategy target of all large subdivisions and developments to include appropriate provision for walking, cycling and public transport.

It identifies that the *"need to travel can be reduced by encouraging mixed use development, encouraging businesses to locate in areas close to the workforce and ensuring critical infrastructure and services are located in high density residential areas. Land use development can also improve travel choice for individuals if high density development is encouraged around transport nodes"*.

<sup>17</sup> Implementation plan for Vision Seaview Gracefield 2030 suggests the removal of this rail line and creation of new walkway/cycle path within the rail corridor.

<sup>18</sup> \$59,300 of funding from NZTA within the 2012/13 financial year is shown as approved within the NLTP 2012-2015

Raising the Profile of Walking and Cycling in New Zealand: A Guide for Decision Makers, Ministry of Transport 2008

Document points out a range of benefits which arise from increased walking and cycling opportunities. Methods to encourage walking and cycling include strategic planning, improving connectivity, increasing density, providing for mixed use, safety and high quality public space.

Hutt City Council's Long Term Plan 2012-2022

The Council's Long Term Plan 2012-2022 specifically refers to providing a solution to traffic volumes, including heavy traffic, along The Esplanade. In addition to the further investigation of the option for a 'cross valley link'.

It identifies that \$14.3 million of funding is allocated for upgrades to The Esplanade in the 2016-17 financial period, with a further allocation of approximately \$1.4 million in 2026/27.

Petone Vision Statement, Hutt City Council, 2009

The Petone Vision Statement refers to traffic on The Esplanade as heavy and not economically or environmentally sustainable.

Vision Seaview Gracefield 2030, Hutt City Council published 2010

The Seaview/Gracefield vision statement refers to congestion along The Esplanade, resulting in a loss of trade, costs for businesses, cost for employees and a lack of competitiveness of Seaview/Gracefield as a location for businesses. The vision identifies the need to "*Continue to push for the Cross Valley Link development to provide a direct route to and from Seaview Gracefield*".

The accompanying '*Vision Seaview/Gracefield 2030: Implementation Strategy and Work Plan*', Hutt City Council, 2011 refers to the Cross Valley Link as a desired long term project.

### **Issues with Existing Plan Provisions**

The existing provisions do not provide for a mix of land use activities which reflect the availability and proximity of transport infrastructure in this location. This limitation on land use activities is considered to represent an inefficient use of land and transport infrastructure. Existing provisions also do not encourage the best mix of uses, that would reduce the need to travel.

However, the existing provisions do provide a mechanism to manage the traffic effects from large (>3,000m<sup>2</sup>) retail activities. If a retail activities over 3,000m<sup>2</sup> in gross floor area is proposed, an assessment of the traffic impacts is undertaken, and consent can be granted or declined depending on these impacts. If consent is granted, conditions can be imposed to avoid or mitigate the traffic impacts (e.g. intersection upgrade).

Existing plan provisions provide minimal encouragement to travelling by cycling or walking in the plan change area. Minimum cycle parking standards apply to a narrow range of activities and there is no requirement for them to be accompanied by associated facilities such as cycle stands or employee showers. Little cycling provision has resulted from existing rules.

### **Proposed Plan Provisions**

Amendment 4 replaces the existing issue, objective and policies for the Petone Mixed Use Area, in addition to explanation and reasons. Collectively Amendments 4 and 19 delete existing references to large scale retail activities being designed to provide access to public transport and pedestrian and cycle routes and facilities. Proposed policy (f) seeks to manage traffic generation from vehicle oriented activities, whilst policy (h) refers to the management of traffic effects.

Amendment 8 identifies an issue, objective and policies which seek to manage the visual effects of car parking.

Amendments 10 and 19 collectively remove the ability to consider traffic effects for single retail premises and integrated retail developments up to 10,000m<sup>2</sup> in floor area.

Amendment 21 outlines traffic effects as a matter of consideration for development fronting the three major roads within the plan change area.

Amendment 55 amends existing Section 14A (iii) 1.1.2 (Adequate Car Parking Provisions in the Petone Commercial Activity Area) to explicitly refer to Petone Commercial Activity Area 2.

Amendment 56 deletes the existing reference to the Southern Petone Business Area in Section 14A (iii) 1.1.5, due to its intended inclusion in the Petone Mixed Use Area. By including this area in Petone Commercial Activity Area 2, non-compliance with permitted activity standards for car parking and loading outlined in the General Rules 14A Transport Chapter would trigger a Discretionary Activity status, as opposed to a Controlled Activity Status<sup>19</sup>.

Amendment 57 introduces a new minimum car parking requirement for residential development of 1 parking space per 2 units. It also alters minimum car parking requirements for commercial activities. No changes are made to existing car parking standards for retail activities within Petone Commercial Activity Area 2, although the size of this area is increased.

## **Evaluation of Issues Raised in Submissions and Relief Sought**

### All Traffic Effects

Key traffic concerns raised by submitters are that the plan change will increase traffic and on-street parking congestion. Several submitters have commented that traffic impacts have been insufficiently investigated.

Transportation Planner, Tim Kelly, was commissioned by the Council to provide a response to submitter's comments on the proposed plan change. His report titled '*Proposed Zoning Change to the Western end of Petone – Petone Mixed Use (Plan Change 29) Review of Transportation Issues*', March 2013 (attached as Appendix 8) refers to the following existing traffic constraints in the plan change area:

- Congestion during the morning and evening commuter periods at the Petone interchange at the western extremity of the plan change area, which provides access onto Hutt Road, The Esplanade and SH2;
- Obstruction of footpaths in plan change area by parked vehicles;
- Large number of small sites which are unable to provide sufficient off-street parking;
- Absence of on-road cycling facilities; and
- Lack of information about the existing level of transport demand generated by the area.

Traffic related effects of the plan change are described as:

1. *"The quantum of retail development which could take place without an opportunity to review transportation effects would be greatly increased..."*.
2. Loss of opportunity to seek contributions (physical works or financial) associated with upgrades to the roading network, which are necessitated or required to be prioritised as a result of development.
3. Should development predominantly be in the form of smaller retail units, there is a possibility that the number of off-street parking could be insufficient to meet demand, with a heavy reliance upon the use of kerbside parking.
4. Insufficient on-site parking provision could lead to a potential need to acquire and reserve land for public parking (with associated financial costs).
5. Permitted commercial activities could be responsible for significant number of vehicle movements and exacerbate existing congestion in certain locations at peak times.

Tim Kelly identifies that *"the wide variety of activity types enabled by a mixed-use environment, together with a lack of information concerning the existing volumes of traffic associated with this area precludes any reliable and wider quantification of transportation impacts."*

*This emphasises a need to retain an ability to review the incremental and collective effects of development proposals with lower thresholds for permitted activities".*

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<sup>19</sup> Controlled Activities cannot be refused.

Recommendations contained in the report are:

1. Need to review immediate access arrangements for larger retail and commercial activities, as well as how associated traffic movements are to be accommodated on the wider road network;
2. Reduce retail threshold as a permitted activity to 3,000m<sup>2</sup>;
3. Requirement for a Transportation Impact Assessment where proposed development is expected to generate more than either 50 vehicle movements/hour or 200 vehicle movements/day;
4. Retain the proposed parking minimum parking standard for residential development of 1 space per 2 residential units;
5. Clarify wider objectives regarding the desirability of service stations within the plan change area;
6. Introduce additional traffic criteria for Restricted Discretionary Activities, which do not comply with permitted activity standards; and
7. Review of minimum cycle parking standards as part of the ongoing review of the District Plan.

#### Additional Traffic Volumes

The proposed plan change is intended to stimulate mixed use development within the plan change area and is therefore expected to increase workforce and residential population of the plan change area. Depending on the nature and scale of this development, changes to traffic pattern movements could occur, such as private vehicular movement, patronage of public transport, pedestrian and cycle movements, and carparking.

The plan change area is well located to regional road connections and public transport infrastructure, particularly Petone Railway Station. The availability of public transport would reduce the need to travel by private vehicles and its proximity to existing retail and employment locations within Petone Commercial Activity Areas 1 and 2, would reduce the need to travel by any means. The plan change area is identified as a suitable location for mixed use development by both NZTA and GWRC. Mixed use development is recognised in several planning and transportation policy documents, as a method for reducing growth in the demand for travel and encouraging more trips by walking, cycling or public transport.

GWRC and NZTA in their submissions have also identified expected future strategic transport improvements in the vicinity of the plan change area, including rail frequency and capacity improvements, a new and upgraded off-road walkway/cycleway between Petone and Ngauranga and a new SH2 Petone to SH1 Grenada Link Road with associated new Petone interchange.

Nevertheless, the local and regional transport network has been identified as constrained by several submitters including GWRC and NZTA, in addition to the transportation related documents and advice from transportation planner, Tim Kelly referred to above. Submitters on the plan change have referred to existing traffic congestion along the State Highway 2, The Esplanade and Hutt Road.

The proposed plan provisions as notified collectively reduce the ability to manage transport impacts of development within the plan change area, by expanding the range of permitted activities and lowering the threshold for retail development, which would trigger resource consent and hence allow for the consideration of a full range of traffic impacts. In the absence of resource consent being required, the Council's ability to manage transport impacts is restricted to the use of permitted activity conditions regarding access, car and cycle parking, and loading/unloading areas. The ability to use District Plan provisions to manage/control traffic volumes or to consider effects on the safe and efficient operation of the local and regional road network, is limited to those developments which trigger resource consent as at least a Restricted Discretionary Activity.

The plan change has the potential to increase traffic volumes and consequentially car parking demand for:

1. Residential activities, which are proposed to be a permitted activity, with a minimum on-site car parking requirement of 1 space per 2 residential units;
2. Single retail activities of unlimited size and integrated retail developments up to 10,000m<sup>2</sup> gross floor area, which are proposed to be a permitted activity throughout the plan change area;



3. Uses which attract crowds of people such as licensed premises, places of assembly and visitor accommodation, which are proposed to be a permitted activity; and
4. Commercial uses currently permitted, as a result of the proposed increase in the maximum building height in part of the plan change area.

Both GWRC and NZTA have raised concern, as to the consistency of the proposed plan change with the Proposed Regional Policy Statement.

GWRC and NZTA have raised strong concerns that the plan change would lead to additional traffic volumes which would adversely impact on the safe and efficient functioning of State Highway 2. Concern is also raised regarding increases in traffic volumes along The Esplanade and Hutt Road, which feed into the highway network. Both State Highway 2 and The Esplanade represent “regionally significant infrastructure”, as defined in the Wellington Regional Policy Statement.

Potential impacts of the plan change identified by NZTA include:

- *“increased journey times for strategic traffic from Seaview and Lower Hutt connecting with Wellington;*
- *tailbacks onto the State highway network from northbound traffic;*
- *impaired functioning of (the) Petone interchange;*
- *adverse traffic impact on NZTA’s investment in the local road and state highway network; and*
- *compromise of future projects and investment in terms of reduced journey time savings and need to plan for additional capacity”.*

GWRC have expressed the view that traffic effects of the plan change cannot be fully understood, in the absence of further investigation of future traffic growth and demand from the Seaview/Gracefield industrial area, feasibility of the Inland Cross Valley route and funding for improvements to The Esplanade.

The proposed plan change provisions as notified are considered by officers to lead to unnecessary risks regarding the management of traffic volumes and the ability to manage potential traffic effects from development that could adversely affect the safe and efficient operation of the local and regional road network.

In response to the concern raised by GWRC regarding a lack of information, it is noted that funding has been allocated by NZTA for a ‘*Seaview/Gracefield Transport Needs Study*’. Previous investigations and assessments of the Cross Valley Link proposal have concluded that it would be unfeasible in the short to medium term from a cost/benefit funding perspective, although the Council intends to further investigate its long term feasibility. Funding for improvements to the Esplanade has been investigated with a substantial sum allocated for this work in the Council’s Current Long Term Plan.

It is anticipated that results from the above investigations will feed into the investigation of the Petone to Grenada Link Road, and associated new Petone Interchange and improved access onto the SH2 currently being undertaken by NZTA. The Petone to Grenada Link Road project is currently in the design stage, with details of the configuration anticipated to be released in late 2014. Construction of this road is anticipated between 2020-2024.

At a meeting held between Council officers and the NZTA on 21 February 2013, staff from NZTA stated that calculations for road adjustments associated within the Petone to Grenada Link have not included traffic implications from the plan change to date.

Nevertheless, signalling of future growth intentions in the Petone area, such as those contained in the Proposed Wellington Regional Policy Statement (first notified in early 2009) and the Hutt Corridor Plan 2011, are likely to have been known at the time of consideration.

Transportation planner, Tim Kelly has advised that the wide variety of activity types allowed for in the mixed use zone, prevents the ability to reliably assess transportation impacts. However, this situation is recommended to be addressed by Council officers, by:

- lowering the floor area threshold for retail as permitted activity;

- extending the consideration of traffic effects to all new buildings and larger alterations and additions, with indicative threshold on when a Traffic Impact Assessment is required;
- extending the consideration of traffic effects to 'permitted development' which does not comply with permitted activity standards; and
- making it clear that the consideration of Discretionary Activities, will include a consideration of traffic effects.

The above changes would provide an opportunity to assess the incremental and collective traffic effects of development through the resource consent process. This recommendation would allow for the consideration of traffic impacts on a case by case basis, and the ability to impose conditions or refuse development (if needed) which do not satisfactorily address traffic effects. These provisions are considered an efficient and effective approach to achieving the two objectives of providing for a mixed use activity area within Petone which caters for a range of complementary activities and maintaining a safe and efficient roading network.

### Car Parking Standards

A mixture of views have been raised by submitters regarding the proposed car parking standards, with GWRC and NZTA seeking a reduction in minimum on-site car parking standards, and other parties seeking an increase. High demand for on-site car parking is apparent both within and adjacent to the plan change area.

The proposed minimum car parking requirements are consistent with the recently adopted car parking standards for the Inner Central Area Parking District within the Central Commercial Activity Area (otherwise known as Lower Hutt CBD). Taking into account the proximity of the plan change area to public transport facilities and intentions to promote higher density residential development, the proposed car parking provisions are considered to represent an appropriate balance between providing a reasonable supply of on-site car parking and allowing additional growth opportunities in the plan change area.

The use of the above car parking standard for new residential units is supported by Transportation Planner, Tim Kelly. Tim Kelly has expressed the view that the recommended parking standard:

- provides flexibility to developers;
- recognises that higher density areas tends to have lower levels of vehicle ownership than residential areas;
- recognises that the area is well provided for in terms of facilities and public transport; and
- avoidance of risks associated with maximum car parking standards of potentially discouraging development or creating congested kerbside and public parking areas.

The adoption of a maximum car parking standard would be inconsistent with the Council's current parking approach, which relies on the use of city wide minimum car parking standards, with lower car parking requirements in centres and for multi-unit housing in the General Residential Activity Area. The use of maximum car parking standards is not supported by Tim Kelly, who states "*there is no evidence that intentionally constraining the supply of parking has the intended effect of discouraging car use, especially for retail customers*".

Nevertheless there are a range of other travel demand tools and methods available outside the plan change process, which could provide additional encouragement for the use of public transport or walking and cycling in the plan change area. These are identified within the Wellington Region Land Transport Strategy 2010-2040 as including road network management tools, land use policies, parking policies (such as on-street parking restrictions), behaviour change programs, economic pricing measures (such as car parking and road use charges) and new technology and innovation.

Car parking standards for other activities referred to by submitters have been reviewed by Tim Kelly. Based on the assessment and advice of Tim Kelly, no changes are recommended to proposed car parking standards for retail and commercial development in the plan change area. The car parking standard for retail activities continues the existing tiered parking approach for retail activities in the Petone Commercial Area.

The higher minimum car parking standard for commercial activities in plan change area is supported by Tim Kelly, as commercial activities such as offices and financial activities could employ significant numbers of staff, the consequences of under-provision of car parking are potentially significant and the ability to provide larger areas of public parking are limited.

Design aspects of car parking such as use of landscaping is discussed in the Built Form and Urban Design Report.

#### Access for Pedestrians and Cyclists

A small number of submitters have expressed concern that the plan change does not sufficiently promote more non-vehicular forms of travel, particularly walking and cycling. Requests have been received for new walkways and cycle lanes.

The plan change recognises the importance of providing vehicular access and on-site car parking for a range of activities. The absence of provisions for non-vehicular traffic would have adverse impacts on the plan change area and adjacent areas, by not meeting the needs of future resident and workforce populations, as well as increasing on-street parking and congestion.

Whilst the desirability of providing increased pedestrian and cyclist facilities within the plan change area is acknowledged, it is considered that the provision of these facilities (i.e. planning or confirming physical works) is largely outside the scope of the plan change. It is anticipated that the future upgrade of The Esplanade, would include a dedicated cycleway/walkway, with the option of a pedestrian overbridge being investigated.

Additional provisions could not be provided in the absence of incentives offered to developers or additional Council funding to create cycle lanes, covered walkways, overpasses over existing road/rail infrastructure and/or the widening of existing footpaths and roads. Many of these options are likely to require the acquisition of private land, taking into account existing road widths and traffic volumes.

The Built Form and Urban Design Report contains details of a proposed incentive scheme for developers in the plan change area to provide new street connections in the area to the west of Victoria Street.

The plan change is considered to have little effect on existing provisions regarding pedestrian and cyclist movement. Amendment 12 contains new permitted activity conditions regarding verandahs along Jackson Street, which are intended to allow for the creation of a more attractive and pedestrian friendly route between Petone Railway Station and the Jackson Street Historic Retail Precinct. It is accepted that a continuous undercover route may take some time to eventuate.

No changes are proposed or recommended to the existing permitted activity condition for cycle parking. It is considered that changes to existing cycle parking standards would best be considered as part of a citywide review of District Plan transport provisions.

The plan change does delete existing references to large scale retail activities being designed to provide pedestrian and cycle routes and facilities under Section 5B 1.1.2 and Rules 5B 2.2.2 (a) and 2.2.2.1 (a) (Restricted Discretionary Activity) under the Operative District Plan. Nevertheless the Operative District Plan, has resulted in few cycling routes and facilities being provided in the plan change area, and few visitors to large format retail stores are expected to travel by bicycle, particularly in the absence of associated facilities such as a home delivery service for bulky or heavy goods.

The deletion of existing Rules 5B 2.2.2 (a) and 2.2.2.1 (a) is expected to be largely negated by recommended Amendments 21 and 31. Amendment 21 as notified, requires resource consent as a Restricted Discretionary Activity for buildings fronting onto the three major roads (where retail activity is expected to be concentrated), with matters of consideration including traffic effects. It is recommended by officers that the application of this rule be extended to the entire plan change area for reasons outlined in the Built Form and Urban Design Report. Amendment 31, as notified requires resource consent as a Discretionary Activity for integrated retail developments above 10,000m<sup>2</sup> in size. It is recommended by officers that this rule be extended to single and integrated retail developments above 3,000m<sup>2</sup> in size, for reasons outlined in the Retail Report.

The principle effect of the plan change on pedestrian and cycling movement is that the creation of a mixed use area is anticipated to reduce the need for travel. The need to travel is expected to be reduced as a result of:

- increased range of activities being located close to one another; and
- providing for residential development in proximity to existing public transport facilities (particularly Petone Railway Station).

The requested study on how the present public transport systems could be better coordinated and enhanced is also outside the scope of the plan change. Greater Wellington Regional Council has the lead role in providing for public transport facilities and preparing the Regional Public Transport Plan.

#### Future Proofing

There is no practical or effective method to 'future proof' development to ensure outcomes like traffic or road congestion do not arise. The management of traffic/road congestion often requires a coordinated range of measures, many of which are outside the scope of this plan change and the periodic reviews of such measures when situations change over time.

#### **Recommendations with Reasons**

It is recommended that the Objective 5B 1.1.2 and Policy (g) under Amendment 4 not be amended as requested by NZTA because:

1. The suggested change to the Objective is not necessary as the objective includes reference to the avoiding and mitigation of adverse effects on the environment. Adverse effects on the environment, could include traffic effects.
2. The proposed Issue for this amendment already refers to the need to manage potential adverse traffic effects.
3. The suggested change to policy (g) as notified, is not necessary, as policies regarding the safety and efficiency of the transport network are contained in proposed policy (h).
4. The suggested change to policy (f) as notified, unambiguously extends the application of this policy to all activities which may have traffic effects, instead of those activities considered to be 'vehicle-oriented'. [As a result of a new recommended policy, this policy is to be labeled policy (h)].

It is recommended that the Issue, Objective 5B 1.2.3 and associated Policy under Amendment 8 (Carparking) is amended because:

1. It recognises that car parking areas (particularly large car parking areas) can have adverse transport effects.
2. It recognises that the oversupply of private car parking can encourage the greater use of private vehicles and contribute to traffic congestion.
3. To clearly identify an intention to manage traffic effects associated with car parking areas.
4. To clearly identify that a balanced approach to car parking is required, which considers traffic implications from both an undersupply and oversupply of car parking.
5. It is consistent with Section 5 of the RMA in respect to avoiding, remedying or mitigating any adverse effects of activities on the environment.

It is recommended that Amendment 10 Rule 5B 2.2.1 (a) is amended to reduce the range of retail activities as a permitted activity because:

1. It allows for a full consideration of traffic impacts, particularly the effect of increases in traffic volumes, at the resource consent stage for larger developments.
2. Based on evidence of existing capacity constraints affecting major roads in the plan change area.

3. Based on evidence provided by Transport Planner, Tim Kelly that potential traffic volumes generated from permitted retail activities, would justify a review of traffic efforts upon the road network.
4. It is consistent with Section 5 of the RMA in respect to avoiding, remedying or mitigating any adverse effects of activities on the environment.
5. It is consistent with Section 7 of the RMA in respect to maintenance and enhance of the quality of the environment.

It is recommended that Amendment 10 not be amended to prevent additional vehicular crossings, turning and parking movements onto the major roads because:

1. No changes are proposed to existing General Rules in Chapter 14 of the Operative District Plan regarding Distributor Road Network, Access roads, visibility requirements, provision for pedestrians, berms, property access and manoeuvring space which are considered to ensure safe access arrangements.
2. Recommended changes to Amendment 21 would require resource consent for all new buildings and larger alterations and additions to existing buildings, which allows for the consideration of traffic effects including access arrangements.
3. Several properties along the major roads already have direct vehicular access onto the major roads.
4. An inability to provide vehicular access off the major roads could lead to some existing or new land lots being 'land locked' and unable to provide suitable vehicular access;
5. The proposed request could hinder the development of sites adjacent the major road and hence the ability of the Council to achieve its objective of creating an attractive and vibrant mixed use area.

It is recommended that Amendment 19 [Rule 5B 2.2.1.1 (j) (General Rules)] is retained because:

1. The need for the retention of this rule is superseded by suggested changes to Amendments 10 and 31, which changes the activity status for retail activities above 3,000m<sup>2</sup>.

It is recommended that Amendment 21 [Rule 5B 2.2.2 for new buildings and structures) be amended because:

1. It extends the application of this rule to all new buildings and larger alterations and additions to existing buildings, and thereby allows the consideration of a wide range of traffic effects from new development.
2. It provides additional clarity as to the range of traffic impacts able to be considered.
3. It is consistent with advice from GWRC, NZTA and Transport Planner, Tim Kelly that further opportunities should be provided to consider traffic impacts from larger scale commercial activities;
4. It is consistent with Section 5 of the RMA in respect to avoiding, remedying or mitigating any adverse effects of activities on the environment.
5. It is consistent with Section 7 of the RMA in respect to maintenance and enhance of the quality of the environment.

It is recommended that Amendment 24 not be amended to automatically require consultation of NZTA for all retail and commercial activities above 3,000m<sup>2</sup> because:

1. Such an amendment is not considered necessary in light of the recommended deletion of Amendment 24 for reasons outlined in Section 4.2 of this report.
2. The Council does not favour the inclusion of compulsory notification of types of applications to interested parties.
3. Provisions under Section 95E of the RMA allow for the consultation of affected parties, which may include NZTA.

It is recommended that Amendment 31 (Discretionary Activities) be amended to allow for the identification of retail activities above 3,000m<sup>2</sup> as a Discretionary Activity because:

1. The suggested change would allow for the full consideration of traffic effects for all retail activities above 3,000m<sup>2</sup>.
2. It is consistent with advice from GWRC, NZTA and Transportation Planner, Tim Kelly that further opportunities to consider traffic effects for larger scale retail activities are needed.
3. It is consistent with the floor space limit for retail activities specified for consideration of a traffic impact fee in Section 12.2.2.1 of the Operative District Plan and Hutt City Council's 2012-2015 Development Contributions Policy.
4. It is consistent with Section 5 of the RMA in respect to avoiding, remedying or mitigating any adverse effects of activities on the environment.
5. It is consistent with Section 7 of the RMA in respect to maintenance and enhance of the quality of the environment.

It is recommended that Amendment 35 be amended to specify additional assessment matters for Discretionary Activities because:

1. It improves consistency with assessment matters for Restricted Discretionary Activities;
2. It is consistent with advice from Transportation Planner, Tim Kelly that the assessment matters for activities which do not comply with permitted activity standards (such as car parking standards) clearly identify an ability to consider wider traffic impacts.

It is suggested that Amendment 55 (Adequate Car Parking Provision in the Petone Commercial Activity Area) be amended because:

- The recommended changes are consistent with recommended changes to Amendment 8, in terms of identifying potential traffic issues caused by high levels of on-site parking provision.
- The recommended changes are consistent with proposed Amendment 57, which deletes the use of a graduated parking system for commercial activities within Petone Commercial Activity Areas 1 and 2.
- The recommended change corrects a typing error in the amendment.
- The recommended changes extend an exception to on-site parking provision in Petone Commercial Activity Area 1 to small-scale commercial activities (below 500m<sup>2</sup>), to allow for the continued establishment of such activities (such as accountancy or real estate office) without the need for resource consent.
- The proposed replacements of 'comprehensive retail development' with 'integrated retail development', increases the consistency of terminology used with Amendment 2.

It is recommended that Amendment 56 be retained because:

- The effect of the proposed change is limited to deleting references to the southern Petone business area, which is proposed to be rezoned Petone Commercial Activity Area 2.
- The amendment allows for additional opportunities to manage the supply of on-site car parking in this part of the plan change area.

It is recommended that Amendment 57 (Permitted Activity Conditions) be amended because:

- The proposed replacements of 'comprehensive retail development' with 'integrated retail development', increases the consistency of terminology used with Amendment 2.
- The recommended changes continue to allow for small-scale commercial activities within the Jackson Street Historic Retail Precinct to be established as a permitted activity, without the need to provide on-site parking.
- An exception to the changes to minimum on-site car parking requirements for commercial activities is warranted for small-scale commercial activities in Area 1, in recognition of practical

limitations in providing such car parking and the availability of kerb-side and public car parking in the area.

- Allowing for small scale commercial activities to remain a permitted activity within Area 1, could assist in protecting the economic vitality and viability of this area, in order to support the ongoing use of buildings in this precinct, to fund the repair, maintenance and other improvements to buildings within this identified Historic Area.

It is recommended that the parking standards for residential and retail activities in Amendment 57 be retained because:

- The permitted activity conditions regarding car parking represent an appropriate balance between providing additional off-site car parking for new development within the plan change area and providing additional growth opportunities, taking into account the plan change area's proximity to public transport infrastructure and established commercial uses.
- The minimum car parking standards for residential activities within Petone Commercial Activity Area 2 are consistent with advice from Transportation Planner, Tim Kelly.
- The minimum car parking standards for residential activities within Petone Commercial Activity Area 2 are consistent with existing parking standards for residential units within the Inner Central Parking District within the Central Commercial Activity Area.
- It is consistent with Section 5 of the RMA in respect to avoiding, remedying or mitigating any adverse effects of activities on the environment.

The proposed amendments are considered to satisfactorily address concerns raised by submitters regarding potential increases in traffic volumes and demand for on-street car parking. Changes to the District Plan are expected to be supported by a range of measures outside the scope of the plan change, which support and encourage the use of public transport.

## OFFICER RECOMMENDATIONS

The following are Hutt City Council officers recommendations on the submissions received for this topic/issue and amendments to the above PC29 provisions and other actions:

Accept and Reject all submissions relating to the above Amendments to the extent that:

- AMENDMENT 4 [5B 1.1.2 (Area 2 – Petone Commercial Activity Area) is modified to amend policy(f) as notified as follows:

~~(f)~~(g) Manage the establishment and operation of ~~vehicle-oriented~~ activities where traffic generation is likely to have adverse effects on the safety and efficiency of the transport network.

Add the following paragraph to the Explanation and Principal Reasons:

The traffic effects of larger or more intensive retail, commercial, residential and other non-residential activities is expected to be assessed through the use of a Traffic Impact Assessment. As a guide, a Traffic Impact Assessment is anticipated to accompany all resource consent applications which are expected to generate more than either 50 vehicle movements per hour or 200 vehicle movements per day.

- AMENDMENT 8 [5B 1.2.3 (Carparking)] to amended as outlined below:

Issue

Car parking ~~areas~~ not contained within buildings can have adverse effects on amenity values. It is important that such car parking ~~areas~~ are designed and located to avoid or mitigate adverse effects.

The provision of on-site parking can have traffic impacts on the adjacent and wider road transport network. A balance needs to be struck between providing a reasonable degree of on-site parking to meet the car parking needs of existing and future resident and workforce

populations, with managing potentially increases in traffic volumes on the wider road network. Providing a high level of on-site car parking, can encourage the use of private vehicles and discourage the use of more sustainable forms of transport.

#### Objective

To ensure that adverse visual and transport effects arising from car parking ~~areas~~ are avoided or mitigated.

#### Policy

- (a) ~~Manage the design, location and scale of Areas within the car parking areas, servicing, manoeuvring and access to maintain and enhance the streetscape and visual amenity values of the Petone Mixed Use Area. areas adjoining roads must be landscaped or suitably screened.~~
- (b) Manage the design, location and scale of car parking, servicing, manoeuvring and access, to avoid or mitigate adverse effects on the transport network.

#### Explanation and Reasons

The provision of suitable on-site carparking, servicing and access is an important part of a number of activities and developments. Carparking needs to be both adequate and well-located, while not compromising other forms of transport or degrading the streetscape or visual amenity values of the area. The supply of carparking can influence the transport modes people use. The carparking provisions in Chapter 14A(iii) are to be applied in conjunction with these considerations.

Performance standards and design guidance for carparking is provided in the Petone Mixed Use Design Guide to ensure on-site carparking is provided in a manner which recognises and reflects the streetscape and visual amenity values of the area.

The use of porous car parking surfaces is also encouraged, which provides a number of environmentally friendly benefits, including a reduction in surface water ponding and contaminants entering the drainage system or Wellington Harbour.

~~Landscaping and screening of car parking areas can improve the visual amenity values of an area. It is important therefore that areas within the car parking area and areas adjoining roads are suitably landscaped and screened.~~

Landscaping and screening of car parking areas can improve the visual amenity values of an area. It is important therefore that areas within the car parking area and areas adjoining roads are suitably landscaped and screened as outlined in the Design Guide.

- AMENDMENT 10 [Rule 5B 2.2.1 (Permitted Activities)] (a) is amended to reduce the range of permitted retail activities as outlined below:
  - (a) ~~Retail activities, excluding integrated retail developments exceeding 10,000m<sup>2</sup> in total combined floor area.~~
  - (a) Individual retail activity with a gross floor area not less than 500m<sup>2</sup> and not more than 3,000m<sup>2</sup>, except for retail activities with a gross floor area up to 1,000m<sup>2</sup> on Jackson Street.
  - (b) Integrated retail development with an individual store size not less than 500m<sup>2</sup> and cumulative total floor space not more than 3,000m<sup>2</sup>.
- AMENDMENT 19 [Rule 5B 2.2.1.1 (j) (General Rules)] is retained.
- AMENDMENT 21 [Rules 5B 2.2.2 (b) and 2.2.2.1 (b) (Restricted Discretionary Activity)]



Rule title be amend to read

- (b) ~~The construction, alteration of, addition to buildings and structures fronting Hutt Road, The Esplanade or Jackson Street, except for those works permitted under Rules 5B 2.2.1 (n) and (o).~~

Matter of consideration (v) be amended to read:

- (v) ~~Traffic effects, including effects on the transport network from the volume and type of traffic generated, and the suitability of site access and site servicing arrangements.~~

- ~~- A Transportation Impact Assessment may be required where proposed development is expected to generate more than either 50 vehicle movements/hour or 200 vehicle movements/day.~~

- AMENDMENT 24 [Rule 5B 2.2.2 (d) and 2.2.2.1 (d) (Restricted Discretionary Activity – Notification)] be deleted.

- AMENDMENT 31 [Rule 5B 2.2.3 (d) (Discretionary Activities)] is amended to read:

~~(d) All retail activities within an integrated retail development with a gross floor area exceeding 10,000m<sup>2</sup>.~~

~~(d) Individual retail activities with a gross floor area exceeding 3,000m<sup>2</sup> per store.~~

~~(e) Integrated retail developments with a cumulative total floor space of more than 3,000m<sup>2</sup>~~

~~(f) Individual retail activities or Integrated Retail Developments with a gross floor area below 500m<sup>2</sup> per store, with the exception of individual retail activities abutting Jackson Street up to 1,000m<sup>2</sup> as referred to in rule 5B 2.2.1 (b).~~

- AMENDMENT 35 [Rule 5B 2.2.3.1 (c) Discretionary Activities – Assessment Matters)] is amended to read:

~~(b) Design, external appearance and siting of the building or structures~~

~~(b)(c) Matters in the Petone Mixed Use Area Design Guide.~~

~~(d) Natural hazards, including geotechnical investigation on seismic hazards, including fault rupture, subsidence and liquefaction, and measures to avoid or mitigate the effects from fault rupture, subsidence and liquefaction.~~

~~(e) Amenity Values~~

- ~~- Effects upon the amenity values both within the site concerned and upon surrounding areas from buildings, structures and use of outdoor areas.~~

~~(f) Landscaping~~

- ~~- The extent to which landscaping is incorporated to achieve high quality urban design which maintains or enhances the image and visual appearance of the mixed use area.~~

- ~~- A landscape plan will be required. This plan should landscaping of any outdoor on-site parking areas.~~

~~(g) Traffic effects, including effects on the transport network from the volume and type of traffic generated, and the suitability of site access and site servicing arrangements.~~

- ~~- A Transportation Impact Assessment may be required where proposed development is expected to generate more than either 50 vehicle movements/hour or 200 vehicle movements/day.~~

- AMENDMENT 55 [14A(iii) 1.1.2 (Adequate Car Parking Provision in the Petone Commercial Activity Area)] is amended to read:

#### Issue

The availability of short stay parking in close proximity to the retail shops and small-scale commercial activities along Jackson Street is an important factor for business viability. There is a need for additional parking provision in the Petone Commercial Activity Area, particularly between Victoria and Cuba Streets. However, it is undesirable to provide access to off street parking along Jackson Street within Area 1, as this tends to break up the pedestrian frontage and the commercial properties lack depth.

If the on street parking is insufficient within Areas 1 and 2 of the Petone Commercial Activity Area, there is the potential for poor parking behaviour which creates a traffic hazard, visual distraction and an adverse impact on the amenity value of the area. Safe and adequate off street parking should be available in the vicinity of Jackson Street, both within Areas 1 and 2, to accommodate the parking demand of the workforce and shoppers.

Nevertheless, parking demands by workforce and shoppers need to be managed to limit increases in traffic volumes on the wider road network from being generated by increased car parking provision. Providing a high level of on-site car parking, can encourage the use of private vehicles and discourage the use of more sustainable forms of transport.

#### Objective

To provide adequate car parking in a safe and visually attractive manner, to maintain the safety and amenity values of the area.

#### Policies

- (a) That sufficient parking spaces be provided using a graduated scale for retailing activities, ~~commercial services~~ and licenced premises.
- (b) That on site parking be provided in a safe and visually attractive manner to enhance the safe and efficient operation of the roading system.
- (c) ~~That on street parking be provided in a safe and visually attractive manner to enhance the safe and efficient operation of the roading system.~~

#### Explanation and Reasons

The objective and policies seek to ensure that the safety and efficiency of the road system is maintained, and that adverse effects on the amenity values or character of the area are mitigated.

The sites along Jackson Street within Area 1 are small and it is difficult to provide on site parking or rear service lanes. It is not necessary for small retail shops or commercial activities below 500m<sup>2</sup> to provide onsite parking as it is inappropriate to disrupt the commercial frontage. The needs of such small retail shops and commercial offices should be met by on street parking. However, larger retail and commercial premises would require on site parking provision, particularly where integrated retail comprehensive development is proposed.

There are some sites in Area 2 – Petone Mixed Use which will find it difficult to provide on site parking and servicing areas in accordance with the permitted activity standards, where the site is small and there is a narrow road frontage. New development shall ensure that sufficient provision is made for parking, loading and unloading facilities.

On street parking will be controlled by a traffic management plan as necessary to avoid the adverse effects of poor parking behaviour on both safety and efficiency of the roading network.

The parking requirements for retail activities, ~~commercial services~~ and licenced premises will be determined on the gross floor area of the building, using a graduated system. Where a integrated comprehensive retail development involves a range in sizes of retail activities then

the parking requirement will be determined on an aggregate basis.

- AMENDMENT 56 [14A(iii) 1.1.5 (Adequate Car Parking Provision in the South and Western Petone Business Activity Area)] is retained.
- AMENDMENT 57 [Rule 14A(iii) 2.1(c)(ii) (Permitted Activity – Conditions)] is amended to read:  
Petone Commercial and Suburban Commercial Activity Areas -  
Residential Activities within Area 2 – Petone Mixed Use: The minimum parking requirement for residential activities is 1 space for every two residential units.  
Retail Activities and Licensed Premises: A graduated system will be used to determine the appropriate amount of car parking spaces required for retail activities and licenced premises. Where an integrated retail comprehensive development involves a range in sizes of retail activities then the parking requirement will be determined on an aggregate basis.  
The minimum parking requirement for retailing activities, ~~commercial services~~ and licenced premises shall be based on the following graduated scale:  
Less than 500m<sup>2</sup> GFA - Nil  
More than 500m<sup>2</sup> GFA but less than 1500m<sup>2</sup> GFA - 1 space per 100m<sup>2</sup> GFA  
More than 1500m<sup>2</sup> GFA but less than 3000m<sup>2</sup> GFA - 2 spaces per 100m<sup>2</sup> GFA  
More than 3000m<sup>2</sup> GFA but less than 5000m<sup>2</sup> GFA - 3 spaces per 100m<sup>2</sup> GFA  
More than 5000m<sup>2</sup> GFA - 5 spaces per 100m<sup>2</sup> GFA  
Note: The above graduated system does not apply in a systematic way, in that the first 500m<sup>2</sup> of a 1800m<sup>2</sup> development is not exempt from the standard requiring 2 spaces per 100m<sup>2</sup>.  
Commercial activities up to 500m<sup>2</sup> within Area 1 – Jackson Street Historic Retail Precinct - Nil  
Other Activities: The minimum parking requirements for other Permitted Activities are listed in Appendix Transport 3.
- AMENDMENT 58 [14A(iv) 1.1 (Safe and Adequate Provision for Servicing)] is retained.
- It is also recommended that cycle parking standards be reviewed as part of the ongoing District Plan review.

## 5.8. Stormwater and Infrastructure

### INFRASTRUCTURE AND STORMWATER PROVISIONS

#### RELATED PC29 PROVISIONS AS NOTIFIED

The amendments 'as notified' for this topic/issue in PC29 are the following:

- AMENDMENT 4 [**5B 1.1.2 (Area 2 – Petone Commercial Activity Area)**] which proposes a new issue and objective for the Petone Mixed Use area, as well as outlining policies and explanation and reasons.
- AMENDMENT 10 [**Rule 5B 2.2.1 (Permitted Activities)**] which sought to identify activities which do not require resource consent.
- AMENDMENT 11 [**Rule 5B 2.2.1.1 (a) - (c) (Bulk and Location Standards)**] which outlines permitted activity conditions regarding building height, site coverage and setbacks.

KEY SUBMITTER POINTS	SUBMITTERS
<b>Submitter Feedback</b>	
Concerned Raised regarding Infrastructure Provisions.	17 original submissions
<b>The following are the key points made by opposers in relation to infrastructure and stormwater provisions:</b>	
▪ Concern that additional development will adversely affect 'supporting infrastructure'	Approximately 12 original submissions.
▪ Concern regarding effect of plan change on drainage infrastructure	Approximately 6 original submissions.
▪ Concern that insufficient drainage capacity exists to deal with additional storm water runoff.	Approximately 6 original submissions.
▪ Active storm-water management is required.	Approximately 3 original submissions.
▪ Concern raised regarding treatment of natural hazards	136 original submissions and 1 further submission.

RELIEF SOUGHT	SUBMITTERS
▪ Guidance about best practice stormwater management included in Design Guide	Approximately 3 original submissions.
▪ Review of stormwater network to ensure its long term functioning in the face of rising sea levels.	GWRC
▪ Improved drainage provision	Approximately 3 original submissions.
▪ Adoption of active or innovative stormwater management measures	Approximately 3 original submissions.
▪ Developers to fund upgrades or new infrastructure needed for development.	Approximately 2 original submissions.

<ul style="list-style-type: none"> <li>▪ General infrastructure to be improved.</li> </ul>	<p>Approximately 2 original submissions.</p>
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**Discussion**

**Background**

Hutt City Council Operative District Plan

There are no existing provisions within Petone Commercial Activity Area 2 or General Business Activity Area which directly relate to infrastructure provision.

Rule 5B 2.2.1.1 (a) outlines a permitted activity condition of up to 100% site coverage within Petone Commercial Activity Area 2, which means that buildings can cover an entire site, subject to compliance with other provisions in the District Plan.

Rule 6A 2.2.1 (e)(i) also outlines a permitted activity condition of up to 100% site coverage within the General Business Activity Area, subject to compliance with other provisions in the District Plan.

Section 12.2.1 outlines an Issue, Objective and Policy for Provision of Utility Services when land is subdivided or developed. The issue is written out in full below:

*“In the subdivision or development of land it is important that the cost of providing necessary services and land for reserves are allocated fairly between subdividers or developers and the Council.”*

Policies under this issue refer to:

- Developers bearing the cost of providing all utility services within land being developed, where the benefits accrue to the land being developed; and
- The developer shall pay the full and actual cost of upgrading or providing new services and facilities, where this is necessitated by a proposed development and existing services are inadequate to meet current demands.

Rules 12.2.1.3 and 12.2.1.4 regarding financial contributions for water supply and the disposal of waste water and stormwater specifically refers to these contributions being considered for subdivision.

Section 12.2.2 ‘Financial contributions relating to the development of land’ refers to the ability to collect contributions for traffic related facilities and reserves/open space for certain types of activities.

Chapter 13 Utilities identifies various provisions and rules regarding Utility. Drainage infrastructure is expected to be a permitted activity within the plan change area.

**Relevant Legislation and Guidance**

Local government has various roles and responsibilities in relating to provision and maintenance of infrastructure. Below is a summary of the relevant legislative context and requirements to this plan change. In addition reference is made to guidance on drainage matters. These matters are relevant considerations under Section 74 of the RMA in preparing or determining the proposed plan change.

Resource Management Act 1991

Section 5 of the RMA identifies the purpose of the act is to promote the sustainable management of natural and physical resources, in a way which enables people and communities to provide for their social wellbeing and health and safety.

Section 7 of the RMA refers to the need to have regard to the effects of climate change.

Section 30 (g)(b) of the RMA allocates the function of ‘strategic integration of infrastructure with land use through objectives, policies and methods’ to the Regional Council, in this case Greater Wellington Regional Council (GWRC).

Section 30 and 31 of the RMA allocates the function of ‘establishment, implementation and review of objectives, policies and methods to achieve integrated effects of the use, development or protection of land and associated natural and physical resources’ to both the Regional Council and territorial authorities. This function is considered to include the integration of infrastructure and land use planning.

### Local Government Act 2002

Sections 3 and 10 of the LGA identifies that a key purpose of local authorities includes meeting the current and future needs of their communities for good quality local infrastructure.

Section 11A identifies 'solid waste collection and disposal' as a core service, and requires local authorities to have particular regard, to the contribution that core services makes to communities.

### Proposed Wellington Regional Policy Statement, as at May 2010

Policy 7 of the above statement requires District Councils to include policies and rules in their District Plan which protect regionally significant infrastructure, including protection from nearby development which would adversely affect its efficient operation. Regionally significant infrastructure includes local authority wastewater, stormwater and water supply networks.

Policy 57 requires plan changes to give regard to whether development is located and sequenced to:

- (a) make efficient and safe use of existing infrastructure capacity; and
- (b) coordinate with the development and operation of new infrastructure.

### Hutt City Council Stormwater Plan 2012-2017, published October 2012

This document refers to stormwater capacity issues throughout the city, arising from increased drainage standards and increased stormwater volumes as a result of climate change and increases in impervious surfaces.

This plan refers to several moderate risk issues including the impact of development on stormwater. One of the actions put forward for addressing this risk was:

*"Low impact urban design and development (LIUDD) options are investigated as part of District Plan reviews, and where appropriate, incorporated into relevant planning documents".*

### Hutt City Council Long Term Plan 2011-2022

The Long Term Plan provides the following information about drainage related projects:

1. Seismic Vulnerability of Wastewater Systems, which is expected to involve an investigation of vulnerability to these seismic hazard risks and the preparation of disaster readiness and response plans.
2. Citywide Wastewater model, which is expected to include a detailed assessment of wastewater system capacity on a catchment wide basis and potential future issues/demand.
3. Managing Adverse Effects from Stormwater Runoff, which will include the adoption and implementation of Stormwater Plan and participation in the development of 'Regional Action Plan for Stormwater Management'.
4. Beach Stormwater Outlets, which is intended to investigate and rectify restrictions in the ability of stormwater outlets to discharge, as a result of a build-up in beach levels.
5. SH2 – Korokoro Catchment Flood Mitigation, which involves a detailed assessment of the level of flood risk in low lying areas between SH2 and the Western Hills and mitigation of significant risks identified.

The above plan identifies that the Council's and Capacity Infrastructure Services'<sup>20</sup> knowledge of the detailed wastewater system capacity and potential future issues may not be as *"comprehensive as possible"*.

The SH2 – Korokoro Catchment Flood Mitigation Project is intended to be carried out between 2022/23 and 2031/32. Approximately \$8.8 million is allocated for this project.

The long term plan refers to the need to provide additional capacity to the water supply network for the subdivision or development of land throughout the city.

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<sup>20</sup> Capacity Infrastructure Services is a Council Controlled Trading Organisation owned by Wellington City Council and Hutt City Council and provides water, wastewater and stormwater services for the Hutt City area.

## **Identification of Infrastructure Constraints in the Plan Change Area**

Drainage constraints in the plan change area were referred to in the 'Issues and Options Paper' for the September 2011 District Plan Sub-Committee Meeting. In this paper, the plan change is described as:

*“characterised by a very high proportion of hard surfaces with a corresponding high amount of surface water runoff. From discussions held with Council’s asset managers (Capacity), parts of Petone West are known to currently experience localised stormwater ponding issues. We understand this situation is a combination of the high amount of impervious surface resulting in a high amount of runoff and the limited capacity in the existing reticulated stormwater network for this amount of runoff”.*

A major storm event in 1976 led to major flooding in the south-western portion of the plan change area. Local stormwater runoff and in particular, stormwater runoff from the Western Hills and Korokoro Stream, contributed to this event. Increased water volumes led to the overloading of the stormwater drainage network, which was compounded by blockages in the network caused by storm-related debris.

Capacity Services has advised that since this flood, debris arrestors are understood to have been installed in the Korokoro Stream, to minimise the risk of material being transported in the stream in a severe storm event and blocking the culverts in the Cornish Street area. These culverts are situated over 200m to the west of the plan change area, on the opposite side of SH2 and railway line.

Capacity has also referred to some localised flooding along The Esplanade, which is believed to be related to blocked sumps or blocked discharge pipes to the beach with the build up of sand along the beach area.

## **Issues with Existing Plan Provisions**

Existing plan provisions provide limited scope for consideration of the capacity of infrastructure to service new development. Nevertheless, the existing range of retail, commercial and industrial/business activities within the plan change area are not expected to result in significant increases in demand for local drainage and water supply infrastructure.

Provisions regarding financial contributions for drainage infrastructure are predominantly geared towards new infrastructure required as a result of the subdivision of land, as opposed to the redevelopment of existing sites.

Existing plan provisions do not encourage the use of low impact urban design solutions, which have the potential to reduce stormwater entering the stormwater drainage network.

## **Proposed Plan Provisions**

Amendment 4 introduces a new issue, objective and policies for the Petone Mixed Use Area. It outlines an intention to provide for a mixture of land uses, whilst managing potential adverse effects.

Point (c) under the Explanation and Reasons refers to the plan change area as being well situated in terms of public and community infrastructure and services.

Amendment 10 increases the range of permitted activities in the plan change area, to include residential, retail, commercial and other non-residential activities.

Amendment 11 identifies permitted bulk and location standards. Rule 5B 2.2.1.1. (a) allows for 100% site coverage, subject to compliance with other provisions in the District Plan.

There are no specific proposed provisions which directly relate to infrastructure or stormwater management.

## **Evaluation of Issues Raised in Submissions and Relief Sought**

Concern has been raised by some submitters that the plan change will enable development that would increase demand that would exceed the capacity of existing drainage infrastructure. Submitters have sought drainage improvements, in addition to the use of more active, innovative or environmentally friendly drainage measures.

GWRC have raised concern, as to the consistency of the proposed plan change with the proposed Regional Policy Statement. GWRC in their submission has referred to major flooding in the plan change area during a storm event in 1976. GWRC had identified the need for Hutt City Council to

review the stormwater network to ensure its long term functioning in the face of rising sea levels. GWRC adds that effects of sea level rises are exacerbated by storm events, which in Petone will lead to impeded drainage.

Capacity was commissioned by the Council to provide advice on reticulated drainage services in the Petone West area and the ability of these services to cater for increased demand for new development, in response to concerns raised by submitters. Their report, prepared with the assistance of GHD, titled '*Petone Commercial Activity Area – Area 2 – Comment on Reticulated Services*' provides the following information:

- The ground surface area in the plan change is mainly impervious. Changing the use of the area to include residential type development and other forms of mixed use is unlikely to change the current imperious nature of the ground service. This would result in no change to the current stormwater runoff characteristics of the area.
- It is likely that many sections of the existing stormwater system in the plan change area would not satisfy current design standards. However, this a problem that exists citywide (as referred to in the Stormwater Management Plan);
- The trunk pump station for sewer at Esplanade West has substantial spare pumping capacity, as it was designed to accommodate high levels of flow generated by the former Gear Meat Company;
- The rest of the sewer trunk system was generally designed for light industrial development and capacity is much closer to the current needs of the area;
- The western half of the proposed development area would be able to accommodate the wastewater generated from a significant amount of mixed use development;
- Upgrades to the pumping capacity at the Esplanade Central trunk pump station for sewer would be required to provide for mixed use development (particularly residential) in the eastern side of the proposed plan change.
- Localised upgrades of the internal sewer reticulation pipelines may be required to service individual developments due to the flat topography of the plan change area;
- The reticulated sewer servicing requirements for individual developments should be considered on a case by case basis, along with their effect on the overall performance of the system; and
- There is capacity in the existing water reticulation (water supply) system to provide for a significant amount of further development. However, water pressure may be an issue for taller buildings as the water pressure relies on gravity from the reservoir in Korokoro.

Although the proposed plan change does not alter existing provisions regarding infrastructure or stormwater management in the plan change area, it increases the range of permitted activities in the plan change area and allows for the intensification of existing activities. Proposed permitted activities include residential dwellings and uses which could attract high numbers of customer/visitors such as large retail developments, visitor accommodation, licensed premises and places of assembly. The proposed plan change is therefore expected to result in increased demand for infrastructure.

The ability of the plan change to increase volumes of water entering the reticulated stormwater system is limited, due to the already high proportion of impervious surfaces. It is possible that the plan change could lead to one type of impervious surface (such as a concrete hardstanding area) being replaced with another type of impervious surface (including buildings and paving). Nevertheless the proposed maximum site coverage of 100%, limited landscaping requirements and absence of any additional drainage requirements, represents a lost opportunity to improve the quality and quantity of stormwater runoff

The plan change could significantly increase the demand for water supply and wastewater drainage, due to increased workforce and residential populations. Capacity have identified a risk that new development in the plan change area, could lead to a need to replace or upgrade reticulated sewer and water services. There are few provisions in the plan change, as notified, that allow for the consideration of whether there is sufficient capacity to service additional development. The ability to consider the capacity of existing infrastructure to service additional development, is restricted to land



uses which require resource consent as at least a Discretionary Activity or subdivision consent as at least a Controlled Activity.

Few activities are identified as Discretionary Activities in the proposed plan change. Smaller lot sizes on part of the plan change area (particularly land on the eastern side of Victoria Street and north of Jackson Street), reduces the probability of subdivision consents being lodged. In the absence of resource consent, no mechanism is available to the Council to secure financial contributions for drainage capacity improvements, to meet any additional drainage requirement generated by new development.

As a result, it is possible for new development to exceed the capacity of existing drainage infrastructure or require unplanned upgrades of this infrastructure, with associated financial costs to Council.

The Council's current Development Contributions Policy 2012-2015 allows for the collection of development contributions from new residential and commercial activities, which could then be allocated to upgrades to drainage infrastructure. However, this approach allows no certainty that funds collected would be used for this purpose within the plan change area or would be sufficient to cover the costs of infrastructure upgrades at the time required.

The proposed provisions are considered to lead to unnecessary risks regarding the capacity and efficient operation of existing water supply and wastewater drainage infrastructure. As a result of these risks, the proposed provisions are considered contrary to policy 7 and 57 of the proposed Wellington Regional Policy Statement. To address this risk, officers recommend that:

- The permitted threshold for retail activities be reduced;
- All new buildings and larger alterations and additions to existing buildings require resource consent; and
- Matters of consideration for all new buildings and larger alterations and additions, as well as Discretionary Activities, include the capacity of the City's infrastructure to service the new development.

These provisions would allow for consideration of infrastructure and drainage impacts on a case by case basis, and the ability to impose conditions or require financial contributions to address any shortfalls in infrastructure capacity.

Council officers previously considered the option of incorporating low impact urban design and development options (LIUDD), such as the on-site management/control of stormwater, into the plan change. Although this option was recognised as providing benefits, it was considered that such an approach would significantly vary from the existing approach towards stormwater management in the Operative District Plan, and its application to a small proportion of the City area (i.e. apply to only Petone West) could unduly disadvantage landowners and developers in this area. It is therefore recommended that the use of LIUDD be considered in the review of the infrastructure provisions of the District Plan and that voluntary guidelines for the management of stormwater be prepared outside the plan change process.

The recommended Petone Mixed Use Design Guide under the heading Car Parking encourages the use of more sustainable stormwater management techniques in the design of car parks, such as the use of porous and semi-porous surfaces, detention facilities to trap stormwater and landscaping with in-built soakage capacity. This has the potential to improve stormwater drainage in the plan change area, although compliance with advice on this subject is optional.

The Long Term Plan identifies council wide issues in relation to the provision of drainage infrastructure which meets current standards for existing populations and anticipated population growth. Several projects are put in place to address these constraints over time. A review of the stormwater network to ensure its long term functioning in the face of rising sea levels is considered outside the scope of the plan change and best addressed through a citywide review.

A discussion of flood hazards is contained in the Natural Hazards Report.

## **Recommendations with Reasons**

In relation to the infrastructure-related amendments in the proposed plan change the following recommendations are made:

It is recommended that Amendment 4 (Area 2 – Petone Commercial Activity Area) is amended to refer to capacity constraints in local infrastructure because:

- It improves awareness of existing capacity constraints in local infrastructure, identified by Capacity; and
- It allows for the introduction of a rule, which identifies the capacity of local infrastructure as a relevant matter for consideration.

It is recommended that Amendment 8 [5B 1.2.3 (Landscaping and Screening)] is amended to promote the use of porous car parking surfaces because:

- It promotes awareness of the benefits of porous car parking surfaces;
- Car parking surfaces have traditionally involved large areas of non-porous surfaces; and
- The proposed amendment is consistent with the Council's Stormwater Plan.

It is recommended that Amendment 10 [Rule 5B 2.2.1 (Permitted Activities)] is amended to reduce the floor area threshold for retail activities because:

- It allows for the consideration of the capacity of local infrastructure to handle any additional requirements generated by larger retail activities;
- Larger retail activities typical provide large areas of car parking on impervious surfaces,
- Larger retail activities could attract significant numbers of visitors, which could lead to significant increases in water and sewer reticulation services; and
- Of the reasons outlined in the Retail and Traffic Reports.

It is recommended that Amendment 11 [Rule 5B 2.2.1.1 (a)] be amended to clarify that the permitted limit of 100% site coverage is a maximum because:

- It clarifies that the permitted activity limit for site coverage is a maximum, and therefore may not be achievable for all developments;
- It clarifies that a site coverage below 100% would be a permitted activity;
- A lower permitted site coverage could unduly disadvantage the ability of Petone West to attract additional development, especially with other business areas in the General Business Activity Area benefiting from a permitted site coverage of 100%;
- It recognises that the plan change area is characterised by a high proportion of impervious surfaces; and
- The permitted activity standard of up to 100% site coverage is appropriate for reasons outlined in the Built Form and Urban Design Report.

It is recommended that Amendment 21 be amended to allow for the consideration of capacity constraints for built development on each site because:

- It would address capacity constraints in local drainage infrastructure identified by Capacity;
- It is consistent with Policy 7 and 57 of the Proposed Wellington Regional Policy Statement;
- It is consistent with Issue, Objective and Policy for 'Provision of Utility Services when land is subdivided or developed' in the Operative District Plan; and
- It allows for avoidance or mitigation of adverse effects of new development on local infrastructure capacity.

It is recommended that Amendment 35 be amended to allow for the consideration of capacity constraints because:

- It would address capacity constraints in local drainage infrastructure identified by Capacity;

- It is consistent with Policy 7 and 57 of the Proposed Wellington Regional Policy Statement;
- It is consistent with Issue, Objective and Policy for 'Provision of Utility Services when land is subdivided or developed' in the Operative District Plan; and
- It allows for avoidance or mitigation of adverse effects of new development on local infrastructure capacity.

The recommended amendments are considered to satisfactorily address concerns raised by submitters regarding potential overloading of existing infrastructure services. Changes to the District Plan are expected to be supported by a range of measures outside the scope of the plan change, which increase the capacity of stormwater systems to current design standards and support and encourage the use of low impact urban design and development options.

## OFFICER RECOMMENDATIONS

The following are Hutt City Council officers recommendations on the submissions received for this topic/issue and amendments to the above PC29 provisions and other actions:

Accept and Reject all submissions relating to the above Amendments to the extent that:

- AMENDMENT 4 [5B 1.1.2 (Area 2 – Petone Commercial Activity Area)] is amended as outlined below.

New policy (k)

(k) Manage the effects of development on the supply and demand of local infrastructure, including drainage infrastructure, to ensure that development is within capacity limits or the infrastructure capacity is upgraded.

Additional text to Explanation and Reasons

Localised upgrades to reticulated infrastructure may be required where the capacity is not sufficient to meet the demand for new development. The provision of new or upgraded reticulated infrastructure would need to be designed and constructed to meet the future demand as a mixed use area.

- AMENDMENT 8 [5B 1.2.3 (Landscaping and Screening)] Explanation and Principal Reasons is amended to include:

The use of porous car parking surfaces is also encouraged, which provides a number of environmentally friendly benefits, including a reduction in surface water ponding and contaminants entering the drainage system or Wellington Harbour.

- AMENDMENT 11 [Rule 5B 2.2.1.1 (a) - (c) (Bulk and Location Standards)] point (a) is amended as follows:

(a) Site Coverage: ~~400%~~ Up to a maximum of 100%

- AMENDMENT 21 [Rules 5B 2.2.2 (b) and 2.2.2.1 (b) (Restricted Discretionary Activity)] is amended by adding an new matter of discretion as follows:

(vii) Capacity of Infrastructure

- The capacity of the City's infrastructure to service additional development on the site.

- AMENDMENT 35 [Rule 5B 2.2.3.1 (c) (Discretionary Activities – Assessment Matters)] is amended by adding an additional assessment matter as follows:

(g) Capacity of Infrastructure

- The capacity of the City's infrastructure to service additional development on the site.

## 5.9. Heritage and Cultural Values

### HERITAGE AND CULTURAL VALUES PROVISIONS

#### RELATED PC29 PROVISIONS AS NOTIFIED

The amendments 'as notified' for this topic/issue in PC29 are the following:

- AMENDMENT 7 [5B 1.2.3 (Character and Building Form and Quality within Petone Mixed Use Area)] which introduces a new issue, objective and policies for the Mixed Use Zone, in addition to explanation and reasons.
- AMENDMENT 10 [Rule 5B 2.2.1 (Permitted Activities)] which sought to identify activities which do not require resource consent.
- AMENDMENT 11 [Rule 5B 2.2.1.1 (a) – (c) (Bulk and Location Standards)] which sought to outline permitted activity conditions regarding site coverage, maximum height and setbacks.

KEY SUBMITTER POINTS	SUBMITTERS
<b>Submitter Feedback</b>	
Concern regarding European or Cultural Heritage Impacts	Approximately 140 original submitters
No comment	Approximately 111 original submissions, 1 late submission and 25 further submissions.
<b>The following are the key points made by opposers to the heritage and cultural values</b>	
▪ The plan change will harm the historical character of the area.	Approximately 140 original submitters
▪ The plan change will be harmful to the Jackson Street Historic Area.	Approximately 120 original submitters
▪ Insufficient protection is given to the historic urupa	Approximately 18 original submitters.
▪ Archeological remains relating to the original Pito One Village may be present in the plan change area	1 original submitter.

RELIEF SOUGHT	SUBMITTERS
▪ Reinstatement of existing retail rules within the plan change area.	See Retail Chapter
▪ Additional protection be given to the historic urupa. Includes increasing the setback of development on abutting sites to 8m, use of a 2.5m plus 45° angle height control plane, and restricting the maximum building height on adjacent sites to 8m and 12m.	16 original submitters
▪ Restrict building until an archaeological report has been prepared	1 original submitter
▪ Amend Amendment 7 to include a new policy on historic heritage	NZHPT

<ul style="list-style-type: none"> <li>▪ The term heritage is replaced with 'historic heritage' in the plan change</li> </ul>	NZHPT
<ul style="list-style-type: none"> <li>▪ Use of non-regulatory tools to incentivise landowners with heritage buildings</li> </ul>	NZHPT
<ul style="list-style-type: none"> <li>▪ Identification and protection of a further Maori urupa on the old Gear Meat factory site.</li> </ul>	Morris Te Whiti Love
<ul style="list-style-type: none"> <li>▪ Remove land to south of urupa from Mixed Use Zone</li> </ul>	See Mixed Use Chapter.

## **Discussion**

### **Background**

#### Hutt City Council Operative District Plan

There are no identified built heritage items in the plan change area. However, the plan change area adjoins the Jackson Street Historic Area (Retail Precinct), listed in Appendix Heritage 1 of the Hutt City Council's Operative District Plan, which is registered by New Zealand Historic Places Trust. The southern and eastern boundaries of the plan change area are also sited close to identified heritage buildings and structures, situated along The Esplanade and Nelson Street.

The boundary of the Jackson Street Historic Area and position of nearby heritage buildings is illustrated in Appendix 10.

In relation to cultural heritage, the Te Puni Urupa/Historic Cemetery (urupa) is zoned 'Community Iwi' and is surrounded by land intended to be rezoned to Petone Commercial Activity Area 2 (that is, the Petone Mixed Use Area). No changes are intended to the zoning of the urupa site. Existing rule [10A 2.2.1 (a) Community Iwi Activity Area 2 – Urupa) manages the range of permitted activities on this site to urupa only.

Situated within or close to the southern boundary of the Petone Mixed Use area are four Significant Cultural Resources referred to in the Operative District Plan. These are:

1. Te Puni Street – Te Puni Pa
2. Te Puni Street – The Urupa (burial ground) of the Te Puni family
3. The Esplanade – Pito-One Pa. A former stockaded village.
4. The Esplanade – Urupa (Burial ground).

The Operative District Plan Map identifying the location of these significant cultural resources is also attached in Appendix 10. Section 14E of the Operative Plan outlines existing plan provisions regarding Significant Cultural Resources. Rule 14E 2.2 (a) requires resource consent as a Restricted Discretionary activity for any activity or site development works identified on or within the boundaries of a significant cultural resource. PC29 does not change this rule and it would continue to apply.

Rule 5B 2.2.1.1 (c) (Petone Commercial Activity Area 2 Permitted Activity Conditions – Buildings and structures abutting a urupa), and Rule 6A 2.2.1 (b) (General Business Activity Area Permitted Activity Conditions – Setback Requirements) both require buildings and structures abutting a urupa to have a minimum setback of 3m.

#### Resource Management Act

Section 6 of the RMA identifies that the protection of historic heritage from inappropriate subdivision, use and development is a matter of national importance. Section 2 of the above act defines 'historic heritage' as those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and culture, deriving from any of the following qualities:

- (a) Archaeological;
- (b) Architectural;

- (c) Cultural;
- (d) Historic;
- (e) Scientific; and
- (f) Technological.

And includes:

- (i) historic sites, structures, places, and areas; and
- (ii) archaeological sites; and
- (iii) sites of significance to Māori, including wahi tapu; and
- (iv) surroundings associated with the natural and physical resources

#### Other Legislation

The Historic Places Act 1993 seeks to promote the identification, protection, preservation and conservation of historical and cultural heritage of New Zealand. Section 4 of the Act acknowledges that historic places have lasting value in their own right and provide evidence of the origins of New Zealand's distinct society, as well as the relationship of Maori and their culture and traditions with their ancestral lands, water, wahi tapu and other taonga.

Section 99 of the above Act provides protection to known and suspected archeological sites, by making it an offence to take action which causes an archaeological site to be destroyed, damaged or modified without the relevant authority.

The definition of an archaeological site under this Act includes any place in New Zealand that was associated with human activity that occurred before 1900 or is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand.

A draft Heritage New Zealand Pouhere Taonga Bill, 2011 has been prepared, which is expected to replace the Historic Places Act. The above Act contains similar provisions to that referred to above.

#### Proposed Regional Policy Statement for the Wellington Region, May 2010

The proposed regional policy statement prepared by Greater Wellington Regional Council contains the following policies relating to historic heritage.

1. Policy 20: Identifying places, sites and areas with significant historic heritage values – district and regional plans.  
The above policy outlines criteria for the identification of sites of significant historic heritage values.
2. Policy 21: Protecting historic heritage values – district and regional plans.  
District and regional plans shall include policies, rules and/or other methods that:
  - a) Protect the significant historic heritage values associated with places, sites and areas identified in accordance with policy 20, from inappropriate subdivision, use and development; and
  - b) Avoid the destruction of unidentified archaeological sites and wahi tapu with significant historic heritage values.
3. Policy 45: Managing effects on historic heritage values – consideration.  
This policy lists assessment criteria to be considered in the assessment of whether a plan change will result in an activity that is inappropriate or not.
4. Policy 48: Avoiding adverse effects of matters of significance to tangata whenua – consideration.  
This policy requires particular regard to be given to avoiding adverse effects on places, sites and areas with significant spiritual or cultural historic heritage value to tangata whenua, when considering a plan change.  
Supporting text under this policy adds *“Places, sites and areas with Maori historic heritage value are important because of their social, cultural and spiritual significance not only to Maori, but to all people of the Wellington region...These include but are not limited to: Tauranga waka (canoe*

*landing places)...coastal access points, residential sites such as pa, marae, papakainga (and) urupa (burial sites)."*

### **Issues with Existing Plan Provisions**

Existing provisions under the District Plan require no consideration of the compatibility of development on the character and appearance of the adjacent Jackson Street Historic Area (Retail Precinct) or heritage buildings and structures along The Esplanade and Nelson Street.

The location and extent of Significant Cultural Resources in the Petone West area is marked on Appendix Map 1A of the Operative District Plan at the very broad scale of 1:50,000. The scale used creates difficulties in identifying the precise siting of these resources and therefore can lead to uncertainty as to where the rule restricting development within these areas [Rule 14E 2.2. (a)] applies. It is understood the listed and identified sites are based on information supplied by the New Zealand Archaeological Association.

Chapters in the Operative District Plan on Heritage Buildings and Structures (Section 14F) and Significant Natural, Cultural and Archaeological Resources (Section 14E) are due for review with work already commenced on identification of significant cultural sites.

A proposed plan change regarding Heritage Buildings and Structures is anticipated to be the subject of public consultation in mid-2013.

No references are contained in the Operative District Plan regarding 'Accidental Discovery Protocols' for Archeological Items.

### **Proposed Plan Provisions**

Amendment 4 refers to the need for buildings to recognise their context and their effects on their surroundings including heritage areas.

Amendments 7 and 10 could result in direct or indirect impacts on cultural and heritage values within and adjoining the plan change area.

Amendment 7 creates a new issue, objective and policies for the Petone Mixed Use area regarding Character and Built Form, which is accompanied by new explanation and reasons.

Amendment 10 increases the range of permitted activities in the plan change area, particularly retail activities.

Amendment 11 increases the permitted maximum height of buildings in part of the plan change area. This amendment retains the existing provision for buildings and structures abutting the urupa to have a minimum setback of 3m.

### **Evaluation of Issues raised in Submissions and Relief Sought**

#### Built Heritage

The principal concern raised by submitters is that the plan change will harm the historic character of the area and the historical values of the Jackson Street Historic Area in particular. This concern has been raised by a number of local residents, as well as heritage organisations. NZHPT, Historic Places Wellington and Petone Historical Society have referred to the high heritage values of the Jackson Street Historic Area in their submissions.

Submitters have raised strong concerns that the plan change will indirectly harm the Jackson Street Historic Area (Retail Precinct) by expanding the opportunities for new retail development in the plan change area, and lead to increasing retail competition with existing small-scale retailing in the historic area. Concern is raised that this increased competition would harm the economic viability of existing stores, the financial ability of property owners to maintain historic buildings and/or discourage investment in historic buildings in terms of earthquake strengthening and undertaking maintenance works and/or general repair. The possibility is raised that this situation could lead to the degradation of the retail heritage area, in terms of the historic buildings becoming neglected and mounting pressure to demolish historic buildings. In turn, this could result in a loss of historic fabric and detriment to the historical character of the area. This concern is relating to drawing retail activity away from the Jackson Street Historic Retail Precinct and is addressed within the Retail Report.



Further impacts on the character of the Jackson Street Historic Area could occur through unsympathetic development on land adjacent to this area. Proposed Amendment 21 requires resource consent for development which fronts onto Jackson Street as a Restricted Discretionary activity, with matters of consideration including design and external appearance and amenity values both within the site and upon surrounding areas. This amendment would ensure that nearby development along Jackson Street has an acceptable visual relationship with the historic area.

However, the proposed plan provisions place no specific restrictions on the design of development on sites which adjoin the Jackson Street Historic Area to the south (between Victoria and Sydney Streets). The plan as drafted would allow for the construction of 30m high buildings immediately behind these buildings on Jackson Street, which could be visually prominent and overbearing on lower height development fronting Jackson Street.

The alteration of Amendment 7 to refer to 'historic heritage' and inclusion of an additional policy to manage adverse effects on historic heritage as requested by NZHPT is supported. The term historic heritage mirrors the terminology used in the Resource Management Act and a new policy would recognise that adjacent development can have harmful events on the setting or amenity of historical areas and places. The suggested use of non-regulatory tools to incentivise landowners with heritage buildings by NZHPT is considered to be outside the scope of the plan change as there are no heritage buildings within the plan change area.

### Cultural Heritage

The proposed plan change retains the existing level of protection given to the historic urupa from adjacent development, although it expands the range of permitted activities that could occur on adjacent land. The urupa is currently surrounded by predominantly single storey and two storey commercial buildings, with a larger building positioned along The Esplanade. The proposed plan change is considered to increase the potential for adjacent sites to be more intensively developed.

The cultural heritage value of the area around the urupa is described by Morris Te Whiti Love, a Trustee of Te Tatau o te Po Marae and Trustee of Te Puni Urupa in Te Puni Street in his submission as follows:

*"The urupa or burial ground was close to the original site of the wharepuni, Te Tatau o Te Po, and at least two sites for Pito-One Pā. This area around the Te Puni Urupa for Māori and particularly Te Atiawa remains of enormous historical and cultural significance. Not only was the area from Nevis Street through to Victoria Street along the old beach, the site for many Pā, kainga and urupa, but also was the site of extensive gardens and other cultural activities. The beach, which was located further inland than it is today was the locality of the Tauranga waka where the (sic) (there were) hundreds of waka or canoe which were used for fishing, transport and welfare. In short this was an area highly used by Māori prior to colonisation".*

*"The original urupa was larger and connected to the west to the old site of Te Tatau o te Po and to the east with the original Pito-one Pā. The eastern extent of this pā was around Victoria Street. Close by Victoria Street on this coastal zone are the remnants of another old urupa (location shown on map attached to original submission). This urupa or burial ground was recognised by the Gear Meat Company. The urupa was avoided to the extent that the old Gear Meat railway line went around it. The current building (ex IBM Building) also avoids the site with a small grass area being left as recognition".*

*"The urupa behind the old IBM building was a burial ground that was probably not only associated with Te Atiawa from Pito-one Pā but may also (have) been the burial place of some 6 early settlers who drowned in 1841 from a boat returning from Wellington which foundered near the beach."*

The historical importance of the area is also supported by NZHPT which refers to a "recorded kainga site" (that is, the site of the original Pito One Village) within the Petone West plan change area. "Pito One Village was the Te Atiawa kainga where the first New Zealand Company settlers arrived in 1839 and negotiated the sale of land before establishing the short lived settlement of Britannia beside the Hutt River. The cemetery associated with it is still intact, located on Te Puni Street". The kainga site is marked on an historical overlay as covering a site area approximately three times that of the urupa and lying between Annie Huggan Grove, Te Puni Street and The Esplanade.

Taken into account the high cultural values of the area, it is considered that additional protection from unsympathetic development, which could further harm the setting of the urupa should be provided. It is recommended that additional permitted activity conditions be imposed for development abutting or immediately opposite the urupa to limit the height of adjacent or facing development. Existing and proposed provisions which allow for the construction of 30m high buildings, setback 3m from the edge of the site would allow new development which is considered to be overbearing and unduly visually dominating over the urupa.

It is recommended that a maximum height limit be imposed which restricts the maximum permitted height on adjacent or opposite sites to 8m and the use of a height recession plane of 2.5m plus 45°. These provisions are considered to provide an appropriate balance between providing development opportunities on adjacent land, with providing an appropriate degree of protection to this significant cultural site from building dominance, shading and proximity effects from buildings on adjoining sites. The suggested relief of requiring landscaping within setbacks on adjacent sites, is not supported, as it is considered unlikely to materially improve the visual appearance of the urupa, although it may have some value in improving the visual amenity of the streetscene.

A larger setback than 3m is not considered practicable or reasonable on adjoining sites, as it would impose an undue restriction on the area of developable land. The 8m height limit, recession plane and 3m setback are considered an effective combination of thresholds to protect the value of the urupa, from the effects of buildings on adjoining sites.

Morris Te Whiti Love has also referred to the presence of another old Maori urupa on the former Gear meat factory site (also known as the former IBM building) as a heritage area (waahi tapu) and has requested that this area be identified a heritage area which would preclude building over the site. A reference to an 'Old Maori Burial Place' is identified within this area on the Pito-one Town Board Map of 1886 (attached to the original submission).

Given existing deficiencies in the mapping of sites of Significant Cultural Resources referred to above, it is possible that Significant Cultural Resource No. 17 which refers to a Urupa along The Esplanade, may have been intended to cover the site referred to above.

Although information is at hand to indicate the value of this second Maori urupa, it is considered that identification of this site as a historic area of Significant Cultural Resource is most appropriately addressed through the District wide review of Significant Cultural Resources, which has commenced. This would allow for a more co-ordinated approach to significant cultural resources Citywide and allow further time to consult with affected landowners and other interested parties.

Given the relatively recent development of the wider land parcel, it is considered unlikely that the above site would be redeveloped, prior to the completion of the above review.

Potential archaeological values of the above area and nearby land within Petone West are protected by provisions under the Historic Places Act 1993 (and its draft replacement bill) which make it an offence to harm or cause to harm a site that a person knows or has reasonable cause to suspect is an archaeological site. Persons and organisations applying for Building Consent in the vicinity are made aware of the Accidental Discovery Protocol for Archaeological Items.

It is acknowledged that the plan change area has not been the subject of archaeological investigation and that it is possible that there are archaeological remains within the plan change area, particularly near the southern boundary of the plan change area. The long period of time that has elapsed since the initial development of the area and significant redevelopment that has already occurred decreases the chance of discovering such remains. NZHPT have referred to the possibility of archaeological remains relating to the Pito One Village or Britannia settlement surviving beneath standing buildings in their submission.

Taking into account the intended review of District Plan provisions regarding Significant Cultural Resources across Hutt City and protection afforded to archaeological sites under the Historic Places Act, the requested relief that the construction of new buildings be limited until an archaeological investigation has been completed is not supported. It is considered there is already sufficient information on the general location where archaeological evidence may or may not be more likely, which could be passed onto applicants for resource consent or building consent in the area. The other

requirements referred to above are considered the most effective way to achieve the objective of protecting archaeological values.

Recommended changes to the plan change are not considered to increase the risk of harm to any unidentified archaeological items. Suggested amendments to Amendment 21 would extend the requirement for resource consent for all new buildings and larger alterations and additions to existing buildings throughout the plan change area.

The requested relief regarding the removal of land south of the urupa from the Mixed Use Area is discussed in the Mixed Use report.

### **Recommendations with Reasons**

In relation to the heritage related amendments within the proposed plan change the following recommendations are made:

It is recommended that Amendment 7 be amended to refer to historic heritage because it mirrors the wording used in the Resource Management Act.

It is also recommended that an additional policy be added that specifically relates to the protection of historic heritage because:

- It recognises that historic heritage can be harmed by unsympathetic development on adjacent sites;
- It is consistent with the purpose of the Historic Places Act and Draft Heritage New Zealand Pouhere Taonga Bill.
- It is consistent with the protection of historic heritage from inappropriate development as a matter of national importance under section 6 of the RMA and Policy 21 of the Proposed Wellington Regional Policy Statement 2010.
- It supports the introduction of provisions, which limit permitted activities on adjacent sites, in order to allow for the consideration of effects on historic heritage.

It is recommended that Amendment 10 be amended as identified in preceding chapters. No additional changes are recommended, because suggested amendments to other provisions of the District Plan will reduce the range of permitted activities in the District Plan, and will provide an acceptable regime for the protection of historic heritage

It is recommended that Amendment 14 be amended to impose additional restrictions regarding permitted heights adjacent to the urupa because:

- The high cultural and historic values of the Te Puni Urupa warrant additional protection from harm to the setting of the urupa that could be caused by unsympathetic development on land abutting or opposite the urupa.
- Providing additional protection to the Te Puni Urupa is consistent with section 6 of the RMA in terms of the protection of historic heritage from inappropriate development and relationship of Maori with their ancestral land.
- Providing additional protection to the Te Puni Urupa is consistent with policy 21, 45 and 48 of the proposed Wellington Regional Policy Statement.
- It provides clarity that additional restrictions on building height apply to buildings over 12m, fronting major roads, abutting residential areas and abutting or opposite the urupa.

The proposed amendments are considered to satisfactorily address concerns raised by submitters regarding historic heritage. In particular, they provide an appropriate degree of protection for any unidentified historical remains, prior to the investigation of Significant Cultural Resources throughout Hutt City as part of the ongoing review of the District Plan.

## OFFICER RECOMMENDATIONS

The following are Hutt City Council officers recommendations on the submissions received for this topic/issue and amendments to the above PC29 provisions and other actions:

Accept and Reject all submissions relating to the above Amendments to the extent that:

- AMENDMENT 7 [5B 1.2.3 (Character and Building Form and Quality within Petone Mixed Use Area)]

Amended Issue

The Petone Mixed Use Area provides for a range of complementary activities to support the needs of residents and workers. In order for the area to attract and support the mixture of activities, any buildings, structures and associated areas need to be functional, attractive and contribute to the quality of the environment. The building and open spaces also need to recognise their context and effects on their surroundings, such as the foreshore, historic heritage areas, main entrance and gateway routes, and residential areas.

New policy

(o) Manage the effect of development on adjacent areas identified for their historic heritage, cultural, and distinctive character and built form values.

Addition to Explanation and Reasons

Adjacent to the Petone Mixed Use Area are areas with different values. Jackson Street between Victoria Street and Cuba Street (Petone Commercial Activity Area – Area 1) is recognised for its historic heritage values and distinctive character and built form. Development within the Petone Mixed Use Area adjacent to the section of Jackson Street should recognise and respond to the values, character and form of the adjacent area. The Te Puni Urupa is surrounded by the Petone Mixed Use Area and is recognised for its cultural values (Community Iwi Activity Area). Development adjacent to the urupa is to be managed to protect the cultural values of this area through the use of height controls and design requirements.

- AMENDMENT 10 [Rule 5B 2.2.1 (Permitted Activities)] be amended to reduce the range of permitted activities as referred to in other Reports.
- AMENDMENT 11 [Rule 5B 2.2.1.1 (b) is amended as outlined in the Built Form and Urban Design Report.
- AMENDMENT 14 [Rule 5B 2.2.1.1 (e) (Sites abutting Activity Areas) be amended to include provisions regarding sites abutting or directly opposite the Community Iwi Activity Area

**(g) Sites abutting or directly opposite the Community Iwi Activity Area:**

Where a site abuts or is situated immediately opposite the Community Iwi Activity Area, the following conditions shall apply:

- (i) The maximum building height is 8m. All buildings and structures shall comply with the recession plane requirements of the General Residential Activity Area.

## 5.10. Miscellaneous Provisions

### MISCELLANEOUS PROVISIONS

#### RELATED PC29 PROVISIONS AS NOTIFIED

The amendments 'as notified' for this topic/issue in PC29 are the following:

- AMENDMENT 4 [**Rule 5B 1.1.2 (Area 2 – Petone Commercial Activity Area)**] which introduces a new issue, objective and policies for the mixed use area, including explanations and reasons.
- AMENDMENT 10 [**Rule 5B 2.2.1 (Permitted Activities)**] which lists the range of permitted activities in the proposed mixed use zone.
- AMENDMENT 11 [**Rule 5B 2.2.1.1 (a) – (c) (Bulk and Location Standards)**] which identifies permitted bulk and location standards for new developments within the mixed use zone.
- AMENDMENT 22 [**Rules 5B 2.2.2 (c) and 2.2.2.1 (c) (Restricted Discretionary Activity)**] which identifies matters of consideration for buildings above 12m in height.
- AMENDMENT 23 [**Rules 5B 2.2.2 (d) and 2.2.2.1 (d) (Restricted Discretionary Activity)**] which identifies the activity status of permitted activities which do not comply with permitted activity conditions.
- AMENDMENT 25 [**Rule 5B 2.2.2.2 (a) (Restricted Discretionary Activity - Conditions)**] which identifies that permitted activity conditions also apply to activities identified as Restricted Discretionary Activities.
- AMENDMENT 34 [**Rule 5B 2.2.3 (g) (Discretionary Activities)**] which identifies that activities not specifically provided for are Discretionary Activities.
- AMENDMENT 37 [**Rule 5B 2.2.4 (Non-Complying Activities)**] which deletes the existing rule identifying activities not specifically provided for as Non-Complying Activities.
- AMENDMENT 38 [**Rule 5B 3 (Anticipated Environmental Effects)**] which identifies the Anticipated Environmental Results of the Plan Change..

KEY SUBMITTER POINTS	SUBMITTERS
<b>Submitter Feedback</b>	
<ul style="list-style-type: none"> <li>▪ A 'whole of Hutt approach' is needed</li> </ul>	Approximately 3 original submitters
<ul style="list-style-type: none"> <li>▪ A long term planning approach is needed, that considers impacts over the next 20-100 years.</li> </ul>	Approximately 3 original submitters
<ul style="list-style-type: none"> <li>▪ The character and amenity of areas referred to under Amendment 4 should be clearly defined</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>▪ Clarification is needed as to the meaning of 'the respective interface area' referred to in Amendment 4.</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>▪ Support for policy (h) under Amendment 4. Suggest more detail on how policy could be achieved.</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>▪ Amendments 23 (Restricted Discretionary Activity) and 25 (Restricted Discretionary</li> </ul>	1 original submitter

Activity Conditions) are confusing	
<ul style="list-style-type: none"> <li>Amendment 23 (Restricted Discretionary Activity) is largely irrelevant, given the permissive nature of the plan change</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>The identity of the main entrance routes should be better defined in Amendment 7</li> </ul>	1 original submitter

<b>RELIEF SOUGHT</b>	<b>SUBMITTERS</b>
<ul style="list-style-type: none"> <li>Amendment to Amendment 4 to refer to biodiversity values, natural character, open space and amenity values (See original submission 151 for full details).</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>Amendment to Amendment 10 (o) to clarify when alterations and additions to existing buildings requires resource consent</li> </ul>	4 original submitters
<ul style="list-style-type: none"> <li>Amendment to Amendment 11 (b) to clarify the maximum permitted heights of buildings</li> </ul>	2 original submitters
<ul style="list-style-type: none"> <li>Amendment to Amendment 22 (Restricted Discretionary Activity) to clarify when alterations and additions to existing buildings requires resource consent</li> </ul>	2 original submitters
<ul style="list-style-type: none"> <li>Amendment to Amendment 34 (Discretionary Activities) to refer to Controlled Activities</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>Amendment to Amendment 37 (Non-Complying Activities) to refer to Non-Complying Activities</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>Amendment to Amendment 38 (Anticipated Environmental Results) to include reference to maintaining and enhancing biodiversity values</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>Amendment of map (Amendment 41) showing main gateway and entrance routes</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>Creation of ecological corridors</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>Use of Council funds to improve the appearance and surroundings of buildings</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>Council funding to improve heritage buildings as adopted by Napier and</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>More safe buildings in Jackson Street</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>Council funding for more earthquake strengthening and building restoration</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>Development following the Christchurch rebuild example</li> </ul>	1 original submitter
<ul style="list-style-type: none"> <li>Water fountains that could be used for water dissemination in the event of an emergency</li> </ul>	Approximately 3 original submitters
<ul style="list-style-type: none"> <li>Over-arching requirement that all future</li> </ul>	1 original submission.

development will have in mind the very long term existence of the community of Petone, with the elimination of any possibility of commercial or industrial “ghettos” or “wastelands”.	
<ul style="list-style-type: none"> <li>▪ Future proof solutions</li> </ul>	Approximately 3 original submissions.

## **Discussion**

### **Background**

#### Hutt City Council Operative District Plan

Rule 5B 2.2.3 (a) identifies that permitted activity conditions which do not apply with permitted activity conditions for each zone or general rules which apply across all the zones, are to be treated as Discretionary Activities.

Rule 5B 2.2.4 (a) identifies that activities not specifically provided for are to be treated as Non-Complying Activities.

Appendix General Business 1 contains a map of Main Entrance Routes which pass through the General Business Activity Area.

#### Resource Management Act

Section 5 of the RMA identifies the purpose of the Act is to promote the sustainable management of natural and physical resources.

Section 31 of the RMA identifies the functions of territorial authorities including the control of any actual or potential effects of the use, development or protection of land for the purpose of the maintenance of indigenous biological diversity.

#### Proposed Regional Policy Statement for the Wellington Region, May 2010

Policies 22, 23 and 46 require district plans to identify areas with significant indigenous biodiversity values and then protecting these values.

Policy 34 requires plan changes to give particular regard to preserving the natural character of the coastal environment by range of measures including minimising discharges and maintaining or enhancing biodiversity and functioning of ecosystems.

### **Proposed Plan Provisions**

Amendment 4 outlines overall objectives and policies for the Petone Mixed Use Area.

Amendment 5 outlines an issue, objective and policies for main entrance and gateway routes. This represents a continuation of the existing approach towards the treatment of main entrance and gateway routes used in the General Business Activity Area.

Collectively Amendments 10 and 21 require resource consent for the construction of new buildings and larger alterations and additions to existing buildings along the three major roads. An exception to the need for resource consent is made for small-scale alterations and additions to existing buildings.

Amendment 11 identifies the maximum permitted height limits for buildings in the mixed use zone and increases the height limit for buildings for part of the plan change area.

Amendment 22 provides a similar exception to the need for resource consent for small-scale alterations and additions to existing buildings over 12m in height as that provided by Amendment 10 for sites fronting the three major roads.

Amendments 23 and 27 effectively replace the existing activity status of Discretionary Activity with Restricted Discretionary Activity for permitted activities, which do not comply with permitted activity conditions. In addition to identifying the matter that discretion is restricted to. The exception to this rule, is where general rules contained in Chapter 14 of the Operative District Plan, specify that non-compliance would trigger a different activity status, such as Discretionary Activity.

Amendment 25 identifies that all Restricted Discretionary Activities need to comply with relevant permitted activity conditions

Collectively Amendments 34 and 37 replace the existing activity status of Non-Complying Activity with Discretionary Activity, for activities which are not specifically provided for in the District Plan.

Amendment 38 adds to the existing Anticipated Environmental Results for the Petone Commercial Activity Area.

Amendment 43 illustrates existing main entrance routes which pass through the plan change area.

## **Evaluation of Issues raised in Submissions and Relief Sought**

### Wording of Amendments

One submitter has commented that Amendments 4 and 5 do not clearly identify the character and amenity values of parts of the plan change area.

Following a review of the proposed amendments, some adjustments have been made to the above amendments to provide additional clarity as to their purpose and application. Both amendments refer to the protection of character and amenity. These amendments are complimented by an expanded Petone Mixed Use Area Design Guide, which provides further information on the existing and desired future character for the area.

A small number of submitters have referred to Amendments 10 (o), 11 (b), 22, 23, 25 and 34 as being difficult to understand or lacking in clarity. Submitter 121 (Cuttriss Consultants) has put forward suggested wording for Amendments 11 and 22, which more clearly identifies the limits of development that could be undertaken as a permitted activity.

It is recommended that several amendments be adjusted to improve clarity. Whilst officers are recommending changes to Amendment 21, which has the effect of requiring resource consent for all buildings and larger alterations and additions in the plan change area, the Council feels that it is appropriate to provide details as to the permitted height and setbacks of buildings, even though such heights could not be achieved in the absence of resource consent. Permitted building height and setback standards are provided with the intention of signaling to developers and other interested persons, height limits which the Council would find acceptable, subject to design considerations.

Submitter 199 (PPAG) have also requested that the wording of Amendments 34 and 37 be amended to allow the identification of some activities as a Controlled or Non Complying Activity. Requests made by submitters for certain activities within the WFSSA or service stations along The Esplanade being identified as Non-Complying Activities are discussed in the Natural Hazards and Other Uses Reports respectively.

PPAG have requested that all development require consent as at least a Controlled Activity, subject to design controls. Any activity identified as a Controlled Activity requires resource consent, whereby the Council's ability to control impacts is largely restricted to the use of conditions of consent, over matters which the Council has explicitly reserved control over. Design is a particularly difficult issue to manage through conditions or permitted activity standards, due to its subjective nature and difficulty in precisely identifying action needed to be taken to satisfy a condition or permitted activity standard. It is considered that considerations of design are more effectively managed through resource consent as at least a Restricted Discretionary Activity, where design and appearance is identified as a matter of consideration. Refer to Built Form and Design Report for further evaluation of this matter.

One submitter has recommended that Amendment 41 be amended, which illustrates main entrances and gateways within the plan change area. This map has been reviewed and is considered acceptable for its purpose.

### Biodiversity

Submitter 151 (Greater Wellington Regional Council) have commented that there is potential for significant adverse effects to occur during the construction phase of new buildings and infrastructure resulting from the plan change. Areas of concern include the Korokoro Stream and estuary, and the Petone foreshore.



GWRC has expressed support for policy (h) of Amendment 4, which is considered to be consistent with policy 46 under the proposed Wellington Regional Policy Statement. They request that examples of methods to achieve this policy are included in the text, such as installation and maintenance of sediment traps and the restoration and maintenance of fish passage in culverted natural watercourses. They seek the amendment of the Explanation and Reasons under this amendment to explicitly identify that adverse effects on biodiversity values, natural character, open space, and amenity values are to be avoided. Related to this, it is requested that the anticipated environmental results under Amendment 38 be amended to include maintaining and enhancing biodiversity values.

The proposed plan change does not directly affect biodiversity provisions in the Operative District Plan. The plan change area has not been identified as containing any significant natural resources or having any significant biodiversity values as acknowledged by GWRC in their submission. Furthermore, the plan change area is a brownfield site with a long history of use for employment purposes and contains a high proportion of hard surfaces. The Korokoro Stream and estuary, as well as the Petone foreshore are situated outside the plan change area, on the opposite side of The Esplanade.

The plan change is considered to have little impact on biodiversity values both within and outside the plan change site. Although the plan change increases the range of permissible uses and increases the maximum permitted height of buildings in part of the plan change area, which may in turn increase the likelihood of sites being redeveloped, existing plan provisions currently allow for a wide range of commercial/employment uses.

New infrastructure (utilities) is largely a permitted activity under Chapter 13 – Utilities of the Operative District Plan and no changes are proposed to the rules of this chapter. Construction activities within the plan change are largely managed through General Rules in Chapter 14I – Earthworks, General Rules in Chapter 14C - Noise, permitted activity condition regarding dust (which applies in the General Business Activity Area), in addition to the Building Control process.

Although the Council acknowledges the desirability of increasing the protection of the biodiversity values of nearby areas and increasing the biodiversity values of the plan change area, the plan change is not considered to be the appropriate mechanism for doing so. Rules could not be imposed on developers to improve the biodiversity values of land, and could go no further than the mitigation of any further harm. It would be difficult to prove that the construction of new buildings and infrastructure would be harmful to the biodiversity of the plan change or surrounding area.

Earthworks in excess of a volume of 50 cubic metres currently require resource consent as a Restricted Discretionary Activity under the existing provisions of Chapter 14I – Earthworks in the Operative District Plan. However, impacts on biodiversity values are excluded from the matters of consideration for this type of activity. It is intended that the Earthworks Chapter of the District Plan will be reviewed and updated. Under the proposed provisions of the plan change, biodiversity impacts could only be taken into consideration for the small range of activities identified as a Discretionary Activity.

The current format of the Operative District Plan does not include the identification of all possible methods of control over activities, which exist outside the District Plan such as the Building Control Act, Environmental Health (pollution) legislation or Council bylaws. Containing a list of methods operating outside the scope of the District Plan, which could result in biodiversity improvements, would be incompatible with the current format and layout of the District Plan.

In the absence of provisions in the plan change, to require the restoration and maintenance of fish passage in culverted natural watercourses, there is considered to be little benefit in making reference to it. No objection is raised to making mention of sediment traps as a possible method to avoid or mitigate any adverse effects causing harm or damage to the receiving environment in the explanation and reasons for Amendment 4. The use of sediment traps could possibly form a consideration for the assessment of subdivision applications and activities requiring consent as a Restricted Discretionary or Discretionary Application within the plan change area. It is recommended that the explanation and reasons be amended to refer to sediment traps and other beneficial drainage provisions such as low impact urban solutions or sustainable urban drainage systems. It is also recommended that the use of the above be promoted in an expanded Petone Mixed Use Design Guide and that voluntary guidelines regarding stormwater management be prepared outside the plan change process.

It is recognised that nearby land outside the plan change is of biodiversity and recreational value and the request that the explanation and reasons under Amendment 4 be amended, to refer to the avoidance rather than the mitigation of adverse effects on the biodiversity values, natural character and open space values of this area is supported. These values are largely absent from the plan change area.

In relation to requests made for the creation of ecological corridors, wetlands and reserve area, please refer to comments on open space/parks.

#### Creation of Ecological Corridors

As outlined above, the plan change contains no areas of significant biodiversity. The provision of ecological corridors is considered to be outside the scope of the plan change.

#### Whole of Hutt Planning Approach

The Proposed WRPS provides the overarching framework for urban planning in the Wellington region. The Proposed WRPS identifies key centres and gives direction on overall urban form and growth direction. HCC is currently preparing an Urban Growth Strategy which will provide further direction on the location, nature and scale of new development. This Strategy would complement the Urban Growth Strategy prepared by Upper Hutt City Council.

The principle tool for outlining and implementing the Council's intentions throughout the Hutt City Area by a range of methods (many of which are outside the plan change process) is outlined in the Council's Long Term Plan and Annual Plan.

Therefore, a whole of Hutt approach already applies in some respects. Petone West is considered to be a suitable location for mixed use development, as reflected in the current Long Term Plan.

#### Long Term Planning between 20-100 Years

Planning decisions require the consideration of impacts over the short, medium and long term. Under the RMA, District Plan provisions are required to be reviewed every 10 years. This review ensures District Plan provisions are kept current and respond to the planning issues and circumstances that may have changed in the previous 10 years. Including the ability to respond to unforeseen issues.

However, as District Plans manage land use and subdivision, it is recognised that decisions can have long term consequences, such as more than 20 or even a 100 years. Therefore, there is a need to consider these long term consequences, and this is reflected in recommended changes to address risks from natural hazards.

Additional long term planning forms parts of the Council's preparation of its Long Term Plan, which refers to projects anticipated to form part of its 20 year plan.

#### Council Funding for Building Improvements

A small number of submitters have requested the use of Council funds to improve the earthquake strength, appearance or heritage fabric of existing buildings. As the plan change has no direct impact on existing buildings, these requests are considered to be outside the scope of the plan change and would need to be the subject of allocated funding through the Long Term Plan and Annual Plan process.

#### Development following the Christchurch rebuild example

The planning context surrounding the rebuilding of Christchurch following a series of earthquakes in 2010 and 2011 is unique to the Christchurch area. The planned reconstruction of parts of Christchurch are unlikely to represent a realistic option in other areas.

#### Water fountains that could be used for water dissemination

As the plan change is not considered to adversely affect water supply, this request is considered to be outside the scope of the plan change. It is noted that a water fountain exists nearby in Buick Street, Petone which supplies artisan water.

## Future Proofing

The plan change aims to increase the range of existing activities within the plan change area, and whilst it may change the appearance of the plan change area, it does not threaten the existence of the Petone Area. By expanding the range of possible uses in the plan change area, the plan change is considered to increase opportunities for the market to respond to changes in demand for certain activities, including the redevelopment of existing sites and activities.

Provisions contained in the District Plan are intended to guide development and identify the types of uses considered appropriate in each zone. However, the type of development which eventuates is subject to the market response to opportunities provided. That is, making provision or allowances for certain types of development such as multi-unit apartments, does not guarantee that land will be used for this purpose.

There is no practical or effective method to 'future proof' development or ensure outcomes like traffic or road congestion do not arise. The management of vacant land or traffic/road congestion often requires a coordinated range of measures which are outside the scope of this plan change and the periodic reviews of such measures when situations change over time.

## **Recommendations with Reasons**

In relation to miscellaneous items raised in submissions on the proposed plan change the following recommendations regarding the proposed amendments are made:

It is recommended that Amendment 4 [Rule 5B 1.1.2 (Area 2 – Petone Commercial Activity Area)] be amended because:

- To provide clarity that the plan change seeks to manage amenity and other values (for example, open space/recreation, visual and natural character) of land outside the plan change area, as well as inside the plan change area.
- To provide additional detail on methods to avoid or mitigate adverse effects on the receiving environment, as referred to in policy (h).
- To emphasise that the values of particular valuable or sensitive land outside the plan change area needs to be protected.

It is recommended that Amendment 5 [5B 1.1.3 (Area 2 – Petone Commercial Activity Area)] be amended for reasons outlined in the Built Form and Urban Design Report.

It is recommended that Amendment 10 [Rule 5B 2.2.1 (Permitted Activities)] is amended to require resource consent for all buildings and larger alterations and additions to existing buildings for reasons outlined in the Built Form and Urban Design Report.

It is recommended that Amendment 11 [Rule 5B 2.2.1.1 (b) (Bulk and Location Standards)] is amended for reasons outlined in the Built Form and Urban Design Report.

It is recommended that Amendment 22 Rules 5B 2.2.2 (c) and 2.2.2.1 (c) [Restricted Discretionary Activity] be amended because:

- It provides additional clarity as to when resource consent is required for the alteration and addition to buildings above 12m in height;
- Amendment 22 is made consistent with Amendment 10 (n);
- It clearly identifies that the construction of buildings over 12 metres in height requires resource consent; and
- References to standard and terms for this type of Restricted Discretionary Activity is unnecessary as no relevant standard or term is identified.

It is recommended that Amendment 23 [Rules 5B 2.2.2 (d) and 2.2.2.1 (d) (Restricted Discretionary Activity)] be amended because:

- It provides additional clarity as to the activity status of Permitted Activities which do not comply with permitted activity conditions.

- References to standard and terms for this type of Restricted Discretionary Activity is unnecessary as no relevant standard or term is identified.

It is recommended that Amendment 25[Rule 5B 2.2.2.2 (a) (Restricted Discretionary Activity - Conditions)] be retained because:

- This rule is as simply expressed as possible.

It is recommended that Amendment 34 [Rule 5B 2.2.3 (g) Discretionary Activities]] is amended to refer to Non-Complying Activity, which is the recommended activity status for emergency facilities within the WFSSA.

It is recommended that Amendment 37 [Rule 5B 2.2.4 (Non-Complying Activities)] is retained in the light of the amendment above.

It is recommended that Amendment 38 [5B 3 (Anticipated Environmental Results)] be amended because:

- Point (a) only applies to that part of the Petone Commercial Activity Area within Petone Commercial Activity Area 1.
- Point (b) is amended to clarify what is being protected (amenity) and where (adjoining properties in residential zones).
- Point (d) is amended as per suggestions in the Retail Chapter.
- Point (f) is amended to correct a typo.
- To add an additional point to support suggested changes to Amendment 4, regarding emphasising the need to protect land of especial value outside the plan change area.

## OFFICER RECOMMENDATIONS

The following are Hutt City Council officers recommendations on the submissions received for this topic/issue and amendments to the above PC29 provisions and other actions:

Accept and Reject all submissions relating to the above Amendments to the extent that:

- AMENDMENT 4 [Rule 5B 1.1.2 (Area 2 – Petone Commercial Activity Area)] - additional text is added under the Explanation and Reasons

The effects of activities in the Petone Mixed Use area ~~on the environment~~ may have an adverse impact on the character or amenity values of an area or degrade the quality of on the receiving environment. These effects need to be managed to maintain and enhance the amenity and other values of the mixed use area and the respective interface areas. adjacent areas in other zones.

A number of methods are available to avoid or mitigate adverse effects causing harm or damage to the environment. These methods include the use of good urban design, landscaping, use of porous surfaces, sediment traps and other low impact urban design solutions. The Petone Mixed Use Design Guide provides advice on the above.

Particular care needs to be taken to avoid adverse effects on biodiversity values, natural character and open space/recreational values of the Korokoro Stream and Petone foreshore, situated outside of the Petone Mixed Use Area.

- AMENDMENT 10 [Rule 5B 2.2.1 (n) and (o) (Permitted Activities)] is amended to read:

~~(n) The construction, alteration, addition and repair of buildings and structures, except on sites with road frontage to Jackson Street, Hutt Road or The Esplanade.~~

~~(o) On sites with road frontage to Jackson Street, Hutt Road or The Esplanade:~~

~~(i)(o) The construction, alteration, addition and repair of buildings and structures where the gross floor area of the additions is less than 5% of the gross floor area of the existing~~

building; or

~~(ii)(p) The construction, alteration, addition and repair of buildings and structures which does not change the external building form (floor area and height) of the existing building.~~

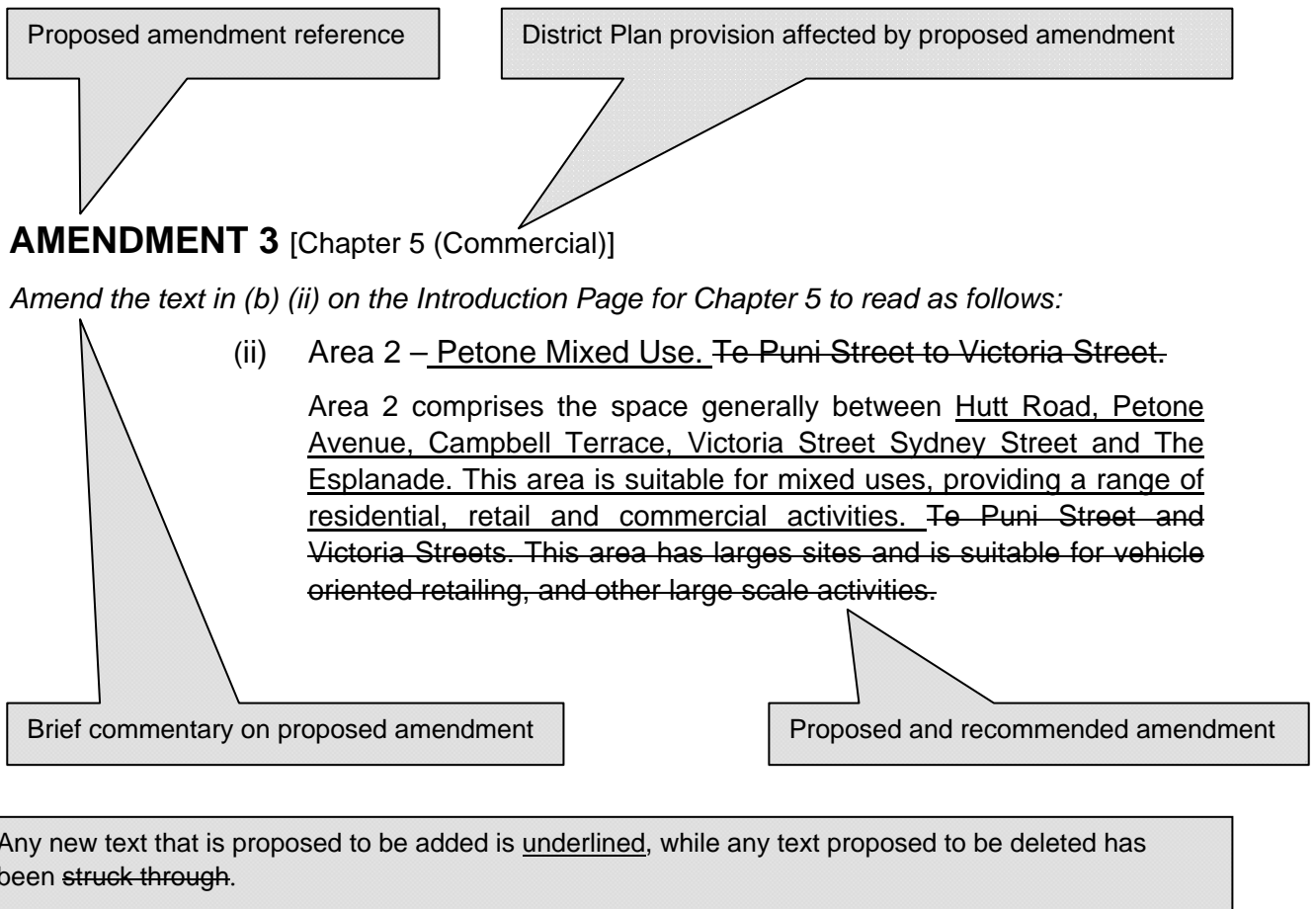
- AMENDMENT 11 [Rule 5B 2.2.1.1 (b) (Bulk and Location Standards)] be amended as outlined in the Built Form and Urban Design Report.
  - AMENDMENT 22 [Rules 5B 2.2.2 (c) and 2.2.2.1 (c) (Restricted Discretionary Activity)] be amended to read:
    - (c) The construction, alteration of, addition to buildings and structures over 12 metres in height, except:
      - (i) The ~~construction~~, alteration, addition, of or addition to, buildings and structures where the gross floor area of the addition is less than 5% of the gross floor area of the existing building; or
      - (ii) The ~~construction~~, alteration of, or addition to, buildings and structures which does not change the external building form (floor area and height of the existing building).
  - AMENDMENT 23 [Rules 5B 2.2.2 (d) and 2.2.2.1 (d) (Restricted Discretionary Activity)] be amended to read as follows:
    - (d) ~~Except where stated in the General Rules, Any Permitted Activity which fails to comply with any of the relevant Permitted Activity Conditions, or relevant requirements of Chapter 14 – General Rules is to be assessed as a Restricted Discretionary Activity unless:~~
      - (i) Any non-compliance with rules in Chapter 14 – General Rules, is specifically identified as requiring assessment under an alternative activity status.
- Matters in which the Council has Restricted its Discretion ~~and Standard and Terms~~
- (i) Any actual or potential adverse effects arising from the proposed non-compliance, and measures to avoid, remedy or mitigate such effects.
- AMENDMENT 25 [Rule 5B 2.2.2.2 (a) (Restricted Discretionary Activity - Conditions)] to be retained.
- AMENDMENT 34 [Rule 5B 2.2.3 (g) Discretionary Activities)] is amended to read:
  - (g) All other activities not listed as a Permitted, Restricted Discretionary or Non-Complying Activity.
- AMENDMENT 37 [Rule 5B 2.2.4 (Non-Complying Activities)] is retained.
- AMENDMENT 38 [5B 3 (Anticipated Environmental Results)] is amended as referred to in Retail Chapter as well as:
  - (a) The distinctive built form, built style and character of buildings in Petone Commercial Activity Area 1 are retained and enhanced.
  - (b) Amenities of adjoining properties in residential Activity Areas ~~areas~~ will be protected.

- (c) The commercial and retail needs of residents and other users will be met.
- (d) The Petone centre will be vital and viable, catering for increased diversity of complementary activities with a greater concentration and level of activity.
- (e) A safe and attractive Petone Commercial Activity Area.
- (f) A sense of place and identity that reflects the character, qualities and context of the Petone Area.
- (g) Protection of the biodiversity and recreational values of Korokoro Stream and Petone foreshore situated outside the Petone Mixed Use area.
- (h) Protection of the historic character and economic vitality and viability of the Jackson Street Historic Retail Precinct.

**APPENDIX 1: RECOMMENDED CHANGES TO AMENDMENTS**

## Appendix 1 – Recommended Amendments to Plan Change

Each of these amendments is listed in the format as follows:





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## Amendments to Chapter 1 - Introduction and Scope of the Plan

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### **AMENDMENT 1** [1.10.2 (Amenity Values - Explanation)]

*Amend 'Explanation' for the "Petone Commercial Activity Area" to read as follows:*

Area 2 – Area generally bounded by ~~The Puni Street~~, Hutt Road, Petone Avenue, Campbell Terrace, and Victoria Street, Sydney Street and The Esplanade. This part of Petone is currently characterised by a range of retail, commercial and industrial activities. It intended that this area is to be transformed into an attractive and vibrant mixed use area, with higher amenity levels than present. This area is intended to accommodate a wide mix of activities including residential, commercial, retail, community and some light industrial and service activities. ~~large sites which accommodate vehicle orientated retailing and larger commercial activities~~.

The future character of the area is of attractive entrance gateway routes into the City and buildings, structures and associated areas which are functional, attractive and contribute to the quality of the environment.

The character and amenity values in this area are influenced by the more open nature of sites, a diversity of building scale, the coastal environment for those sites fronting The Esplanade, and mixed land uses.

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## Amendments to Chapter 3 - Definitions

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### **AMENDMENT 2** [Chapter 3 (Definitions)]

*Add a new definition of "Integrated Retail Developments" as follows:*

#### **Integrated Retail Developments:**

an individual retail development, or a collection of any two or more retail activities that are developed and operate as a coherent entity (whether or not the activities are located on separate legal titles), and share one or more of the following:

- (a) servicing and/or loading facilities;
- (b) vehicle and/or pedestrian access;
- (c) car parking;
- (d) public spaces and/or facilities.

This definition includes shopping malls and large-format retail parks, but does not include trade supply retail, wholesale retail, yard-based retail or building improvement centres.

**Amendments to**

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**Chapter 5 - Commercial and  
Chapter 5B - Petone Commercial Activity Area – Area 2**

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**AMENDMENT 3** [Chapter 5 (Commercial)]

*Amend the text in (b)(ii) on the Introduction Page for Chapter 5 to read as follows:*

- (ii) Area 2 – Petone Mixed Use.

Area 2 comprises the area generally between Hutt Road, Petone Avenue, Campbell Terrace, Victoria Street, Sydney Street and The Esplanade illustrated in Appendix Petone Commercial 5. This area is suitable for mixed uses, providing a range of residential, retail, ~~and~~ commercial activities and small-scale or low intensity light-industrial, business and service activities.

**AMENDMENT 4** [Chapter 5B 1.1.2 (Area 2 – Petone Commercial Activity Area)]

*Amend Section 5B 1.1.2 by replacing the existing Issue, Objective, Policies and Explanation and Reasons as follows:*

**5B 1.1.2 Area 2 – Petone Mixed Use - Area Generally Bounded by Hutt Road, Petone Avenue, Campbell Terrace, Victoria Street, Sydney Street and The Esplanade - Activities**

Issue

~~There is demand in Petone for~~ Mixed uses which complement and support each other, such as commercial, small-scale or low intensity light-industrial, business and service activities, servicing, residential and retail activities. Making provision for mixed use activities in the western end of Petone would support the social and economic well-being of the area and the City as a whole. ~~However, they but~~ could also detract from the established vibrancy and vitality of the ~~retail areas of~~ Jackson Street Historic Retail Precinct and the Central Commercial Activity Area. It is also necessary to manage the potential adverse effects, including noise, dust, odour, glare, light spill and traffic, of activities so as to maintain and enhance the quality of the environment. In addition, potential reverse sensitivity effects and incompatibility effects between activities may occur.

Objective

To provide for a mixed use activity area within Petone which caters for a range of complementary commercial, small-scale or low intensity light-industrial, business and service activities, servicing, residential and retail activities, increasing the number of residents and workers in Petone, and avoiding or mitigating adverse effects so that ~~on~~ the amenity values and character of the area, neighbouring areas and the overall ~~receiving~~ environment are maintained or enhanced.

Policies

- (a) Provide for a range of residential, commercial, small-scale or low intensity light-industrial, business and service activities, ~~(professional offices, services and entertainment)~~ and retail ~~(groceries, household items, services)~~ activities

~~generally between Hutt Road, Petone Avenue, Campbell Terrace, Victoria Street, Sydney Street and The Esplanade, provided their adverse effects are compatible with each other and the character and amenity values of the area.~~

- ~~(b)~~ Manage larger scale retail activities ~~and complexes~~ to ensure they do not detract from the vibrancy and vitality of Jackson Street Historic Retail Precinct Petone Commercial Activity Area – Area 1 and Hutt City's central business district, and create an attractive and public focused environment.
- ~~(c)~~ Manage smaller scale retail activities to ensure they do not detract from the vibrancy and vitality of Jackson Street Historic Retail Precinct (Petone Commercial Activity Area – Area 1) and Hutt City's central business district. With the exception of Jackson Street where small scale retail activities is provided for to create an attractive and public focused environment that encourages pedestrian movement between the Petone Railway Station and the Jackson Street Historic Retail Precinct.
- ~~(e)(d)~~ Provide for residential activities which have quality living spaces for residents, meet the service needs of this type of activity, and adopt on-site measures to mitigate potential incompatibility issues with other activities.
- ~~(e)(e)~~ Restrict residential activities at ground floor level along Jackson Street, thereby retaining retail and commercial activities along the Jackson Street pedestrian focused frontage.
- ~~(e)(f)~~ Restrict ~~certain~~ activities, including heavy industrial or late-night activities, which may be incompatible with residential and other activities and/or degrade the character and amenity values of the Petone Mixed Use Area.
- ~~(f)(g)~~ Manage the establishment and operation of ~~vehicle-oriented~~ activities where traffic generation is likely to have adverse effects on the safety and efficiency of the transport network.
- ~~(g)(h)~~ Ensure that effects likely to be generated by each activity, such as noise, dust, odour and traffic, are managed to avoid or mitigate adverse effects on the amenity values and character of both the area and properties within the mixed use area and in nearby Residential Activity Areas.
- ~~(h)(i)~~ Ensure that effects likely to be generated by each activity are managed to avoid or mitigate any adverse effects causing harm or damage to the receiving environment.
- ~~(j)~~ Manage higher density and higher risk land use activities such as emergency facilities within the Wellington Fault Special Study Area.
- ~~(k)~~ Manage the effects of development on the supply and demand of local infrastructure, including drainage infrastructure, to ensure that development is within capacity limits or the infrastructure capacity is upgraded.
- ~~(l)~~ Manage higher density and higher risk land use activities and development to ensure that the use and development avoids or mitigates the risks posed by seismic hazards.

## Explanation and Reasons

There is demand for an area within Petone to accommodate a range of complementary activities including residential, retail and commercial activities. Petone Commercial Activity Area 2 ~~The area generally bounded by Hutt Road, Petone Avenue, Campbell Terrace, Victoria Street, Sydney Street and The Esplanade~~ is suitable as a mixed use area for the following reasons:

- (a) There are a wide range of sites, in terms of size, configuration and existing built development which can be used, adapted or redeveloped to accommodate a

range of activities. These activities would serve both the local and wider community;

- (b) The area adjoins the small scale speciality retail area of Jackson Street Historic Retail Precinct and thus a sense of place can be achieved which provides a range of complementary to a range of residential, retail and commercial activities within Area 2;
- (c) The area is well situated in terms of the regional transportation network (including public transport) and other public and community infrastructure and services;
- (d) The area adjoins the Petone Foreshore which offers visual interest, open space and recreational opportunities.

Providing for a wide range of activities in the Petone Mixed Use Area gives landowners flexibility in the use of land and buildings to meet the changing dynamics of the economy and society. This flexibility would assist in creating and maintaining a vibrant and attractive mixed use area which supports and recognises the established activities and qualities in Petone. This provision of mixed use seeks to make efficient use of the land within the western end of Petone, providing opportunities for the re-use and redevelopment of existing buildings and properties for different activities.

In providing for a wide range of activities, there is potential to cause adverse effects both within the Petone Mixed Use Area and in areas beyond its boundary, such as nearby residential areas. These effects include dust, noise and glare. The Plan manages these effects through applying performance standards to ensure these effects are avoided, remedied or mitigated.

Certain activities, such as service stations and heavy industrial activities, may be incompatible with residential and other activities in the Petone Mixed Use Area, in terms of their nature and intensity of use, traffic generation, noise and odour. Therefore, the Plan restricts the establishment and operation of specific activities to manage the location, nature and scale, to ensure if they are established, that they operate in a manner which does not detract from the values for people living and working within this area.

Retail activities are continually changing in response to market pressures. The Petone Mixed Use Area has developed as a location for larger format retail activities. There is potential if a high number of smaller scale speciality or comparative shops develop in the Petone Mixed Use Area could degrade or undermine the vitality and vibrancy of the ~~existing core~~ Jackson Street ~~retail area~~ Historic Retail Precinct (Petone Commercial Activity Area - Area 1) which forms the core of the existing retail area in Petone and the Lower Hutt City central area. Therefore, a limitation is placed on the size of smaller and larger retail activities complexes to maintain the role and economic, cultural and social wellbeing of these existing areas.

Retail provisions in Petone Commercial Activity Area – Area 2 are intended to serve the following functions:

1. Create an attractive retail strip which encourages pedestrian movement between Petone Railway Station and the Jackson Street Historic Retail Precinct.
2. Provide opportunities for additional small-scale retailing along Jackson Street to support new residential and workforce populations in the mixed use area.
3. Provide a complimentary retail role to existing retail activities within the Jackson Street Historic Retail Precinct (Petone Commercial Activity Area – Area 1).

It is anticipated that the majority of small-scale retail activity will remain concentrated in the Jackson Street Historic Retail Precinct to protect the economic vitality of this area and its historical value and character. It is important to protect the economic

vitality and viability of this area, in order to support the ongoing use of buildings in this precinct to fund the repair, maintenance and other improvements to buildings within this identified Historic Area.

It is anticipated the Petone Mixed Use Area will experience some residential development, ~~with a particular focus on apartments along The Esplanade~~. Residential activities can positively contribute to the vitality and vibrancy of the area, as these residents have convenient access to retail, commercial, community and recreational amenities. In addition, with changing demographics of an aging population and smaller household units, providing for residential activities within the Petone Mixed Use Area gives another option for meeting the requirements of future residents in the City.

However, residential activities may be incompatible with some other activities in the Petone Mixed Use Area, in particular, they may be sensitive to noise from other activities. Rather than overly restricting other activities, it is appropriate that the residential activities mitigate this sensitivity by providing for external noise insulation. In addition, residential activities are restricted on the ground floor on Jackson Street to ensure activities on the ground floor have a positive relationship to the street where they provide interest, visual connection and an active edge.

Some types of activities have a heavy dependence on private motor vehicles for access, such as supermarkets, takeaway outlets and service stations. Managing these types of activities ensures the effects on the transport network can be effectively assessed.

The traffic effects of larger or more intensive retail, commercial, residential and other non-residential activities is expected to be assessed through the use of a Traffic Impact Assessment. As a guide, a Traffic Impact Assessment is anticipated to accompany all resource consent applications which are expected to generate more than either 50 vehicle movements per hour or 200 vehicle movements per day.

The effects of activities in the Petone Mixed Use area ~~on the environment~~ may have an adverse impact on the character or amenity values of an area or degrade the quality of ~~on the receiving~~ environment. These effects need to be managed to maintain and enhance the amenity and other values of the mixed use area and the respective interface areas adjacent areas in other zones.

A number of methods are available to avoid or mitigate adverse effects causing harm or damage to the environment. These methods include the use of good urban design, landscaping, use of porous surfaces, sediment traps and other low impact urban design solutions. The Petone Mixed Use Area Design Guide provides advice on the above.

Particular care needs to be taken to avoid adverse effects on biodiversity values, natural character and open space/recreational values of the Korokoro Stream and Petone foreshore, situated outside of the Petone Mixed Use Area.

Localised upgrades to reticulated infrastructure may be required where the capacity is not sufficient to meet the demand for new development. The provision of new or upgraded reticulated infrastructure would need to be designed and constructed to meet the future demand as a mixed use area.

The Wellington Fault traverses the Petone Mixed Use Area, which places the area at high risk from seismic activity. Due to the potential for large numbers of people to congregate or work in community facilities and large commercial buildings, as well as facilities which provide critical services during emergency events, the establishment of specific activities are restricted. These restricted activities are based on the Building Importance Categories in the Building Code. In addition, any new development will need to undertake a site specific investigation of the seismic hazards (fault rupture, liquefaction and subsidence) to determine the risks to people and property posed by the hazards and the measures proposed to avoid or mitigate these risks.

## **AMENDMENT 5** [5B 1.1.3 (Area 2 – Petone Commercial Activity Area)]

*Add a new Section 5B 1.1.3 on Main Entrance and Gateway Routes to read as follows:*

### **5B 1.1.3 Area 2 – Petone Mixed Use – Main Entrance and Gateway Routes**

#### Issue

The main entrance and gateway routes of the City need to be attractive and clearly defined to reinforce the identity of the City and the sense of place that it offers. Three of the main transport routes pass through the Petone Mixed Use Area. These routes include Hutt Road, The Esplanade and Jackson Street, which contribute to the character, quality and amenity of Area 2 as a mixed use environment. It is necessary to manage the effects of development along these routes to maintain and enhance the image of the City, whilst enabling utilisation of the sites adjoining these routes consistent with the mixed use character of the area.

#### Objective

To recognise and enhance the image and visual appearance of the main entrances and gateways of the City where they pass through Area 2 – Petone Mixed Use.

#### Policies

- (a) Ensure that the design, external appearance, and orientation ~~and scale~~ of structures and buildings ~~fronting Hutt Road, The Esplanade and Jackson Street~~ be managed to emphasise the identity and importance of these areas as maintain and enhance the image and visual appearance of the main entrances and gateways to the City.
- (b) Ensure that buildings are designed in a manner that maintains and enhances the safety, convenience, accessibility, amenity and linkages within the Petone Mixed Use Area.
- (c) Manage prominent sites to maximise sense of identity, act as gateways, provide visual interest and provide a visual point of reference in the landscape/streetscape. To be achieved by managing the design and appearance of new buildings and developments, including additions and alterations.
- ~~(e) Ensure the effects of activities fronting Hutt Road, The Esplanade and Jackson Street are managed to enhance the image and visual appearance of these main entrance and gateway routes.~~
- (d) Ensure the use of Encourage high quality urban design directed at enhancing the relationship of buildings with public open space within streets ~~(including Hutt Road, The Esplanade and Jackson Street)~~ having regard to the role, character and values of each main entrance and gateway route.

#### Explanation and Reasons

The objective is to ~~maintain~~ recognise and enhance the image and visual appearance of main entrance and gateway routes within the City. These routes can enhance the experience of entrance to and exit from the City, thereby creating a sense of approach, arrival and departure as people travel through the City. This helps to reinforce the identity of the City and accentuates the sense of movement from one place to another when entering or leaving the City. This approach to the main entrance and gateway routes can assist peoples' sense of orientation and understanding of the physical structure, and the geography, of the City.

Therefore, new buildings and developments and larger additions to existing buildings within the Petone Mixed Use Area will be specifically managed to ensure they achieve this objective. The main entrance and gateway routes within Area 2 – Petone Mixed Use are Hutt Road, The Esplanade and Jackson Street identified in Appendix Petone Commercial 3. Each road has different role, character and values which are to be considered.

In addition, taller buildings on prominent sites will be specifically managed due to their greater visual exposure and their role in creating landmark features. Particular sites in the Petone Mixed Use Area have been identified as prominent sites, with supporting design guidance provided to manage the building design.

Hutt Road:

The eastern side of Hutt Road south of Campbell Terrace is within Area 2 - Petone Mixed Use. The role of Lower Hutt as a regional industrial and service centre is emphasised by the character of the buildings and type of activities along this route. There are significant features along this route that mark progress, including the intersection with Jackson Street, and connection to the Petone Railway Station. This route provides a link between the Petone Off Ramp and the Central Commercial Activity Area. Development and activities along this route should enhance the amenity value and visual appearance of this main entrance route.

The Esplanade:

This area forms one of the most important entrances to the City. Given the close association with the harbour and public open space along the Petone foreshore, it is important to maintain a high standard of design for buildings and structures fronting The Esplanade.

The Esplanade carries a significant volume of traffic along the Petone foreshore area. This route is at the edge of the City and is part of the connection with the harbour, which is one of the region's most significant natural features. There is a contrast between, on the one side of the road, a building dominated townscape, and on the other, an open and panoramic seascape.

The building design and appearance will be managed to enhance the amenity value and visual appearance of the area and adjoining foreshore, as well as creating an attractive gateway entrance to the City. Design features will need to be incorporated to prevent visual monotony and promote a strong visual connection with the street. This should include the provision of ~~There is no~~ landscaping along the road front boundary and setting buildings back from the street edge, except on small and narrow sites. ~~requirement, however, landscaping may enhance the character of the site.~~

Jackson Street:

That portion of Jackson Street between Hutt Road and Victoria Street forms an important and highly utilised gateway route into Petone, for both vehicles and pedestrians, with Jackson Street being the main pedestrian thoroughfare extending from the Railway Station to Cuba Street. Given the close association with the historical commercial character of Jackson Street east (Area 1), and surrounding residential activities, it is important to maintain a high standard of design for buildings and structures fronting Jackson Street.

Activities along Jackson Street will be required to maintain and enhance the amenity value and visual appearance of this route. This will be achieved using specific standards and guidelines for buildings and structures to provide a safe, functional and attractive environment that accommodates a range of activities.

## **AMENDMENT 6 [5B 1.2.2 (Weather Protection)]**

*Amend the Issue, Objectives, Policies and Explanation and Reasons in Section 5B 1.2.2 of the Petone Commercial Activity Area to read as follows:*

### **5B 1.2.2 Areas 1 and 2 - Weather Protection**

#### Issue

**It is important that all buildings on either side of Jackson Street between Hutt Road ~~Victoria~~ and Cuba Streets (Areas 1 and 2) have verandahs to provide weather protection.**

#### Objective

To ensure that all buildings ~~except these existing buildings designed and built without verandahs~~ on either side of Jackson Street between Hutt Road ~~Victoria~~ and Cuba Streets (Areas 1 and 2) have adequate weather protection, except those existing buildings designed and built without verandahs between Victoria and Cuba Streets (in the Jackson Street Historic Retail Precinct (Petone Commercial Activity Area - Area 1)).

#### Policy

- (a)** To ensure that in the Jackson Street Historic Retail Precinct (Petone Commercial Activity Area - Area 1) all buildings except those existing buildings designed and built without verandahs have verandahs to provide weather protection to pedestrians.
- (b)** To ensure that in the section of Jackson Street within Petone Commercial Activity Area - Area 2 all new buildings and additions and alterations to existing buildings have verandahs to provide weather protection to pedestrians.

#### Explanation and Reasons

For the comfort of pedestrians/shoppers and to encourage circulation pedestrian movements, it is important that all buildings in Areas 1 and 2 have verandahs. For the section of Jackson Street within Petone Commercial Activity Area - Area 2, it is anticipated that over time the area will be re-developed and the provision of verandahs would create a pedestrian friendly environment that will provide greater comfort and encourage circulation. In the Jackson Street Historic Retail Precinct (Petone Commercial Activity Area - Area 1), an exception is provided where existing buildings were originally designed and built without a verandah.

### **AMENDMENT 7 [5B 1.2.3 (Character and Building Form and Quality within Petone Mixed Use Area)]**

*Add a new Issue, Objective, Policies and Explanation and Reasons as Section 5B 1.2.3 to the Petone Commercial Activity Area as follows:*

### **5B 1.2.3 Area 2 - Character and Building Form and Quality within the Petone Mixed Use Area**

#### Issue

**The Petone Mixed Use Area provides for a range of complementary activities to support the needs of residents and workers. In order for the area to attract and support the mixture of activities, any buildings, structures and associated areas need to be functional, attractive and contribute to the quality of the environment. The building and open spaces also need to recognise their context and effects on their surroundings, such as the foreshore, historic heritage areas, main entrance and gateway routes, and residential areas.**



## Objective

To ensure that the form and quality of buildings, structures, open space and development overall within the Petone Mixed Use Area maintain and enhance the character, amenity values and quality of the environment, whilst recognising and protecting the values and features of adjoining areas.

## Policy

- ~~(a) On sites fronting Jackson Street, Hutt Road and The Esplanade:~~
- (b) ~~(i) Provide for alterations and minor additions to existing buildings, subject to minimum standards, and ensure encourage a high quality urban and built form design for these building modifications.~~
- (c) ~~(ii) Manage new buildings and developments and larger additions to existing buildings to be well designed and to contribute to the creation or maintenance of an integrated, safe and attractive mixed use environment with a high standard of streetscape and amenity.~~
- (d) ~~(iii) For Jackson Street, require buildings to provide and maintain an active, transparent and continual frontage, as well as shelter, to provide a pedestrian focused environment along this main gateway route.~~
- ~~(e) On all other streets in the Petone Mixed Use Area, encourage new buildings and development to be well designed and achieve a high quality urban and built form design which contributes to the creation or maintenance of an integrated, safe and attractive mixed use environment.~~
- (f) Manage the height and location of buildings to respond to their context and locality, with lower building heights for the areas:
- a. Adjoining and close to Residential Activity Areas to minimise effects on the amenity values, including shading, over dominance and privacy; and
  - b. Along the Jackson Street front road boundary with taller buildings setback from the street, thereby creating a streetscape with lower level buildings and protecting sunlight to key public spaces within the street including roads.
- (g) Manage the height, location and design of buildings and development on The Esplanade to create a landscaped street frontage and protection of sunlight access to the beach to avoid overshadowing.
- (h) Allow buildings taller than the specified height limits where new publicly accessible open space and/or street connections are created, provided the taller building and development:
- a. Responds to its context
  - b. Protects the values of adjoining or nearby areas, including Petone Beach and the Jackson Street Historic Retail Precinct
  - c. Public open space and/or street connection is located and designed for public benefit.
- The land area of public open space and/or street connection shall be greater than the building floor space (m<sup>2</sup>) above the height limit.
- (i) Encourage all new buildings to provide appropriate levels of natural light to occupied spaces within the building.
- (j) Encourage the quality and amenity of residential buildings by guiding their design to ensure current and future occupants have adequate private outdoor space, ongoing access to daylight, and an external aspect.

- (k) Manage new buildings to be designed to manage the adverse effect on amenity value, including visual, wind and glare.
- (l) Restrict the height and setback of buildings and structures at the interface with adjoining residential areas to minimise effects on the amenity values, including shading, over dominance and privacy.
- (m) Ensure that new buildings higher than 12 metres are designed to avoid, remedy or mitigate any wind problems that they create (including cumulative effects with other buildings) and where existing wind conditions are dangerous, ensure new development improves the wind environment as far as reasonably practical.
- (n) Encourage buildings to be designed and located in a manner that enhances the safety, convenience, accessibility and amenity of pedestrian spaces and linkages within the Petone Mixed Use Area.
- (o) Manage the effect of development on adjacent areas identified for their historic heritage, cultural, and distinctive character and built form values.
- (p) Ensure developments, including buildings and structures, are located, designed and constructed to reduce the risk to building failure and loss of life from seismic hazards, including fault rupture hazard, subsidence and liquefaction.

### Explanation and Reasons

The Petone Mixed Use Area consists of a range of complementary activities. In order to provide a quality environment that is attractive, functional and contributes to the quality of the environment, buildings and structures need to be well designed and integrated into the area.

It is recognised there are a variety of existing building forms and styles which have various functions and uses, and are of a mixed quality. The District Plan seeks to encourage ensure the design of new buildings and developments to ensure they positively contribute to the area's environment by adopting best practice urban design outcomes. Through the development and use of design guidance, the Council will guide and assess the appropriateness encourage the adoption of the urban design outcomes resulting from development in the area.

For sites fronting Jackson Street, The Esplanade and Hutt Road, Minor alterations and small additions to existing buildings are provided for to facilitate the upgrading, modification or conversion of the existing building stock in the area. For these small modifications to existing buildings, Council will encourage high quality building design to make a positive contribution to the built character and quality of the central area.

For new buildings and developments and larger additions to existing buildings for sites fronting Jackson Street, The Esplanade and Hutt Road, these will be specifically managed to ensure they relate well to the public environment and support the overall role of the area as accommodating a mixture of activities, and contribute to the quality of the environment. Buildings will be required to consider the relationship to public environment (such as streets and open spaces), creation or maintenance of linkages within the site and with adjoining sites and streets.

For Jackson Street, one important interface is the ground level relationship between buildings and the streetscape. Requiring display windows and buildings to be located on the front boundary of this street maintains and enhances the quality of the streetscape for pedestrians. In addition, requiring shelter for pedestrians along Jackson Street provides protection from adverse climatic conditions and provides a more comfortable environment between the Petone Railway Station and the Jackson Street Historic Retail Precinct.

One of the highly valued areas of Petone is the foreshore and beach. The foreshore and beach is valued for its recreation (active and passive), cultural, natural and historic values. Creating a landscaped frontage along The Esplanade responds to

these values and provides an attractive environment. Protecting sunlight access to the beach year round from over-height buildings or buildings located close to The Esplanade frontage would support the ongoing use and enjoyment of the beach environment.

The large street block formed by Te Puni Street, Jackson Street, Victoria Street and The Esplanade, and the larger properties within this street block and other areas, have poor connectivity (few streets and large blocks) of a type for a good quality mixed use environment. In addition, there is no public open space within the Petone Mixed Use Area. To create new public open space and/or street connection within the Petone Mixed Use Area, additional height above the height limits to an equivalent land area/building floor space is provided for. In assessing proposals for this additional height and new public open space and/or street connections, Council will consider both the effects of the over-height building and the location and design of the open space and/or street connection. A proposal would have to satisfy both requirements, as well as other general design requirements that apply. The Design Guidelines contain direction on these requirements.

Provision has been made for intensive residential development in the Petone Mixed Use Area. It is important buildings to be occupied for residential living purposes are designed to provide suitable amenity for the future occupants (e.g. natural light and sunlight access, and an external aspect). Encouraging provision for natural light to all habitable and high use areas of new buildings will assist in creating an attractive internal environment and help to reduce the on-going energy requirements of new buildings. Design guidance is provided to encourage quality residential buildings to be developed which provide for these qualities as the Petone Mixed Use Area develops further.

The existing wind speeds at ground level within the Petone Mixed Use Area are variable, with some areas experiencing high and dangerous conditions. In addition, in some locations within this area, such as areas of open space and outdoor street activity, calmer wind conditions are desirable to provide a more attractive environment. The wind conditions contribute to the overall amenity in this mixed use environment, with buildings having a direct relationship with the resultant wind conditions. Accordingly, the District Plan manages new buildings and larger additions to existing buildings over 12 metres in height to ensure the wind conditions are not worsened.

The Petone Mixed Use Area shares an extensive interface with adjacent Residential Activity Areas. This interface is a particularly sensitive one as the effects associated with commercial or servicing activities and development have the ability to adversely impact on the use and enjoyment of neighbouring residential areas.

Given the extent of this interface, and the range of activities permitted within the Petone Mixed Use Area, the District Plan seeks to ensure that adequate safeguards are put in place to protect residential amenity. These safeguards include measures to control the effects of new buildings and development and additions to existing buildings, on adjacent residential areas.

Adjacent to the Petone Mixed Use Area are areas with different values. Jackson Street between Victoria Street and Cuba Street (Petone Commercial Activity Area – Area 1) is recognised for its historic heritage values and distinctive character and built form. Development within the Petone Mixed Use Area adjacent to the section of Jackson Street should recognise and respond to the values, character and form of the adjacent area. The Te Puni Urupa is surrounded by the Petone Mixed Use Area and is recognised for its cultural values (Community Iwi Activity Area). Development adjacent to the urupa is to be managed to protect the cultural values of this area through the use of height controls and design requirements.

The Wellington Fault traverse the Petone Mixed Use Area and is subject to high risk of seismic activity causing fault rupture, liquefaction, subsidence, ground shaking and tsunami. Fault rupture has the potential to cause significance damage to buildings,

structures and life without warning. The Wellington Fault Special Study Area has been identified to manage the risks posed by fault rupture. At the time of proposing new development, geotechnical information will be required to demonstrate new buildings avoid and setback from being sited directly over a fault trace. For subsidence, liquefaction and ground shaking, geotechnical investigations will be required to assess the ground conditions of the site, and assess the intensity and nature of future development of the site, including building design and construction techniques.

## **AMENDMENT 8** [5B 1.2.3 (Landscaping and Screening)]

*Amend the existing Issue, Objective, Policies and Explanation and Reasons in Sections 5B 1.2.3 of the Petone Commercial Activity Area to read as follows:*

### **5B 1.2.34** ~~Landscaping and Screening~~ Carparking

#### Issue

**Car parking areas not contained within buildings can have adverse effects on amenity values. It is important that such car parking areas are designed and located to avoid or mitigate adverse effects.**

The provision of on-site car parking can have traffic impacts on the adjacent and wider road transport network. A balance needs to be struck between providing a reasonable degree of on-site parking to meet the car parking needs of existing and future resident and workforce populations, with managing potentially increases in traffic volumes on the wider road network. Providing a high level of on-site car parking, can encourage the use of private vehicles and discourage the use of more sustainable forms of transport.

#### Objective

To ensure that adverse visual and transport effects arising from car parking ~~areas~~ are avoided or mitigated.

#### Policy

- (a) Manage the design, location and scale of ~~Areas within the~~ car parking areas, servicing, manoeuvring and access to maintain and enhance the streetscape and visual amenity values of the Petone Mixed Use Area. ~~areas adjoining roads must be landscaped or suitably screened.~~
- (b) Manage the design, location and scale of car parking, servicing, manoeuvring and access, to avoid or mitigate adverse effects on the transport network.

#### Explanation and Reasons

The provision of suitable on-site carparking, servicing and access is an important part of a number of activities and developments. Carparking needs to be both adequate and well-located, while not compromising other forms of transport or degrading the streetscape or visual amenity values of the area. The supply of carparking can influence the transport modes people use. The carparking provisions in Chapter 14A(iii) are to be applied in conjunction with these considerations.

Performance standards and design guidance for carparking is provided in the Petone Mixed Use Design Guide to ensure on-site carparking is provided in a manner which recognises and reflects the streetscape and visual amenity values of the area.

The use of porous car parking surfaces is also encouraged, which provides a number of environmentally friendly benefits, including a reduction in surface water ponding and contaminants entering the drainage system or Wellington Harbour.

~~Landscaping and screening of car parking areas can improve the visual amenity values of an area. It is important therefore that areas within the car parking area and areas adjoining roads are suitably landscaped and screened.~~

Landscaping and screening of car parking areas can improve the visual amenity values of an area. It is important therefore that areas within the car parking area and areas adjoining roads are suitably landscaped and screened as outlined in the Design Guide.

## **AMENDMENT 9** [5B 2.2 (Rule Title)]

*Amend the Rule Title for 5B 2.2 as follows:*

**5B 2.2** Area 2 – Petone Mixed Use - That area generally bounded by Hutt Road, Petone Avenue, Campbell Terrace, Victoria Street, Sydney Street and The Esplanade

## **AMENDMENT 10** [Rule 5B 2.2.1 (Permitted Activities)]

*Amend Rule 5B 2.2.1 list of permitted activities to read as follows:*

### **5B 2.2.1** Permitted Activities

- ~~(a) Retail activities, excluding integrated retail developments exceeding 10,000m<sup>2</sup> in total combined floor area.~~
- (a) Individual retail activity with a gross floor area not less than 500m<sup>2</sup> and not more than 3,000m<sup>2</sup>, except for retail activities with a gross floor area up to 1,000m<sup>2</sup> on Jackson Street.
- (b) Integrated retail development with an individual store size not less than 500m<sup>2</sup> and cumulative total floor space not more than 3,000m<sup>2</sup>.
- (b)(c)** Commercial activities.
- (e)(d)** Warehouses.
- (d)(e)** Garden centres.
- ~~(e) Service stations, excluding on sites with road frontage to The Esplanade, Hutt Road or Jackson Street~~
- (f)** Residential Activities, excluding at ground floor level on Jackson Street
- (g)(f)** Brothels and commercial sexual services, with the exception of
  - (i) Ground floor level on Jackson Street
  - (ii) Site abutting or directly across the road from schools, childcare facility, churches and other similar religious establishments or a residential activity area; and
  - (iii) Within a building which is used or partially used for residential purposes.
- (h)(g)** Commercial garages
- (i)(h)** Licensed premises along Jackson Street
- (j)(i)** Places of assembly, except for sites within the Wellington Fault Special Study Area
- (k)(j)** Visitor accommodation
- (l)(k)** Service Industry Activities

- ~~(m)(l)~~ Cottage Industry Activities
- (m) Service, repair or hire of household goods and services
- (n) Research for industrial purposes
- ~~(n)~~ The construction, alteration, addition and repair of buildings and structures, except on sites with road frontage to Jackson Street, Hutt Road or The Esplanade.
- ~~(o)~~ On sites with road frontage to Jackson Street, Hutt Road or The Esplanade:
- ~~(i)(o)~~ The construction, alteration, addition and repair of buildings and structures where the gross floor area of the additions is less than 5% of the gross floor area of the existing building; or
- ~~(ii)(p)~~ The construction, alteration, addition and repair of buildings and structures which does not change the external building form (floor area and height) of the existing building.
- ~~(p)(q)~~ The total or partial demolition or removal of buildings and structures.
- (r) Childcare facility, except for sites within the Wellington Fault Special Study Area
- (s) Education and Training except for sites within the Wellington Fault Special Study Area
- (t) Marae, except for sites within the Wellington Fault Special Study Area
- (u) Cultural Centres, except for sites within the Wellington Fault Special Study Area
- (v) Minor alterations to existing site activities or land condition:
  - (i) The replacement of fuel storage tanks and ancillary equipment works within service stations (also refer the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011); or
  - (ii) Change to layout or configuration of existing car parks or existing drive-through facility.

## **AMENDMENT 11** [Rule 5B 2.2.1.1 (a) – (c) (Bulk and Location Standards)]

*Amend Rule 5B 2.2.1.1 to read as follows:*

- (a) Site Coverage:** Up to a maximum of 100%.
- (b) Maximum Height and Recession Plane of Buildings and Structures:**
  - (i) ~~30.0m~~ 20.0m, provided that –
  - (ii) ~~45.0m~~ 12.0m on road front boundary of Jackson Street, Hutt Road and The Esplanade with a recession plane of 45° sloping inwards up to ~~30.0m~~ 20.0m in height
  - (iii) 14.0 m for properties to the east of Victoria Street, except for those site which abut the General Residential Activity Area.
- (c) Minimum Yard and Setback Requirements:**
  - (i) Buildings and structures abutting an urupa shall have a minimum setback of 3m.
  - (ii) Building and structures shall have a minimum setback of 10m from The Esplanade front road boundary, except for sites identified in Appendix Petone Commercial 3.

## **AMENDMENT 12** [Rule 5B 2.2.1.1 (d) (Jackson Street Standards)]

Add new Rule 5B 2.2.1.1 (d) Permitted Activity Standards to read as follows:

### **(d) Verandahs, Building Frontages and Display Windows on Jackson Street:**

For sites fronting Jackson Street:

- (i) All buildings shall be built to the front boundary of the site and have display windows along the frontage. The ground floor façade surface shall have a minimum of 60% transparent glass display windows.
- (ii) Buildings and structures shall have a maximum ground floor street frontage width for individual occupiers of 15 metres.
- (iii) Any parts of a building fronting Jackson Street shall have a verandah. The verandah shall meet the following requirements:
  - (1) A minimum clear of 2.5 metres directly above the footpath or formed ground surface.
  - (2) No more than 4 metres (measured at the base of the verandah fascia) directly above the footpath or from ground surface.
  - (3) Extend for the full length of the building.
  - (4) Extend outwards from the front of the building to the far side of the kerbing less than 450mm, or 3 metres whichever is ever the lesser.
  - (5) Provide continuous shelter with any adjoining verandah or pedestrian shelter.

## **AMENDMENT 13** [Rule 5B 2.2.1.1 (d) (Landscaping and Screening)]

Amend existing Rule 5B 2.2.1.1 (d) Permitted Activity Standards to read as follows:

### **(e)(d) Landscaping and Screening:**

- ~~(i) At least 5% of car parking areas not contained within buildings must be landscaped. Areas within the parking area and areas adjoining or fronting roads must be landscaped.~~
- (i) At least 5% of car parking areas not contained within buildings must be landscaped. Areas within the parking area and areas adjoining or fronting roads must be landscaped.
- (ii) All areas of outdoor storage shall be screened so that they are not visible from a road or public space. All outdoor storage and servicing areas must be screened so that they are not visible from a road or public space. Where this is not practicable such areas must be screened by a close-boarded fence or fence made of solid material with a minimum height of 1.8m.
- ~~(iii) Except on sites with road frontage to Jackson Street, Hutt Road or The Esplanade, Any surface or ground level parking area shall not exceed a maximum width of 18m along the site frontage or 40% of the site frontage whichever is the lesser.~~
- (iii) Except on sites with road frontage to Jackson Street, Hutt Road or The Esplanade, Any surface or ground level parking area shall not exceed a maximum width of 18m along the site frontage or 40% of the site frontage whichever is the lesser.
- (iv) On sites with road frontage to The Esplanade, a landscaping strip shall be provided to comply with the following conditions:
  - (1) A minimum width of 2.5 metres.
  - (2) Planting shall include at least one specimen tree capable of growing to 5 metres in height within 10 years of planting for every 5 metres of site frontage.

- (3) The landscaping strip shall be planted so as to provide separation between on-site pedestrian and vehicle activities and pedestrian/vehicular activities taking place on the street.

## **AMENDMENT 14** [Rule 5B 2.2.1.1(e) (Sites Abutting Residential Activity Areas)]

*Amend existing Rule 5B 2.2.1.1 (e) Permitted Activity Standards to read as follows:*

### **(f)(e) Sites abutting Residential Activity Areas:**

Where a site abuts Residential Activity Area, the following conditions shall apply:

- (i) The maximum building height is 40-12m. All buildings and structures shall comply with the recession plane requirements of the abutting Residential Activity Area.
- ~~(ii) Side yard - minimum depth of 3 metres where the site abuts a residential activity area.~~
- ~~(iii) Rear yard - minimum depth of 8 metres where the site abuts a residential activity area. This may be reduced if there is a service lane to the rear of the site and sufficient provision has been made for loading/unloading operations.~~
- ~~(ivii) All outdoor storage, carparking, and servicing areas must be screened so they are not visible from abutting sites in the residential activity area.~~
- ~~(vi) At least 5% of car parking areas not contained within buildings must be landscaped. Areas within the car parking area and areas adjoining residential areas and/or fronting roads must be landscaped.~~
- ~~(viii) Where a site abuts a residential activity area servicing of activities must not occur between the hours of 10.00pm and 7.00am.~~
- ~~(vii) No mechanical repair and servicing of motor vehicles, trailers or motor fuelled domestic equipment shall be undertaken on the site.~~

### **(g) Sites abutting or directly opposite the Community Iwi Activity Area:**

Where a site abuts or is situated immediately opposite the Community Iwi Activity Area, the following conditions shall apply:

- (i) The maximum building height is 8m. All buildings and structures shall comply with the recession plane requirements of the General Residential Activity Area.

## **AMENDMENT 15** [Rule 5B 2.2.1.1 (g)(h) (Noise Insulation)]

*Add new Rule 5B 2.2.1.1 (f)(h) Permitted Activity Standards to read as follows:*

### **(g)(h) Noise Insulation:**

- (i) Any habitable room in a building used by a noise sensitive activity shall be protected from noise arising from outside the building by ensuring the external sound insulation level achieves the following minimum performance standard:

$$\underline{DnT,w + Ctr > 30 \text{ dB}^1}$$

<sup>1</sup> DnT,w + Ctr > 30 dB is the standardised level difference (outdoor to indoor) and is a measure of the airborne sound insulation provided by the external buildings envelope (including windows, walls, ceilings and floors where appropriate)



Compliance with this performance standard shall be achieved by ensuring habitable rooms are designed and constructed in a manner that:

(a) accords with the schedule of typical building construction set out in Appendix Central Commercial 7 – Noise Insulation Construction Schedule; or

(b) accords with an acoustic design certificate signed by a suitably qualified acoustic engineer stating the design as proposed will achieve compliance with the above performance standard.

(ii) Ventilation

Where bedrooms with unopenable windows are proposed, a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. For the purposes of this requirement, a bedroom is any room intended to be used for sleeping. The supplementary source of air is to achieve a minimum of 7.5 litres per second per person.

**(i) Outdoor Living Areas for Residential Activities**

(i) A minimum area of 20m<sup>2</sup> per residential unit shall be provided as either private or shared outdoor amenity space. Of this area, a minimum of 2.5m<sup>2</sup> shall be private outdoor space which is contiguous with the main living area of the unit.

## **AMENDMENT 16** [Rule 5B 2.2.1.1 (h) (Lighting)]

*Add new Rule 5B 2.2.1.1 (h) Permitted Activity Standards to read as follows:*

**(h) Lighting:**

Any activity shall comply with the following requirements:

(i) The emission of light (including glare) shall ensure that direct or indirect illumination does not exceed 8 lux (lumens per square metre) at the windows of buildings used for residential activities in any Residential Activity Area.

(ii) Subject to the above standard, pedestrian routes and carpark areas available for public use during hours of darkness shall be lit at a minimum of 10 lux, measured in accordance with AS/NZS 1158.3.1 : 2005 and amendments.

## **AMENDMENT 17** [Rule 5B 2.2.1.1 (i) (Dust)]

*Add new Rule 5B 2.2.1.1 (i) Permitted Activity Standards to read as follows:*

**(i) Dust:**

Any activity shall not create a dust nuisance at or beyond the boundary of the site to the extent it causes an adverse effect. This standard applies to contaminants which are not subject to a discharge consent and which are temporary or intermittent in nature.

**(j) Odour**

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

## **AMENDMENT 18** [Rule 5B 2.2.1.1 (j) (General Rules)]

Amend numbering of Rule 5B 2.2.1.1(f) to Rule 5B 2.2.1.1(j) to read as follows:

**~~(j)-(f)~~ General Rules:**

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

**AMENDMENT 19** [Rules 5B 2.2.2 (a) and 2.2.2.1 (a) (Restricted Discretionary Activity)]

Delete Rules 5B 2.2.2 (a) and 2.2.2.1 (a) as follows:

**~~(a)~~ All retail activities with a gross floor area exceeding 3,000m<sup>2</sup>.**

Matters in which Council has Restricted its Discretion and Standard and Terms

~~(i)~~ Effects on the Transport Network:

- ~~— The adverse effects on the surrounding transport network of the movement of people and goods generated by the retail activity. An important consideration here is the ability of the surrounding transport network to accommodate the likely increase in movements generated.~~
- ~~— The adverse effects of the activity on traffic, cycle and pedestrian movements, public transport services and parking and access within the immediate vicinity of the site.~~
- ~~— The provision of pedestrian and cycle routes and facilities, and practical access to public transport services.~~

~~(ii)~~ Appearance of Buildings and Structures:

~~The adverse effects on the visual impression of the streetscape. In this respect an important consideration is the bulk of the building.~~

**AMENDMENT 20** [Rules 5B 2.2.2 (b) and 2.2.2.1 (b) (Restricted Discretionary Activity)]

Amend numbering of Rule 5B 2.2.2 (b) to Rule 5B 2.2.2 (a) and Rule 5B 2.2.2.1 (b) to 5B 2.2.2.1 (a) to read as follows and add 'emergency facilities' as a "non-complying activity" under Rule 5B 2.2.4:

Rule 5B 2.2.2 Restricted Discretionary Activity

**~~(a)~~(b) Emergency facilities.**

Matters in which Council has Restricted its Discretion and Standard and Terms

(i) Traffic effects:

- ~~- The adverse Effects on the roading transport network generated by the emergency facilities, including the adverse effects on traffic, cycle and pedestrian movement, parking and access in the immediate vicinity of the site.~~

~~— Appearance of buildings and structures.~~

(ii) Appearance of Buildings and Structures:

- ~~- The adverse Visual effects on the visual impression of the streetscape. In this respect an important consideration is the likely impact on the continuous display window frontage requirements.~~

- Design, external appearance and siting of the building or structures.
- (iii) Amenity Values
  - Effects upon the amenity values both within the site concerned and upon surrounding land uses.
- (iv) Natural Hazards
  - Vulnerability to risks from natural hazards
  - Measures to avoid or mitigate risks from natural hazards
- (v) Public Health Benefits
  - Operational needs and requirements of facility;
  - Public health benefits arising from facility

#### Rule 5B 2.2.4 Non-Complying Activities

##### (b) Emergency facilities within the Wellington Fault Special Study Area

### **AMENDMENT 21** [Rules 5B 2.2.2 (b) and 2.2.2.1 (b) (Restricted Discretionary Activity)]

*Add new Rules 5B 2.2.2 (b) and 2.2.2.1 (b) for buildings and structures ~~fronting The Esplanade, Hutt Road and Jackson Street~~ to read as follows:*

**(b) The construction, alteration of, addition to buildings and structures fronting Hutt Road, The Esplanade or Jackson Street, except for those works permitted under Rule 5B 2.2.1 (n) and (o).**

**Matters in which Council has Restricted its Discretion and ~~Standard and Terms~~**

- (i) Design, external appearance and siting of the building or structures
- (ii) Matters in the Petone Mixed Use Area Design Guide.
- (iii) Amenity Values
  - Consideration shall be given to adverse Effects upon the amenity values both within the site concerned and upon surrounding areas from buildings, structures and use of outdoor areas.
- (iv) Landscaping
  - The extent to which landscaping is incorporated within the proposal to mitigate adverse effects, which may arise to achieve high quality urban design which maintains or enhances the image and visual appearance of the mixed use area.
  - A landscape plan will be required. to ensure that any adverse effects of the proposal are mitigated. This plan should include landscaping of any outdoor on-site site on any site parking areas.
  - Storage and servicing areas must be screened and not visible from the road or from any public space.
  - Goods or products stored or placed outside buildings must be screened from adjoining properties, be kept in a tidy condition and not detract from the amenity values of the surrounding area.

- (v) Traffic effects, including effects on the transport network from the volume and type of traffic generated, and the suitability of site access and site servicing arrangements.
  - A Transportation Impact Assessment may be required where proposed development is expected to generate more than either 50 vehicle movements/hour or 200 vehicle movements/day.
- (vi) Natural hazards
  - The outcomes of the geotechnical investigation on seismic hazards, including fault rupture, subsidence and liquefaction.
  - Whether the potential risk to the health and safety of people and property from fault rupture, subsidence and liquefaction can be avoided or mitigated.
  - The design and layout of the development, including buildings, to avoid or mitigate the effects from fault rupture, subsidence and liquefaction.
- (vii) Capacity of Infrastructure
  - The capacity of the City's infrastructure to service additional development on the site.
- (viii) Impact on Historic Heritage
  - Expected or potential impacts on the historic heritage values of any adjacent Historic Area, Historic Building or Significant Cultural or Archaeological Resource and any measures to be adopted to protect these values.

**AMENDMENT 22** [Rules 5B 2.2.2 (c) and 2.2.2.1 (c) (Restricted Discretionary Activity)]

*Add new Rules 5B 2.2.2 (c) and 2.2.2.1 (c) for buildings and structures over 12m in height to read as follows:*

- (c) The construction, alteration of, addition to buildings and structures over 12 metres in height, except:**
  - (i) The construction, alteration of, addition to buildings and structures where the gross floor area of the additions is less than 5% of the gross floor area of the existing building; or
  - (ii) The construction, alteration of, addition of buildings and structures which does not change the external building form (floor area and height) of the existing building.

Matters in which Council has Restricted its Discretion and Standard and Terms

- (i) The effects of wind on public space and adjoining areas.

**AMENDMENT 23** [Rules 5B 2.2.2 (d) and 2.2.2.1 (d) (Restricted Discretionary Activity)]

*Add new Rules 5B 2.2.2 (d) and 2.2.2.1 (d) for non-compliance with the Permitted Activity Conditions to read as follows:*

- (d) Except where stated in the General Rules, Any Permitted Activity which fails to comply with any of the relevant Permitted Activity Conditions, or**

**relevant requirements of Chapter 14 - General Rules is to be assessed as a Restricted Discretionary Activity unless:**

- (i) Any non-compliance with rules in Chapter 14 – General Rules, is specifically identified as requiring assessment under an alternative activity status.

Matters in which Council has Restricted its Discretion and Standard and Terms

- (i) Any actual or potential adverse effects arising from the proposed non-compliance, and measures to avoid, remedy or mitigate such effects.

*Add new Rules 5B 2.2.2 (e) and 2.2.2.1 (e) and Licensed Premises on The Esplanade to read as follows:*

**(e) Licensed Premises on The Esplanade**

Matters in which Council has Restricted its Discretion

(i) Amenity Values

- Effects upon the amenity values both within the site concerned and upon surrounding areas from buildings, structures and use of outdoor areas.

(ii) Traffic effects, including effects on the transport network from the volume and type of traffic generated, and the suitability of site access and site servicing arrangements.

- A Transportation Impact Assessment may be required where proposed development is expected to generate more than either 50 vehicle movements/hour or 200 vehicle movements/day.

(iii) Natural hazards

- Whether the potential risk to the health and safety of people and property from fault rupture, subsidence and liquefaction can be avoided or mitigated.

**AMENDMENT 24** [Rule 5B 2.2.2 (Restricted Discretionary Activity - Notification)]

*Add a new notification clause to Rules 5B 2.2.2 (b) and (c) to read as follows:*

**In respect of Rules 5B 2.2.2 (b) and (c), applications do not need to be publicly notified and do not need to be served on affected persons.**

**AMENDMENT 25** [Rule 5B 2.2.2.2 (a) (Restricted Discretionary Activity - Conditions)]

*Amend Rule 5B 2.2.2.2 (a) to read as follows:*

**5B 2.2.2.2 Restricted Discretionary Activity - Conditions ~~Other Matters~~**

- (a) **All Restricted Discretionary Activities shall ~~must~~ comply with the ~~other~~ relevant Permitted Activity Conditions.**

**AMENDMENT 26** [Rule 5B 2.2.2.2 (b) (Restricted Discretionary Activity - Conditions)]

*Add new Rule 5B 2.2.2.2 (b) to read as follows:*

**(b) The construction, alteration of, addition, and repair of buildings and structures over 12 metres in height.**

(i) Wind Protection:

All buildings and structures over 12 metres in height and where any part of the building or structure fronts a street, pedestrian mall, pedestrian walkway, shall be designed to comply with the following conditions:

- (a) Safety: The safety criteria shall apply to all public space. The maximum gust speed shall not exceed 20 m/s. If the speed exceeds 20 m/s with the proposed development, it must be reduced to 20 m/s or below.
- (b) Cumulative Effect: The cumulative criteria shall apply to all public space. Any proposed development shall comply with the requirements for both of the following wind strengths, at each measurement location.

<b>Wind strength</b>	<b>Change in annual hours of occurrence with the development at all measurement points</b>	<b>Requirements on developer</b>
Strong (mean hourly wind speed = 3.5 m/s)	If hours that 3.5 m/s is equalled or exceeded increase by more than 170 hr/yr (i.e. 2 % of the year)	Reduce change in hours to a maximum of 170 hours.
Moderate (mean hourly wind speed = 2.5 m/s)	If hours that 2.5 m/s is equalled or exceeded increase by more than 170 hr/yr (i.e. 2 % of the year)	Reduce change in hours to a maximum of 170 hours.

- (c) While hours exceeded at some locations in the Cumulative Effect Criteria may increase or decrease, the overall impact of a building on the wind conditions must be neutral or beneficial.
- (d) To show that a development complies with these standards a wind report must be supplied that meet the requirements outlined in Appendix Petone Commercial 4 – Wind Report.

**(c) Maximum Height and Floor Area Bonus**

(i) Buildings taller than 20m may be granted provided they comply with the conditions below and satisfy the matters in the Petone Mixed Use Area Design Guide:

- (a) Only applies to the area where the 20m maximum height limit applies under Rule 5B 2.2.1.1(b)(i)
- (b) New open space and/or street connection is created that is available for public use.
- (c) The amount of bonus floor area (m<sup>2</sup>) above 20m maximum height limit shall not exceed a ratio of 1:1 with the area (m<sup>2</sup>) of the new open space and/or street connection created.

(d) The building shall not exceed the height limit and recession plane for Jackson Street under Rule 5B 2.2.1.1(b)(ii).

(e) The building shall not exceed a maximum height of up to 30m.

### **AMENDMENT 27** [Rule 5B 2.2.3 (a) (Discretionary Activities)]

*Delete Rule 5B 2.2.3 (a) as follows:*

- ~~(a) Except where stated in the General Rules, any Permitted Activity which fails to comply with any of the relevant Permitted Activity Conditions, or relevant requirements of Chapter 14 - General Rules.~~

### **AMENDMENT 28** [Rule 5B 2.2.3 (a) (Discretionary Activities)]

*Add a new Rule 5B 2.2.3 (a) to read as follows:*

- (a) Except where stated in the General Rules, any Restricted Discretionary Activity which fails to comply with any of the relevant Permitted and Restricted Discretionary Activity Conditions, or relevant requirements of Chapter 14 - General Rules.

### **AMENDMENT 29** [Rule 5B 2.2.3 (b) (Discretionary Activities)]

*Add a new Rule 5B 2.2.3 (b) to read as follows:*

- (b) Residential activities at ground floor level on Jackson Street.

### **AMENDMENT 30** [Rule 5B 2.2.3 (c) (Discretionary Activities)]

*Add a new Rule 5B 2.2.3 (c) to read as follows:*

- (c) Service stations with road frontage to The Esplanade, Hutt Road or Jackson Street.

### **AMENDMENT 31** [Rule 5B 2.2.3 (d) (Discretionary Activities)]

*Add a new Rule 5B 2.2.3 (d) to read as follows:*

- ~~(d) All retail activities within an integrated retail development with a gross floor area exceeding 10,000m<sup>2</sup>.~~
- (d) Individual retail activities with a gross floor area exceeding 3,000m<sup>2</sup> per store.
- (e) Integrated retail developments with a cumulative total floor space of more than 3,000m<sup>2</sup>
- (f) Individual retail activities or Integrated Retail Developments with a gross floor area below 500m<sup>2</sup> per store, with the exception of individual retail activities abutting Jackson Street as referred to in rule 5B 2.2.1 (b).
- (g) Licenses premises, other than those located along Jackson Street or The Esplanade.

### **AMENDMENT 32** [Rule 5B 2.2.3 (e) (Discretionary Activities)]

Add a new Rule 5B 2.2.3 (e) to read as follows:

- (e) Car sales yards.

### **AMENDMENT 33** [Rule 5B 2.2.3 (f) (Discretionary Activities)]

Add a new Rule 5B 2.2.3 (f) to read as follows:

- (f) Industrial Activities except for:
  - (i) service, repair or hire of household goods and services;
  - (ii) research for industrial purposes.

### **AMENDMENT 34** [Rule 5B 2.2.3 (g) (Discretionary Activities)]

Add a new Rule 5B 2.2.3 (g) to read as follows:

- (g) All other activities not listed as a Permitted, Restricted Discretionary or Non-Complying Activity.
- (h) Within the Wellington Fault Special Study Area, the following:
  - (i) Places of assembly
  - (ii) Childcare facility
  - (iii) Education and training facilities
  - (iv) Marae
  - (v) Cultural centres
- (i) Brothels and commercial sexual services on the ground floor level on Jackson Street.
- (j) Brothels and commercial sexual services on a site abutting or directly across the road from schools, childcare facility, churches and other similar religious establishments or a residential activity area.

### **AMENDMENT 35** [Rule 5B 2.2.3.1 (c) (Discretionary Activities – Assessment Matters)]

Add a new Assessment matter Rule 5B 2.2.3.1 (b) to read as follows:

- (b) Design, external appearance and siting of the building or structures
- (c) Matters in the Petone Mixed Use Area Design Guide.
- (d) Natural hazards, including geotechnical investigation on seismic hazards, including fault rupture, subsidence and liquefaction, and measures to avoid or mitigate the effects from fault rupture, subsidence and liquefaction.
- (e) Amenity Values
  - Consideration shall be given to adverse Effects upon the amenity values both within the site concerned and upon surrounding areas from buildings, structures and use of outdoor areas.
- (f) Landscaping
  - The extent to which landscaping is incorporated within the proposal to mitigate adverse effects, which may arise to achieve high quality urban design which maintains or enhances the image and visual appearance of the mixed use area.



- A landscape plan will be required to ensure that any adverse effects of the proposal are mitigated. This plan should include landscaping of any outdoor on-site site on any site parking areas.
- (g) Traffic effects, including effects on the transport network from the volume and type of traffic generated, and the suitability of site access and site servicing arrangements.
  - A Transportation Impact Assessment may be required where proposed development is expected to generate more than either 50 vehicle movements/hour or 200 vehicle movements/day.
- (h) Capacity of Infrastructure
  - The capacity of the City's infrastructure to service additional development on the site.
- (i) Impact on Historic Heritage
  - Impacts on the historic heritage values of any adjacent Historic Area, Historic Building or Significant Cultural or Archaeological Resource and any measures to be adopted to protect these values.

**AMENDMENT 36** [Rule 5B 2.2.3.1 (b) (Discretionary Activities – Assessment Matters)]

*Amend Rule 5B 2.2.3.1 (b) to read as follows:*

- (c)(b) The degree of compliance or non-compliance with any relevant Permitted or Restricted Discretionary Activity Conditions.

**AMENDMENT 37** [Rule 5B 2.2.4 (Non-Complying Activities)]

*Delete Rule 5B 2.2.4 and amend subsequent numbering as follows:*

**5B 2.2.4** ~~Non-Complying Activities~~

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

**5B 2.2.54** Other Provisions

**AMENDMENT 38** [5B 3 (Anticipated Environmental Results)]

*Amend 5B 3 Anticipated Environmental Results to read as follows:*

- (a) The distinctive built form, style and character of buildings in Petone Commercial Activity Area 1 are retained and enhanced.
- (b) Amenities of adjoining properties in Residential Activity Areas will be protected.
- (c) The commercial and retail needs of residents and other users will be met.
- (d) The Petone centre will be vital and viable, catering for increased diversity of complementary activities with a greater concentration and level of activity.
- (e) A safe and attractive Petone Commercial Activity Area.
- (f) A sense of place and identity that reflects the character, qualities and context of the Petone area.

- (g) Protection of the biodiversity and recreational values of Korokoro Stream and Petone foreshore situated outside the Petone Mixed Use Area.
- (h) Protection of the historic character and economic vitality and viability of the Jackson Street Historic Retail Precinct

**AMENDMENT 39** [New Petone Mixed Use Area Design Guide]

*Delete "Appendix Petone Commercial 2 – Former Petone West School Site" map.*

**AMENDMENT 40** [New Petone Mixed Use Area Design Guide]

*Add a new “Appendix Petone Commercial 2 – Petone Mixed Use Area - Design Guide”*

# Petone Mixed Use Activity Area Design Guide





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## Assessment Guidelines

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# Introduction

## 1.1 Objectives of the Design Guide

## 1.2 How the Design Guide Relates to the District Plan

## 1.3 How the Design Guide Relates to Petone Vision

## 1.4 Approach to Working with Development Proponents

## 1.5 How to Use the Design Guide

## 1.6 Area Covered by the Design Guide

## 1.7 Character and Context Description

## 1.1 Objectives of the Design Guide

The Petone Mixed Use Activity Area Design Guide provides the basis for design assessment for new development in this area requiring resource consent. This guide's purpose is to assist the achievement of the Hutt City Council's strategic objectives for the area as set out in the Petone vision statement as well as to reflect good practice urban planning in the context of mixed use development.

The design guide is to be used by:

- Hutt City Council to evaluate development proposals as part of the resource consent process; and
- Property owners, developers, builders, designers and planners preparing development proposals.

A key function of the design guide, which is reflective of Council's vision for the city as a whole, is to improve the quality and appearance of the Petone West Area as it transitions to a mixed use environment. The design guide tool is commonly used throughout New Zealand where the city governance and management is seeking improved urban environment quality. The design guide for the Petone Mixed Use Activity Area is similar to that for the Hutt City Council Area Design Guide.

The implementation of the design guide will be undertaken by the Hutt City Council. However, its success will rely on landowners, developers and their consultants sharing the common vision for Petone's future and working with Council through the design guide to help achieve it together.

## 1.2 How the Design Guide Relates to the District Plan

Under the District Plan rules, all new buildings within the Petone Mixed Use Activity Area will require a resource consent. Small scale alterations and additions are exempt from the rules to recognise that they will generally have no significant influence on the quality of the environment. Aside from small alterations and additions, new building developments are to be assessed against the guidelines. Several of the guidelines are 'encouraged' only. These are not required to be provided for but are considered desirable. The encouraged only guidelines are specifically noted.

The design guide is to be applied in conjunction with the other rules and standards in the District Plan. These rules and standards relate to such matters as transportation, historic heritage, notable trees, signage and network utilities.

The design guide offers some flexibility to allow innovation and good design solutions that meet the objectives of this document. Development proposals that are not consistent with the design guide can be a basis for the Council to decline resource consent approval.

Despite this, the design guide is just that – a guide. In evaluating applications against it, Council will take a flexible approach rather than an absolute one. It is acknowledged that strict adherence will not always be possible or practical. Council will balance design guide suggestions with broader considerations and practicalities including commercial viability.

The design guide recognises the variation in street types, adjacent uses and objectives for the transition of the area over time to a more mixed use environment, which includes residential alongside commercial uses.

The illustrations in the design guide are indicative only and intended to further explain the design outcome sought as outlined in the text. They should not be seen as actual design solutions. Innovative and creative design solutions that meet the intended future character of the areas are encouraged.



## 1.3 How the Design Guide Relates to Petone Vision

### ***Petone Vision for 2027***

The design guide has been prepared taking into consideration the vision elements which are as follows:

#### **Element 1: A distinguishing feature of Petone is it being a unique heritage place. This means:**

- celebrating, preserving and promoting the heritage aspects that make Petone's heritage and character distinctive;
- ensuring change is sympathetic and reinforces the heritage look and feel (in particular around Jackson Street and adjoining streets);
- recognising the nature and scale of the urban fabric around Petone and the residential areas surrounded by harbour, river, parks and hills;
- re-establishing and celebrating Iwi links to important sites (taonga); and
- protecting, and celebrating the heritage and cultural roots of Maori and settlers;

#### **Element 2: Growth in Petone will be managed in an economically and environmentally sustainable manner through:**

- proactive management, planning and investment for Petone's future prosperity;
- initiatives to address environmental qualities of Petone, including heritage;
- increased opportunity for residents to work locally;
- more local businesses working in a supportive environment;
- increasing the attractiveness of walking, cycling and public transport options;
- sympathetically achieving a wider range of housing choice;
- carefully managing any increasing population in Petone;
- supporting investment with attention to design quality that reinforces and enhances Petone's character; and
- changed roading networks that improve the movement of residential and business traffic and add amenity value to areas such as the foreshore.

#### **Element 3: We recognise that Petone has to be a real place for our people. This means:**

- ensuring Petone is a safe community;
- encouraging diversity as a strength within an inclusive community;
- continuing to recognise and support the suburb of Korokoro and its contribution to Petone's overall wellbeing; and
- having a strong sense of community and continuing to meet local needs locally.

#### **Element 4: Petone needs an attractive and vibrant village culture at its heart. This means:**

- being recognised as family friendly;
- catering to changing needs and diversity within our community;
- enhancing and being encouraging of employment and business as a key contributor to vibrancy;
- retaining small scale commercial activities and retailing as a defining feature of Petone and the Jackson Street character;
- developing a cultural heart to support creative arts;
- fostering quality design for all private property and public space development;
- engaging with the harbour, hills and river; and
- recognising and supporting the important role of learning institutions within Petone, including life long learning.

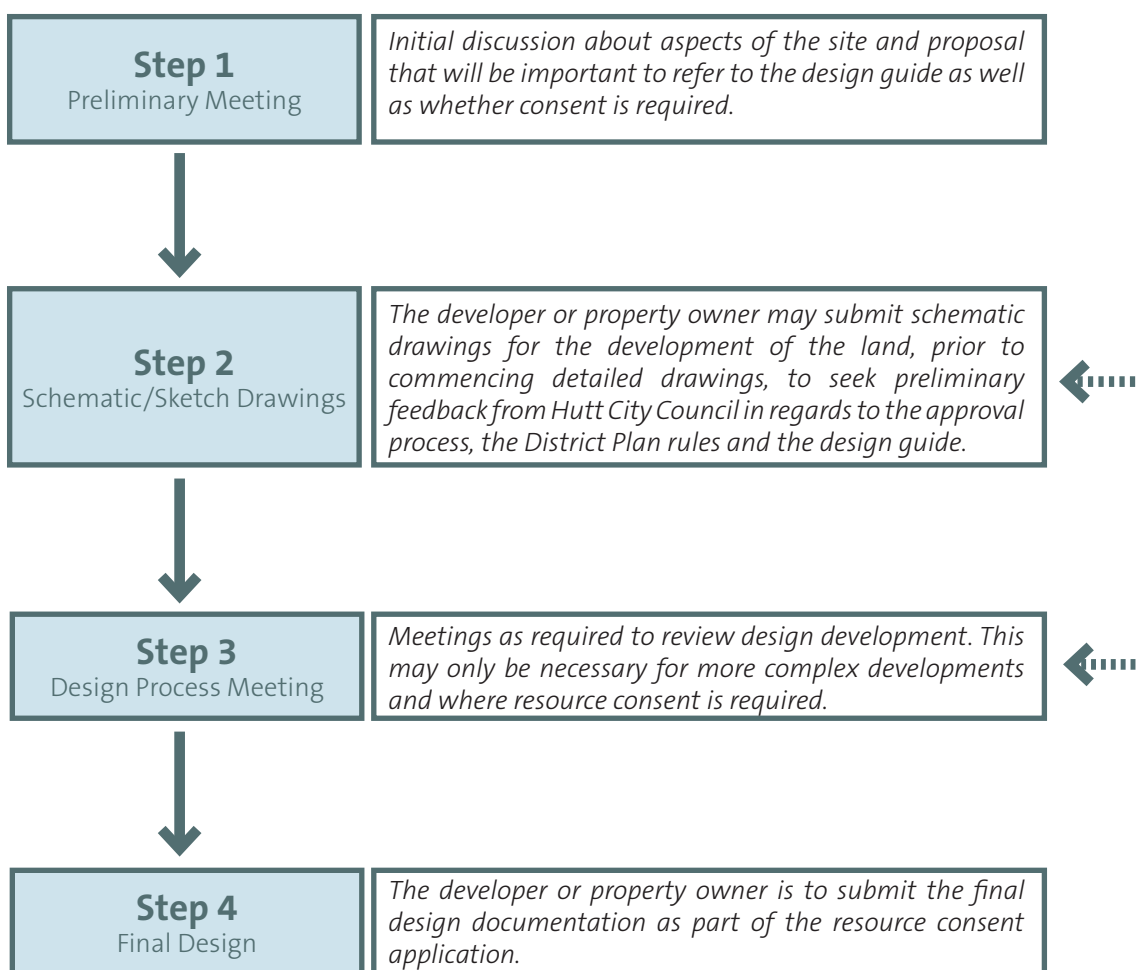
It is noted that the vision applies to all of Petone. As a sub-area Petone West has particular characteristics that will both inform its future and will also be influenced by change over time. Accordingly not all of the vision elements will be relevant to the Petone West area.

## 1.4 Approach to Working with Development Proponents

*The Hutt City Council encourages landowners, developers and their architects, landscape architects, planners and other advisers to work collaboratively throughout the development planning process and to seek early discussions with Council prior to undertaking detailed design for any development.*

This will enable concepts to be discussed prior to commencing detailed design to enable early feedback from Council and the most appropriate outcome for all parties to be reached.

A diagram of the desired process is described below. The need for all these steps will depend on the development scale. This process is optional but is intended to assist in providing for an efficient design and consenting process.



## 1.5 How to Use the Design Guide

Each section of the design guide is generally structured into 4 parts (for example):

### 2.2 Managing Building Bulk

*Guideline heading*

Building bulk refers to the vertical and horizontal dimensions of a building relative to its neighbouring buildings. Human scale means sizes and dimensions that are not dominating to people.

The objective of “Managing Building Bulk” is to have an area where buildings are not dominating to ensure that people enjoy being in there and so contribute to the life and vibrancy of the place, support business located there and to make it an attractive choice relative to other centres.

*Objectives of the guideline*

*The use of changes in building volumes (height x width x length) and variation in the external walls can reduce the impression of the bulk of large developments. The incorporation of elements such as verandahs and awnings on the ground floor helps to reduce apparent bulk and create a human scale environment for people where it matters the most - on the street.*

*Explanation of why the guideline is important*

1. Continuous horizontal walls (over 10m length as a guide) should be ‘relieved’ by contrasting projecting and recessive elements, sub-volumes and different materials, patterns and colours;
2. Facades ( front and side elevations) should have a vertical hierarchy of a base (ground floor), a middle (upper floors) and a top (roof, parapet, cornice, pediment);
3. Buildings should incorporate skyline features such as cornice, parapet, distinctive roof forms, pediments or equivalent architectural elements; and
4. Where buildings are built to the side boundary, no windows are to be provided on the side wall. If windows are proposed on a side wall, consideration is to be given to the potential for the windows to allow light and air in combination with a side boundary setback to prevent being ‘built out’ in the future.

*Guideline*

## 1.6 Area Covered by the Design Guide

The design guide applies to any new development (except small scale alterations or additions) located within the District Plan Zone “Petone Mixed Use Activity Area” as shown on the map below.



## 1.7 Character and Context Description

The existing physical character of the Petone Mixed Use Activity Area has been influenced over time by its land uses, including industrial, service and retail activities. As this area transforms into a mixed use environment with a different range of activities, the character will progressively change over time. To assist in understanding the future character planned for the Petone Mixed Use Activity Area, the descriptions below compare and contrast the existing and future character.

### Existing Character

The west end of Petone has a character that derives from its history of use and occupation over time. Physical remnants of Maori settlement still exist (urupa and archaeological sites). The whole area and its relationship to the context of hills and harbour remain significant for tangata whenua. As the original settlement of the NZ Company, a formal, regularised street pattern was developed and this remains in the grid of streets along the foreshore.

Much of the subject area was industrialised (meat works, timber mills) in the later 1800's and land amalgamated into larger blocks - the large blocks remain. A range of smaller servicing and trade-based activities associated with the larger industrial activities established in close proximity on nearby streets. The housing of workers occurred throughout Petone and the Hutt Valley, with the older housing stock, which sits adjacent to the east of the Petone Mixed Use Activity Area, now popular with people seeking the benefits of the coastal location and amenities of Jackson Street. Petone has a legacy of older Victorian era architecture, and in the central part of Jackson Street (outside of the Petone Mixed Use Activity Area) many of the original buildings remain. This central part of Jackson Street has become a boutique retail and café location. The portion of Jackson Street within the Petone Mixed Use Activity Area is currently dominated by a mix of larger format retail and service industries. These are typically utilitarian structures and offer little in the way of characteristics that need to be managed and protected.

The railway line went through to the Wairarapa via Petone in 1874 and the Petone Railway Station sits adjacent to the Petone Mixed Use Activity Area providing good public transport connectivity into Wellington City and wider region. The motorway runs parallel and with the rail line. This transport corridor separates the Petone Mixed Use Activity Area from the area further west at the foot of the Korokoro hills.

By the late 1980s, the larger industrial uses closed down and were being replaced by offices and retail. Today the uses are a mix of older warehouse uses and distribution, service industries, trade supplies, large format retail including supermarkets, food related industries and manufacturing.

The built form in Petone Mixed Use Activity Area is generally lower height buildings (1 – 2 stories) with a few exceptions being some taller (up to 8 stories) buildings on The Esplanade and one on Jackson Street. Some of the light industrial buildings, although only one or two storeys are relatively large in scale - both height and footprint area. These taller buildings are typically located on larger sites. In the eastern part of the subject area the sites are relatively small and regularly shaped. The buildings on these smaller sites have a relatively uniform built form, being 1-2 stories in height, setback 5 – 8 metres from the front road boundary with on-site parking in front, and immediately abut neighbouring buildings. Vehicle entrances, on-site parking and loading areas dominate streetscapes, with limited pedestrian activity. In the block between Sydney and Nelson Streets the light industrial sites abut residential uses.

On the larger sites in the central and western parts of the subject area, most buildings are 1-2 stories in height reflecting their large format retail and warehouse type uses. These larger sites also have large areas of on-site parking and service, with buildings typically free-standing within each site. The large sites are serviced from relatively few streets and some informal routes across these larger sites are used by pedestrians and vehicles to short cut given the limited connectedness available within the network.

The main street network is busy, with high vehicle volumes along The Esplanade and Hutt Road which are on the south and west side of the subject area respectively. Internally within the Petone Mixed Use Activity Area private car/vehicular movements are the predominant mode of transport, along with a high proportion of heavy traffic associated with the industrial uses. There are limited non-vehicular movements (pedestrian and cycling) on the street network.

With the high level of building coverage and on-site parking, close to 100% of the area has an impervious surface. This surface condition generates stormwater runoff ponding issues during extreme rainfall events. There is limited vegetation within the Petone Mixed Use Activity Area, but relatively mature pohutakawa trees exist in places.



The Esplanade - influenced by the traffic volumes, but with a broader attractive outlook to the beach and harbour. Buildings variously adjoin or are set back from the street edge. Most have no ground floor direct relationship to the street edge.



Victoria to Sydney Street Block - these streets have small sized sites (average 450m<sup>2</sup>) and many of the buildings are set back from the relatively narrow streets. Frontages are typically utilised for car parking and activities associated with the service/commercial uses. They run between The Esplanade and Jackson Street so are well located relative to amenities.



Jackson Street - at this west end the street has an open character and given the typically car based open parking areas and frontage treatments. There are some buildings that have a direct frontage to the street, but this is limited to about 40% of the length from Victoria Street to the Hutt Road.



Gear Street - in the area north of Jackson Street the activities are similar in nature to those in Victoria to Sydney Street block. The buildings vary in their height and type and there is more mix of set backs and buildings built to the street edge. The street pattern is less regular than the Victoria to Sydney Street block.

## Future Character

The desired future for the Petone Mixed Use Activity Area is that becomes a place to live as well as to establish and operate a business. The aim is for a range of residential living choices and activities which meet the daily needs of residents and workers. The area should grow to attract and retain destination activities which bring people from the wider Hutt Valley and Wellington region to Petone. Overall, the number and range of land uses is intended to increase. The character can be contemporary in terms of architecture, but is expected to reflect the diversity of activities with elements of its history and context expressed as appropriate.

To successfully encourage people to live in the Petone Mixed Use Activity Area the development quality needs to ensure that conflicts (e.g. noise) with existing uses do not occur unreasonably and that amenity (e.g. open spaces, shelter and connections to desirable destinations like The Esplanade and Jackson Street) are provided for. With a comprehensive form of development planning it is hoped that new buildings can be built within existing large open space areas or replace existing buildings in such a way that the intensity of use and interest increases and the area is used as efficiently as possible.

The built form will change to accommodate a range of uses, with more diversity in the number, type and design of buildings. There are some limited opportunities for smaller floor area retail activities (include cafes and restaurants) to grow along with new uses and increased demand from residents. These smaller floor area retail activities are intended to be concentrated along Jackson Street (west end) and have extended the central hub of Petone. The full length of Jackson Street between the railway station and Cuba Street is over time expected to transition to a more pedestrian friendly environment, with attractive and active shop frontages, shelter and access to open space. Within the Petone Mixed Use Activity Area portion of Jackson Street provision has been made for new buildings (3-4 stories) that front to the street and provide a continuous facade.

The residential development anticipated are a combination of apartments (which have balconies and/or on-site open spaces that provide amenity for residents), or (especially in the smaller streets to the of the mixed use area) town houses with courtyard open spaces that provide amenity for residents. The larger open space amenity can be provided by the reserve and beach so sheltered and smaller scale open space on-site adds provides for smaller groups and individual's semi public or private open space needs.

With more open space on site, the amount of vegetation is intended to increase, in terms of the quantity, size, type and quality. The result will be a lower proportion of impervious surfaces, with rain gardens and other forms of low-impact stormwater management.

There is an important need for more connections (such as public streets or private accessways within the larger blocks) to provide more richness and diversity of development due to the increased frontages. These new connections will encourage a higher level of non-vehicular movement (pedestrians and cyclists) within the area. There is also potential for greater use of public transport via the Petone Railway Station and buses.



Future mixed use development can include residential in a mix with office and other commercial uses as part of comprehensive development including open spaces and greening.



Future residential development maybe low rise residential apartments (up to 14m in the blocks between Victoria and Sydney Streets) or up to 20 metres (or more with open space) in the large blocks part of comprehensive developments).



Future residential development in the area maybe suited to smaller scale town houses, particularly in the low rise residential blocks between Victoria and Sydney Streets.

## Summary table

ATTRIBUTES	EXISTING CHARACTER	FUTURE CHARACTER
<i>Uses</i>	<i>Service, commercial, large format retail and industrial</i>	<i>Mix of uses, including existing uses (service, commercial, large format retail and industrial) plus medium density residential and smaller format retail along Jackson Street. No residential uses on the ground floor on Jackson Street.</i>
<i>Densities</i>	<i>Low with a high amount of open areas with surface car parks</i>	<i>Increased density of development including public and private open spaces with a reduced extent of open surface car parks</i>
<i>Heights</i>	<i>Low, with mostly 1 or 2 storeys with a few taller (up to 8 stories)</i>	<i>Mix of low and taller buildings throughout the area. Taller buildings are adjacent to open spaces.</i>
<i>Architecture and Style</i>	<i>Range of eras and no specific styles, utilitarian sheds, simple box forms, basic materials - concrete, corrugated iron, little detail</i>	<i>Contemporary, more articulation within forms as appropriate to use, more attention to detail at street level, range of material use but expected to remain simple</i>
<i>Built form</i>	<i>Stand alone buildings with large floor plates mixed with adjoining smaller buildings on streets to the east</i>	<i>Mixed use buildings (retail, servicing, commercial on ground floor and residential and/or commercial above). Some existing buildings remain, but some gaps filled in and other buildings replaced with medium density residential activity and blocks of apartments around private or public open spaces.</i>
<i>Open Space</i>	<i>No green open spaces or public places with amenity except The Esplanade Foreshore</i>	<i>New developments have on site courtyards or larger open space areas that provide contained sheltered open areas for residents' amenity.</i>
<i>Connections</i>	<i>Large blocks with limited connectivity for all transport modes</i>	<i>Existing streets supplemented by new street connections that generate between additional frontages and better walking accessibility</i>
<i>Car parking</i>	<i>Large surfaces of carparking fronting the streets</i>	<i>Carparking is located either internally within buildings or behind buildings and not visible from public spaces.</i>



# 2

## assessment guidelines

# Design

**2.1 Managing Building Bulk**

**2.2 Managing Large Sites**

**2.3 Recognising Prominent Sites**

**2.4 Making a Good Street Frontage**

**2.5 Designing for Adjacent Uses**

**2.6 Creating Open Space and Greening**

**2.7 Stormwater**

**2.8 Providing for Car Parking**

**2.9 New Street Design**

**2.10 Managing Wind**

**2.11 Providing for Residential Amenity**

**2.12 Developing Resilience**

## 2.1 Managing Building Bulk

Building bulk refers to the vertical and horizontal dimensions of a building. Human scale means sizes and dimensions that are not dominating to people.

The objective of “Managing Building Bulk” is to generate an environment in which people do not feel dominated by the form of buildings and enjoy being there - this leads to more intensity of use, more business opportunities and makes it an attractive choice relative to other centres.

*The use of changes in building volumes (height x width x length) and variation in the external walls can reduce the impression of the bulk of large developments. The incorporation of elements such as verandahs and awnings on the ground floor helps to reduce apparent bulk and create a human scale environment for people where it matters the most - on the street.*

### Assessment Guidelines

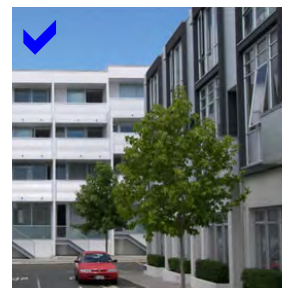
1. Continuous horizontal walls (over 10m length as a guide) should be ‘relieved’ by contrasting projecting and recessive elements, breaking up blocks into identifiable parts, and through the use of different materials, patterns and colours;
2. Facades, front and side elevations of multi storey buildings, should visually describe a vertical hierarchy of a base (ground floor), a middle (upper floors) and a top (roof, parapet, cornice, pediment);
3. Buildings should incorporate skyline features such as cornice, parapet, distinctive roof forms, pediments or equivalent architectural elements;
4. Where buildings are built to the side boundary, no windows are to be provided on the side wall. If windows are proposed on a side wall, consideration should be given to the potential for the windows to allow light and air in combination with a side boundary setbacks to prevent being ‘built out’ in the future; and



Long plan forms - blank wall - although reflective of utilitarian and internal space requirements - there are better ways to address the scale dominance



This building has its horizontal length broken up with slot like openings and a material change mid height by the vertical or projecting sections at regular spacings.



This building has floor levels expressed vertically with recessed balconies/windows. The buildings' long horizontal length is visually broken up by the vertical or projecting sections at regular spacings.



Horizontal elements consistent with adjoining buildings

Vertical elements of upper floors consistent with ground floor



## 2.3 Recognising Prominent Sites

The objective of development on prominent sites is to:

- Create features that provide orientation points in Petone; and
- Promote the identity of the area

Buildings on prominent sites deserve special attention due to their greater visual exposure and their role in creating landmarks

Typically, prominent sites within the Petone West are located at:

- A. end of a street;
- B. street corners;
- C. bends of streets; and
- D. gateway sites

The plan opposite identifies the prominent sites within the Petone Mixed Use Activity Area. New sites may be identified in the future as Petone evolves over time.



Current buildings on prominent site



Building at street corner: vertical expression of corner, windows and openings on both sides and material changes emphasizes



Current buildings on prominent site



Building at the end of street view: architectural elements (blue facade, windows) are aligned with the centreline of the street

### A. Street End

*Buildings located at the end of a street have the potential to create landmarks which not only enhance the appearance of the streetscape but also create opportunities for visual reference and orientation.*

### B. Street Corners

*Buildings on street corners have the potential to create distinguishable points where a change in movement direction can be made. They also help to define the street edge and create opportunities to differentiate a change in use from one place to another (e.g. residential, retail or commercial).*

### C. Bends of Streets

*Buildings at bends of streets have a similar function to buildings at the end of streets. They terminate view lines, reinforce the urban form (curved or angular shapes of streets) and help to define the street edge.*

### D. Gateway Sites

*Gateway sites have particular significance to the area, as they mark a gateway into Petone west either from the motorway or the train station.*

### Assessment Guidelines

1. Architectural elements of the building should be aligned with the centre line of streets on sites that terminate a street;
2. Buildings on corner sites should face both street frontages with windows and doors. The main entry point should be located at the corner or on the primary street;
3. The corner should be visually reinforced with architectural elements such as verandah, awning, roof form, cornice, pediment or similar features;
4. The façade of buildings on curved streets should follow the line of the curve;
5. Buildings fronting future open space (parks plaza etc) should provide doors, windows and verandahs on the ground floor with publicly accessible uses; and
6. Buildings on sites marked as prominent should adhere to guidelines above as applicable. The buildings should act as markers by being distinguishable from the surrounding development. This may be through architectural treatment or a height difference.



## 2.4 Making a Good Street Frontage

The aim of the “Good Street Frontage” guideline is to encourage streets that are interesting and comfortable for people using the Petone West area. This contributes to economic vitality by encouraging people to spend time there and enhances the attractiveness to local residents and people from the wider region. It is an objective for Petone West that new streets are added over time.

The guidelines for **Making a Good Street Frontage** are generally about the relationship between public space of the street and the interface with the private space. Typically Council provides and manages public space and private space is developed and maintained by landowners and their tenants.

Transparent windows, doors facing the streets, lighting, porches and verandahs are all elements that contribute to the attractiveness of streets as public spaces. It is recognised that in Petone West there are a mix of uses and not all will be able to provide these elements (such as warehouses for example)

The types of uses on the ground floor that support pedestrian activity and promote visual interest are also important.

The **Street Edge** guidelines will address the following:

- A. Continuity;
- B. Visual Connections; and
- C. Identifiable Entry Elements;
- D Design to address The Esplanade
- E. Residential development

Guidelines apply specifically to the following Street Frontages:

- The Esplanade (Type 1)
- Jackson Street (Type 2)
- New Streets (Type 3)
- Victoria to Sydney Street Blocks (Type 4)



Frontage Type Plan



FRONTAGE TYPE TABLE				
GUIDELINE AIM	Type 1 The Esplanade	Type 2 Jackson Street	Type 3 New Streets	Type 4 Victoria to Sydney Streets
<i>Building built to street boundary</i>	No	Yes	Not necessary	Not necessary
<i>Building built to side boundary for ground floor</i>	Not necessary	Yes	Not necessary	Yes
<i>Transparent frontage on ground floor</i>	50% minimum	60% minimum	50% minimum	20% minimum
<i>Continuous verandah on ground floor</i>	Not necessary	Yes	Not necessary	Not necessary
<i>Building frontage vertically divided at intervals of</i>	Not necessary	10m maximum	15m maximum	15m max
<i>New driveways, new service lane access or new lane access</i>	Yes	No	Yes – 1 per development	Not necessary
<i>Residential Activities on ground floor</i>	Not necessary	No	Not necessary	Not necessary

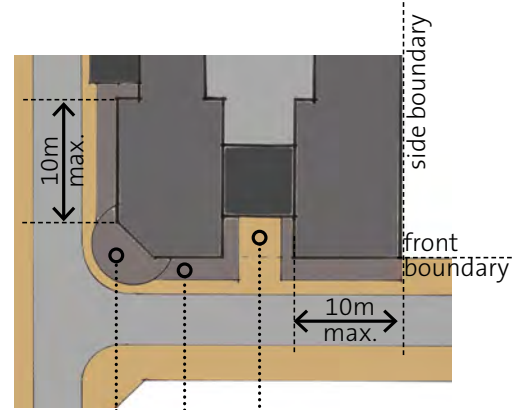


## A. Continuity

The standard aim for town centres is to achieve a relatively continuous street front with visual permeability at the ground floor. It is recognised that in Petone West this will not be practicable on all streets given the mixed use nature of the area. The guideline applies to Jackson Street and Victoria to Sydney Streets. Continuity is important on Jackson Street to hold people's interest as shoppers and pedestrians and make a more attractive place for business.

### Assessment Guidelines

1. Buildings in Type 2: Jackson Street and Type 4: Victoria to Sydney Streets should be continuous from side boundary to side boundary;
2. Buildings in Type 2: Jackson Street should be built up to the street boundary;
3. Corner buildings in Type 1: Jackson Street and Type 4: Victoria to Sydney Streets should maintain continuity around the corner as well as be built to the street boundary; and
4. Small entryway setbacks are encouraged to create sheltered doorways, entrances and outdoor dining areas.



Buildings on corner sites should incorporate awnings, entrance canopies and windows on both facades

Small setback for doorways or outdoor dining areas

Continuous verandah covers or awnings to make sheltered streets



Long frontage modulated at intervals of less than 10m by change in uses (various shops and restaurants) materials, colours, good use of sheltering elements, high percentage of transparent glazing and public/private lighting



Building faces both primary and secondary street, provides shelter (balcony cover) and visual connection (large proportion of transparent windows on the ground floor with balcony and windows above)

## B. Visual Connection

Windows and doors on the ground floor and balconies and windows on upper floors promote visual connection and interest between the people inside (private space) and outside (public space). The design, location and frequency of openings also contributes to the sense of safety of the users by passive surveillance.

### Assessment Guidelines

1. Windows and doors directly facing the streets and open spaces should be provided in accordance with the frontage table over. It is noted that although not necessary on all street types, window and doors on street edges should be maximised as far as practicable;
2. Blanked out or false windows and doors should be avoided in all frontage types. Roller doors should be avoided Type 1: The Esplanade, Type 2: Jackson Street and Type 3 New Streets;
3. Opaque windows, reflective windows or solid walls should only be used in the facade where it is below the eye level of people on Type 1: The Esplanade, Type 2: Jackson Street and Type 3 New Streets frontage types; and
4. Buildings in all frontage types should have windows that overlook the street, parks, lanes or pedestrian lanes from any above ground uses.



Reflective windows do not offer visual connection between interior and exterior - "cannot see through".



Non-transparent windows facing the street are not contributing to a good street frontage.



A high percentage of transparent windows provide a good visual connection between inside and outside. This creates visual interest to the passers by and provides opportunities for passive surveillance.



### C. Identifiable Entry Elements

*Well designed, unique and identifiable entry elements, such as awnings, colonnades, feature doors, entrance canopies, porches and verandahs, provide a distinguishable identity, demarcate building entrances and offer shelter*

#### Assessment Guidelines

1. Separate entrances for commercial and residential uses above retail should be provided; and
2. Corner buildings should face both street frontages with windows and doors in all street types. The main entry point should be located at the corner or on the primary street. The provision of a secondary entrance on the secondary street is encouraged.



Entrance canopy



Main entry point located at the corner



Separate entrances for commercial and residential uses

## D. Designing to Address The Esplanade

Buildings on The Esplanade require special attention in regards to their design, placement and function. The appropriate interface between the buildings and The Esplanade is fundamental to achieving a quality street.

The objective of this guideline is to ensure that developments within Type 1 (The Esplanade) create a better physical relationship with The Esplanade and the water front and benefit from the amenity the area provides. As well as this, the facade of the buildings are visible from Hutt Road heading out of the city and require specific design treatment due to this. The aim is also to ensure that new developments protect and enhance the qualities of The Esplanade area in respect to its openness, natural and recreational values and the character of the area.

### Assessment Guidelines

1. Ground floor uses should be commercial and designed to address the Esplanade with windows and doors;
2. Developments should make the most of the views of the beach and face out towards The Esplanade and Beach;
3. The facade of new buildings should be designed to create a desirable edge along The Esplanade which is visible from Hutt Road;
4. The design of buildings should reflect the type of use for which the building is intended;
5. The setback area should be designed in conjunction with the building. This setback space maybe used as open amenity space or parking;
6. The front boundary to the Esplanade is to have a minimum of 2.5m wide planted strip incorporating clear stemmed pohutakawa trees. They should be spaced at no less that 5m centres.

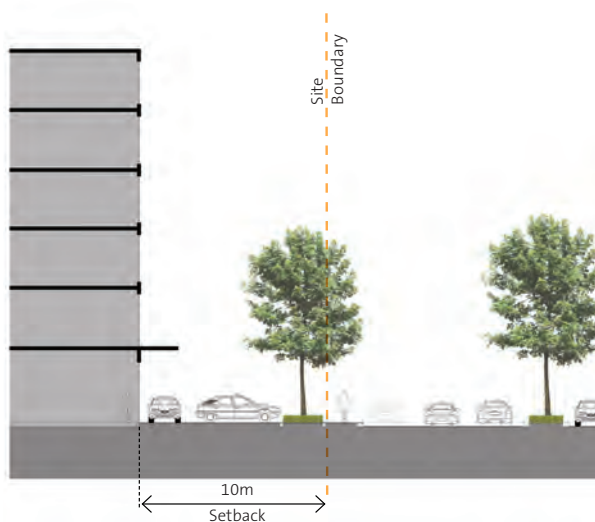


Building is stepped to avoid noise and pollution from The Esplanade

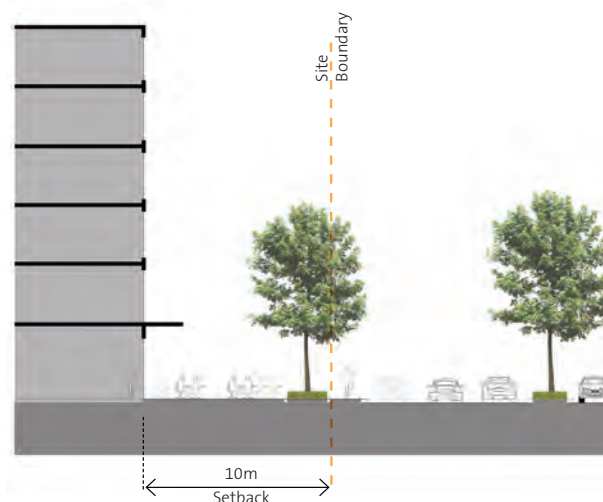
Residential tower recessed from the front boundary to improve sunlight access to the street. It is also a good solution to allow for adaptation in relation to The Esplanade in the future.

Rooftop gardens above retail. It can be publicly accessible with restaurants and shops fronting onto it or it can be a communal open space (semi-private) for residents' use.

Planting provides a green edge to the street.



The building is setback 10m from The Esplanade. This space can be used as surface carparking,



The building is setback 10m from The Esplanade. This space can be used as open amenity space, such as cafe seating.

## E. Residential Development

This guideline only applies to streets where residential development is being provided. The ground floor treatment needs careful design consideration for this type of use.

The objective of this guideline is to ensure that, with simple design solutions, residential privacy and passive surveillance can simultaneously occur.

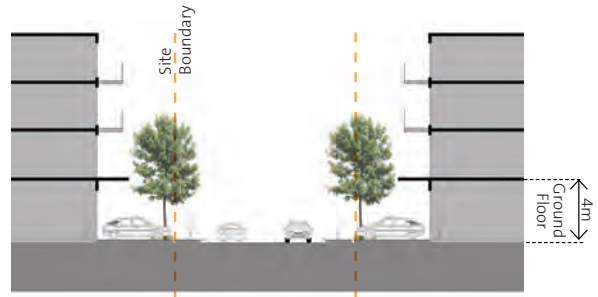
*A good interface between public open spaces (streets, lanes and parks) and private spaces is associated with building designs that provide passive surveillance (people can see and be seen), a streetscape which is not dominated by garage doors and driveways, and where residents have adequate levels of privacy.*

### Assessment Guidelines

1. No residential activity should be provided on ground level frontages on Type 1 The Esplanade and Type 2 Jackson Street. Buildings in this area should accommodate commercial use on the ground floor. Ground floor activities on Type 3 and Type 4 streets are not necessary, but where they are provided the guidelines below apply;
2. Fences fronting public open spaces should be a maximum height of 1.2 metres above street level. Where fences exceed 1.2m in height above street level, the portion of the fence above 1.2 metres should be a minimum of 50% transparent;
3. Garage doors should be aligned or preferably recessed from the street front building line;
4. A narrow front yard and change in level of 1.2 metres should be used to promote a separation from the public street environment; and
5. Consideration should be given to the use of private open space fronting the street to provide sunlight access and a more open streetscape.



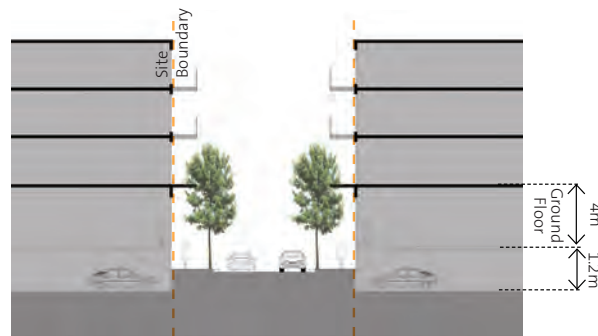
Separation from the street front by set back and height change



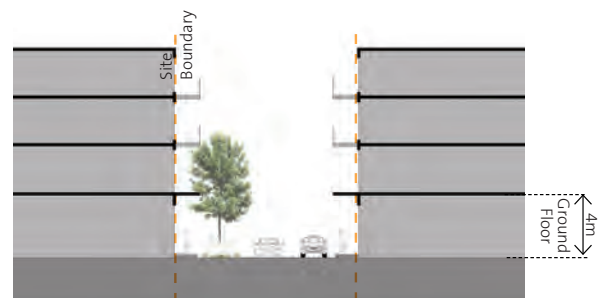
Option for street layout: Similar to existing street layout in Sydney Street for example



Option for street layout: Buildings are set back 2.5m to allow for a footpath and angle parking.



Option for street layout: New buildings are built to the boundary with underground parking and a 1.2m height separation from the street.



Option for street layout: New buildings are built to the boundary. Parallel parking on side.

## 2.5 Designing for Adjacent Uses

Managing compatibility between mixed use developments and existing uses is important. The objective of this guideline is to ensure potentially conflicting uses are appropriately designed and placed to minimise the incompatibility between them.

This guideline refers to:

- A. Buildings adjacent to the Urupa
- B. Mixed use buildings abutting residential neighbourhoods

### A. Buildings adjacent to the Urupa

The urupa is a culturally significant site and cultural events continue to take place on the site. It is important to develop a respectful relationship between the urupa and adjacent development. Conflict may arise around residential dwelling privacy and overlooking as well as developments dominating and shading the site.

This objective of this guideline is to minimise the potential conflict between the residential and cultural activities around the urupa.

#### **Assessment Guidelines**

1. New buildings should be designed with a buffer between the urupa and residential use to create aural and visual privacy and reduce potential dominance;
2. Any windows or open space balconies facing the urupa should have movable screening to enable privacy for the residents from activities in the urupa;
3. New buildings should be designed so as not to dominate the urupa; and
4. New buildings should be designed to minimise any shadow over the urupa.

## B. Mixed Use buildings abutting residential neighbourhoods

Potential effects of mixed use buildings on residential areas include dominating bulky buildings and elongated plain walls, also lack of privacy can occur if buildings are placed in close proximity to residential areas. The objective is to increase development mixes and accommodate this in new buildings, but to do so in a form which remains compatible with adjacent existing residential development.

### Assessment Guidelines

1. A buffer can be created between commercial and residential development. This may be in the form of a pedestrian lane, park open space, street or landscaped setback.
2. Screens and other devices to limit overlooking from mixed use activities to adjoining residential uses should be provided; and
3. The scale and massing of new buildings should be sympathetic to the adjoining residential uses by use of recessive materials, breaking forms into small residential scale shapes and the placement of windows and open spaces to punctuate facades.



Adjustable screens enable privacy and management of sunlight access/solar gain to residential development (apartment)



Open space between uses can be used, new streets added or tree planting/landscape treatment used to soften or buffer the interface between different activities



## 2.6 Creating Positive Open Space and Greening

Demand for local parks for the people working and living in Petone West will increase as the area transitions to a mixed use environment. There is a large open space provided by the Petone foreshore and reserve as well as in the hills to the west. However, the area would benefit from smaller parks or plaza spaces to provide for sitting; play and general amenity. New uses such as residential also benefit from some onsite private open space.

*The objective of this guideline is to assist the delivery of high quality parks within Petone West in association with private development. It also aims for new residential activity to have open space which is dedicated to each dwelling unit.*

This guideline refers to:

- A. Residential Outdoor Areas.
- B. Public open Space
- C. Greening

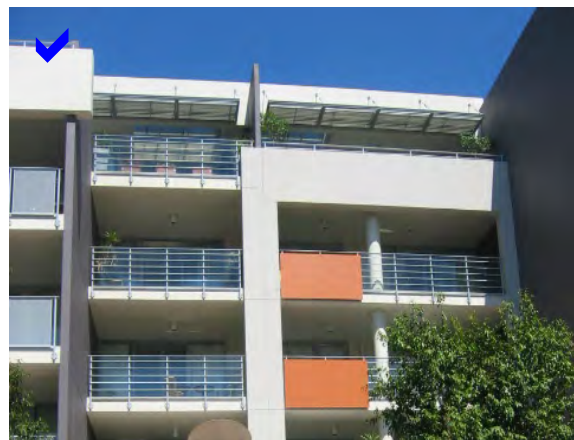
### A. Residential Outdoor Areas

The “Residential Outdoor Areas” guideline aims to enhance the urban amenity for residents by providing suitable private outdoor areas.

*The objective to introduce residential development in Petone West will result in a greater number of people living in the area. The demand for good public, semi-public and private open space is likely to increase with the higher population and land uses densities intended in the future.*

#### Assessment Guidelines

1. Residential developments should provide outdoor areas which can be in the form of private and/or shared spaces;
2. Outdoor spaces should be located where they will receive sunlight and be of a dimension which provides functionally for the use of the residents;
3. Privacy should be provided for by incorporating planting and/or external devices such as louvers, shutters and blinds when required.



Balconies are a good alternative to private outdoor areas in residential apartments or townhouses



Balconies and green atrium on commercial buildings



## B. Public open Space

A high quality and usable open space is safe, active, convenient, well maintained, pleasant, connected and appropriate to its context. An unsuccessful park is the one that disregards the existing network of open space and the connections to the pedestrian and cycle routes, as well as wind and solar aspect and size, location and activity pertinent to the site and its surroundings. An unsafe park is one that does not consider the uses and interface of the buildings fronting it and creates hidden, inconvenient, unattractive, poorly maintained and unlit spaces.

The design of parks should be integrated with the urban and building design process.

### Assessment Guidelines

1. Provision and design of public parks should be developed in relation to local demand. Consider if the park is to be used for workers during lunch time (seating places, lunchtime sun, shading) or for residents (playground, seating places, “kick and play”) and consider if there are already nearby parks to avoid oversupply;
2. Parks should be considered for (but not limited to) the places marked in the diagram below;
3. Parks intended for public use should be where they are accessible (on main walking and cycling routes), highly visible (“eyes on the streets”, visual linkages and no hidden spaces), promote through traffic of pedestrians and cyclists (footpaths and cycleways) and within walking distance to the users;
4. Parks should be in locations where they receive a minimum of 2 hours of sun per day from 12pm to 2pm and buildings designed around them accordingly;
5. The ground floors of buildings fronting parks should have pedestrian-oriented active uses (preferably retail and community uses);
6. The selection of trees and plants is encouraged to consider the type and scale of the park as well as its use;
7. Outdoor lights should be provided, preferably attached to an adjacent building façade, and are to be of a type appropriate to a public space and human scale; and
8. Residential development should have on-site provision of open space in the form of private areas at least.



### Open Space Plan

The location of new open space is indicative only. The final location is subject to further investigation and detailed design.



## C. Greening (Encouraged)

“Greening” guidelines address how development can create better amenity in the Petone Mixed Use Activity Area. The emphasis will be on initiatives to provide spaces, such as rooftop gardens and green walls.

The objective of this guideline is to promote aesthetic improvements to the urban environment as well as to assist in increasing biodiversity, reducing the heat island effect, purifying indoor and outdoor air quality, and reducing water usage by the adoption of efficient water management systems.

### 1. Rooftop Gardens

*Rooftop gardens (intensive green roofs) are typically areas on the top of a building or terraces within that can include paving and usually grass, trees and shrubs. They provide usable outdoor areas, have good insulation capabilities and can assist with stormwater management.*

### 2. Green Roofs

*Green roofs (extensive green roofs) consist of a vegetated roof area not designed as usable amenity spaces. They assist in increasing biodiversity, insulation capabilities and reducing water usage by the adoption of efficient water management system.*

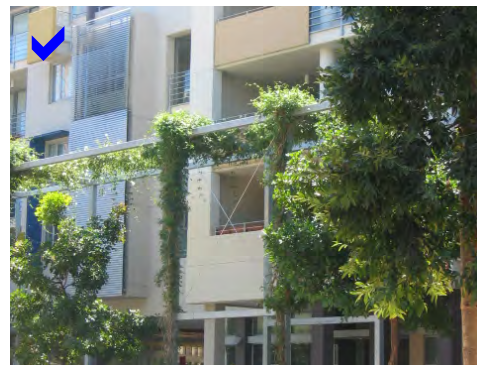
### 3. Vertical Green Treatments

*Green walls, green indoor or outdoor atriums and landscaped balconies are all part of the vertical green spaces initiative. They are method for aesthetically restoring urban environments (visual relief for blank walls and tall buildings) and control noise pollution (soundproof capabilities).*

#### Encouraged Guidelines

1. Greening by roof gardens and vertical green treatment is encouraged. The spaces created can be publicly accessible (part of the park network), semi-public (for residents of a building) or not for use (design feature). If green roofs, roof gardens and vertical green treatments are to be used they should consider:

- waterproofing, drainage systems and appropriate structure strength to support any additional weight loadings;
- the plant species that are resistant to severe environments (wind and drastic changes in temperature), require low maintenance and low water use;
- soil mix and depth. Light-weight soil mix is recommended;
- maintenance procedures and access;
- the opportunity to use collected rainwater for irrigation;
- plant types that maximise solar access in winter and control solar infiltration in summer.



Green structure as part of the facade



Landscaped balcony



Green wall

## 2.7 Stormwater

The subject area is sensitive to stormwater volume in some places as the existing stormwater network has limited capacity for peak events. As well as this the stormwater in the area discharges to the sea. It is considered good practice to sustainably manage stormwater on site as much as practicable.

The objective of this guideline is to assist with reducing stormwater runoff, integrate stormwater management into the overall design and consider future maintenance of stormwater devices.

### Assessment Guidelines

1. Low impact design practices should be used to encourage stormwater infiltration and reduce runoff. Minimise impermeable surfaces to reduce the volume of stormwater runoff and consider treating stormwater runoff with swales and rain gardens
3. Minimise the impact of a development on stormwater quality and generation and incorporate efficiency of water at the design phase. Consider rainwater collection from roofs for water gardens and flushing toilets; and
3. Plan for the future management of devices to ensure ongoing effectiveness such as access for cleaning and replacement of elements



It is important to minimise impervious surfaces by using porous paving as much as possible to reduce to stormwater run off



Stormwater tanks



Stormwater devices can be incorporated into the landscape design of new developments.

## 2.8 Providing for Car Parking

The objective of this guideline is to ensure adequate and easily accessible car parking within the Petone Mixed Use Activity Area without compromising the quality of the environment.

These guidelines must be read in conjunction with the District Plan rules.

This guideline is divided into two parts:

- A. Locating on Site Car Parking within Structures
- B. Addressing Surface Car Park Scale and Amenity

### A. Locating on Site Car Parking within Structures

*Car parking structures, if not designed with consideration to their effects can dominate the streetscape with poor quality frontages. This guideline aims for parking structures to be provided without compromising the street amenity.*

#### Assessment Guidelines

1. Car parking within structures should avoid directly fronting to streets or parks. Parking structures should be placed within the building structure and enveloped by residential or commercial uses; and
2. Car parking structures that front onto public spaces and streets should use design features such as green walls and screen devices to minimise the visual impact to the public spaces.



Car parking structure dominates the streetscape; inactive street edge and elongated blank walls



Green walls are a good solution to minimise negative visual impact of car parking structures



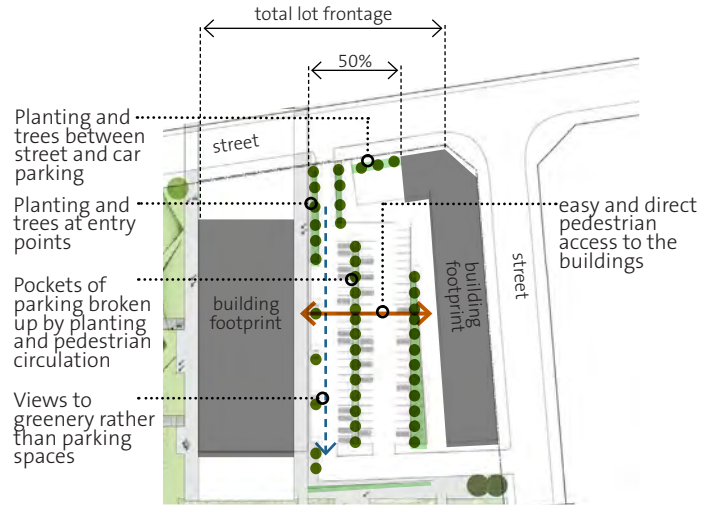
This building has a car parking above ground level. Nevertheless, the car parking is framed by commercial uses that front onto the street.

## B. Addressing Surface Car Parking

Large areas of surface car parking can have a detrimental impact on the visual appeal of an area and reduce the comfort and safety for walking and cycling. This guideline aims to ensure surface car parking is provided in a way which mitigates the detrimental impact on amenity. This may be through the use of planting and attention to scale and location of parking area placement.

### Assessment Guidelines

1. If surface car parking is provided, it should be located behind buildings for street Type 2: Jackson Street and Type 3: New Streets;
2. Street Type 1 The Esplanade and Type 4: Victoria and Sydney Street blocks surface parking fronting the street should not exceed more than 50% of the total lot frontage;
3. Trees and planting should be located to alleviate the negative visual effect of car parking fronting public spaces and buildings, and to provide shading for cars and pedestrians;
4. Surface car parking should incorporate 1 tree per 4 parking spaces and low water use and low maintenance shrubs; and
5. Porous pavement such as permeable pavers, permeable concrete and permeable asphalt should be used.



Surface car parking with tree planting



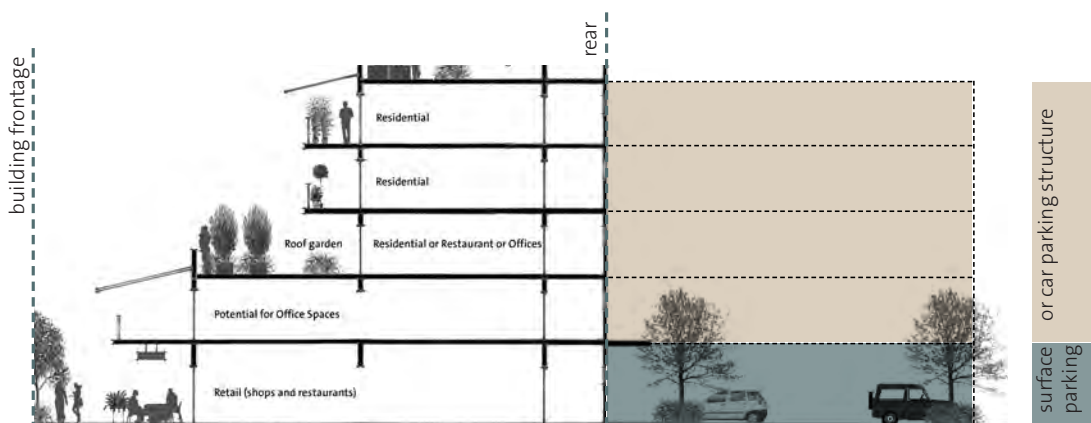
Large surface of car parking fronting the street; poor landscaping - not enough trees and shrubs



Shading structures, trees, shrubs and appropriate paving minimise the visual impact of surface car parking. Areas of porous paving and vegetation are encouraged to reduce urban water runoff



Surface car parking broken up at intervals of parking, planting, pedestrian circulation and variation in paving types



Large areas of surface car parking is encouraged to be located at the rear of the buildings and not visible from the streets or parks. If car parking structures are provided they should be enveloped by residential or commercial building frontages

## 2.9 New Street Design

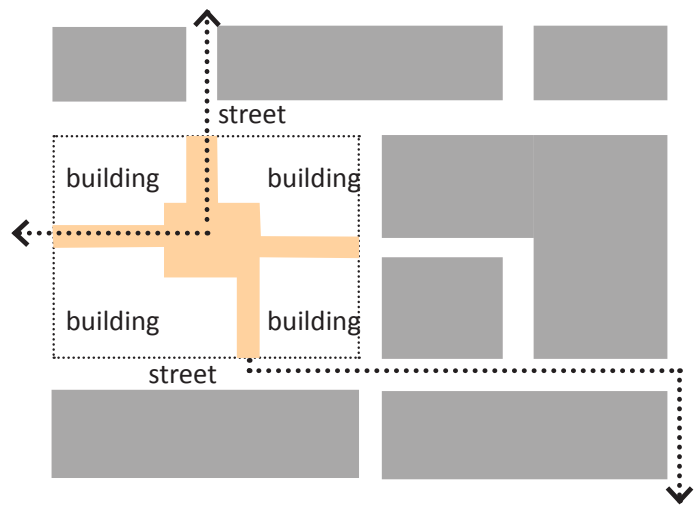
Mixed use areas should have lively street environments generated by a wide range of activities. In Petone West new streets are encouraged to be formed in association with new development.

The objective of this guideline is to ensure that new streets are located and designed to generate positive streetscapes and pedestrian amenity.

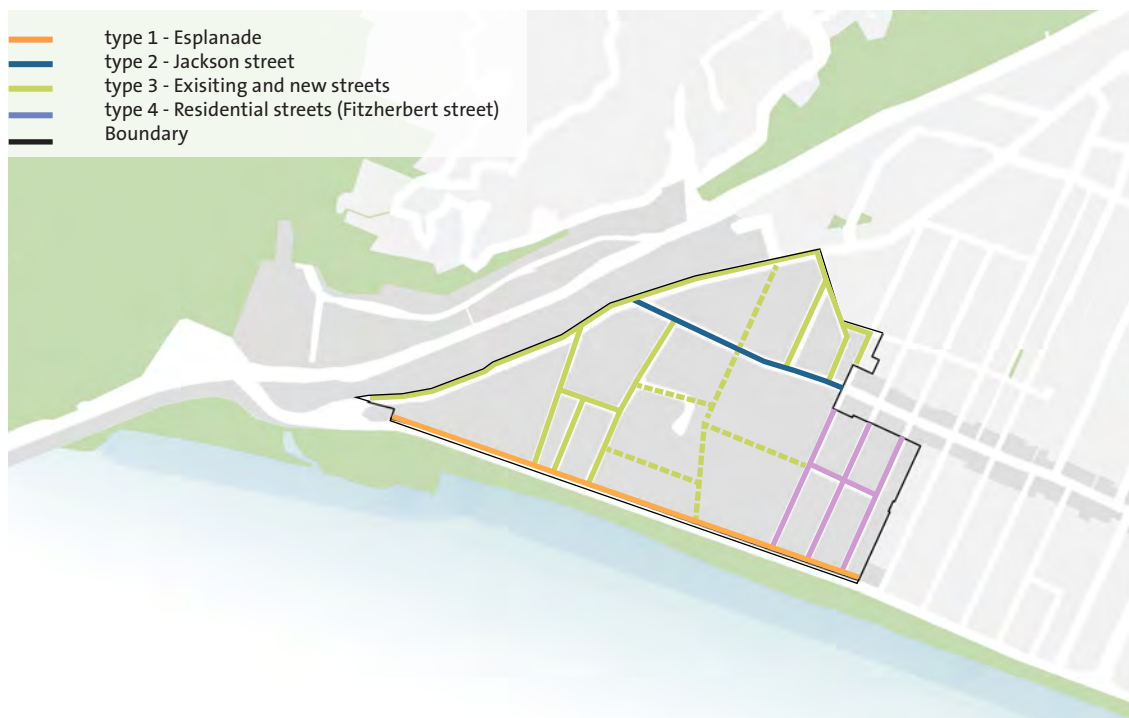
The plan below describes the existing street network of the Petone Mixed Use Activity Area and suggests where improvements by new streets can be made. These are indicative only and the location as well as addition of other streets will need specific design consideration. Opportunities for new streets to improve the accessibility and connections through the area can be realised from new development of larger blocks.

### Assessment Guidelines

1. New streets should assist permeability of existing large blocks by creating new through-street linkages;
2. New streets should connect into the existing street network;
3. Developments which front new streets should reflect Street Frontage Type 3: New Street conditions;
4. New streets are encouraged to consider paving, lighting, landscaping and interface with buildings and facilitate pedestrian, vehicle and cycle movements; and
5. New streets should be designed to reflect the volume of traffic use. Smaller scale streets and lanes are encouraged to give a 'hierarchy' of streets within the area.



Large sites should be planned with buildings located to provide new connections and links to existing streets



## 2.10 Managing Wind

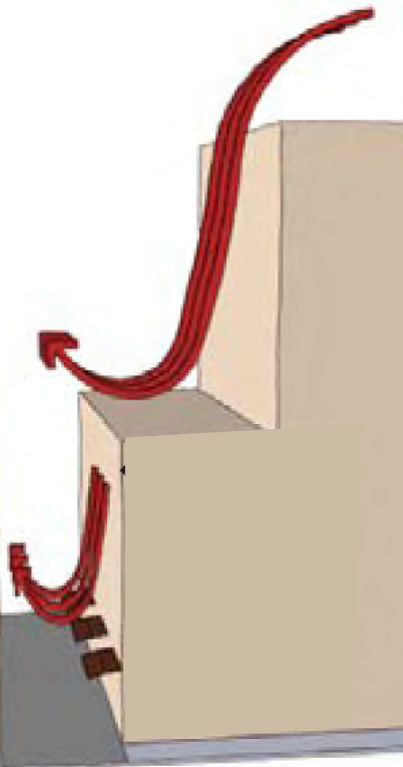
The objective of this guideline is to help to minimise the adverse effects of wind to create a more sheltered, safe and comfortable area. It is intended to manage wind effects on the streets and public places.

*The orientation, massing and form of buildings city can greatly influence wind conditions. Some of the negative effects of building design on wind flow are:*

- Streets that present significant variation of building heights (a taller building adjacent to a shorter one) can exacerbate adverse wind conditions;
- Taller buildings can create increased wind speeds down towards the ground level (downwash effect);
- Horizontally elongated plain façades (a building that is short but long) can have a detrimental impact on pedestrian discomfort caused by increased wind speeds ("row" effect); and
- Alteration or demolition of buildings can change wind flow pattern and speed at ground level and affect neighbouring buildings by funneling wind in.

### Assessment Guidelines

1. New buildings should be designed with reference to the existing wind patterns of the site and not increase the wind speed at ground level at key street locations (refer to Rules); and
2. Projecting and recessive elements (such as balconies, verandahs, set backs) should be used to reduce the adverse effects of wind at street level.



Upper floor building setback and verandah or awnings on ground floor to reduce wind-flow speed



Verandah and transitional volume minimise the adverse effect of increased wind flow

## 2.11 Providing for Residential Amenity

### A. Gaining Solar Access (Encouraged)

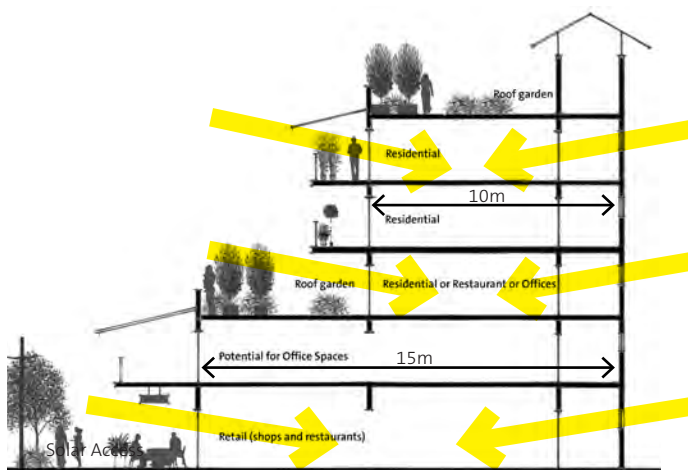
Designing for solar access means providing for the sun to penetrate a building, a lot or an open space to gain solar heat in winter and control solar radiation in summer.

The objective of this guideline is to encourage good solar access to new developments to reduce the energy required for heating in winter and cooling in summer.

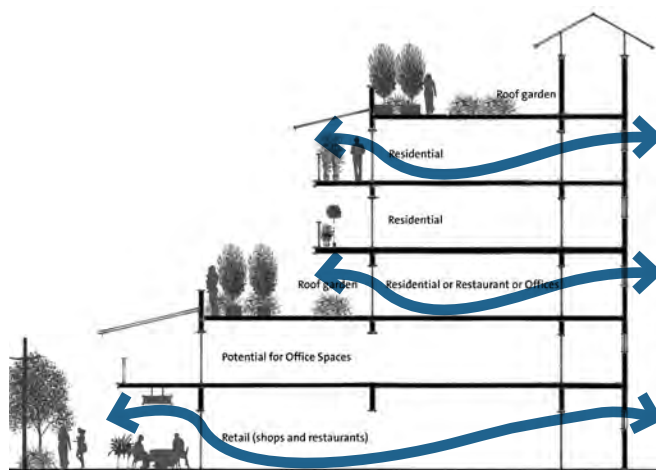
Solar access is commonly differentiated between “passive solar access” and “active solar access”.

Passive solar design relates to the appropriate orientation of buildings and lots and the correct position of windows, vegetation and shading elements to maximise or minimise solar infiltration. It also relates to the selection of materials that have high ability to absorb and retain heat. Passive solar design does not have any additional cost to the building construction and does not require special technology.

Active solar design refers to the use of solar collectors to capture solar radiation and convert it into energy for heating, cooling and lighting within the building. Buildings that incorporate active solar technologies are generally more expensive to construct. However, the energy cost to run energy efficient building is greatly reduced, which in the long term offsets the additional cost of construction by savings in maintenance.



Solar Access into the building



Cross Ventilation through the building



## 1. Passive Solar Access (Encouraged)

In addition to achieving a high quality built form, a pro-active attitude towards passive solar principles by landowners, developers and designers will be encouraged. Addressing the local climate and solar aspect of a site and applying simple design and building techniques can lead to energy use reductions.

North facing windows receive more of the sun's heat in winter (sun is low in the sky) and less in summer (sun is high in the sky). East and west facing windows normally receive more sun in summer and should be minimised as they can cause a building to overheat in summer.

High thermal mass materials are very important for their capability to absorb and store heat gained during the day to keep rooms warm into the nights. Windows should be carefully placed and sized as they can easily let heat in but can also release heat out at night much faster than insulated walls.

### Encouraged Guidelines

1. Windows of residential living areas and bedrooms, commercial, retail and community uses facing north are encouraged;
2. Sunlight access through the roof is encouraged when north-facing windows are not possible (skylights or clerestory);
3. Horizontal shading devices are encouraged on north-facing windows (awnings or overhangs);
4. Materials that have high heat-storage capacity such as stone, brick and concrete are encouraged, especially on north-facing walls;
5. Building depths of no more than 15 metres are encouraged to allow cross ventilation and natural daylight into internal spaces. 10m to 13m deep buildings can be naturally lit and ventilated. 14m to 15m deep buildings may require some artificial ventilation and lighting; and
6. Placement of windows that maximise natural cross ventilation is encouraged to reduce the need for air conditioning during summertime.

## 2. Active Solar Access (Encouraged)

Active solar-thermal systems are solar collector devices (generally solar hot water systems) that capture sunlight and transform it into energy. The solar energy gained can be either transferred to supplement hot water heating or space heating or it can store excess heating generated by the collectors for future use.

Solar photovoltaic panels use solar cells to capture the sun's energy and convert it into electricity for lighting, heating and powering equipment.

### Encouraged Guidelines

1. Install solar hot water systems;
2. Install solar photovoltaic panels;
3. Consider the effective orientation and inclination of any active solar system to maximise sunlight absorption;
4. Consider collectors that can track the path of the sun rather than fixed mounting to increase solar heat capture; and
5. Consider the visual impact of active solar systems.

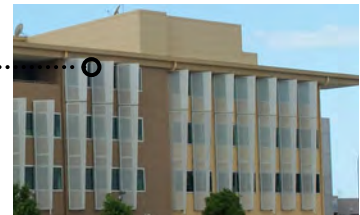
Solar collector devices positioned to maximise sunlight absorption



Eaves and moveable vertical shading device (external venetian blind) on east or west facing windows



Horizontal Shading device (overhangs) on north facing windows



### C. Providing for Solid Waste (Encouraged)

The objective of “Providing for Solid Waste” guideline is to encourage the provision of well screened and conveniently located rubbish storage areas on site.

*Storage for rubbish bins can be associated with bin spaces for individual dwellings or retail tenancies or communal rubbish storage for multi-dwellings or commercial buildings.*

#### Encouraged Guidelines

On site provision of solid waste should be:

1. Screened from public spaces and from building front façade;
2. Conveniently located to facilitate use and collection;
3. Appropriately ventilated to avoid odours to adjoining activities; and
4. Appropriately sized according to users needs.



Storage bins exposed to public views



Storage bins screened from public spaces

### E. Managing Noise (Encouraged)

The objective of this guideline is to encourage an urban environment where adverse noise effects are minimised. These guidelines must be read in conjunction with the District Plan - the Plan rules take precedence - the guidelines are suggestions.

*A mix of uses in the Petone West is desirable. However, there is some potential for uses to have a detrimental effect on each other in regards to noise. The noise of evening activities such as restaurants, cafes and bars or community activities can disturb residents living above or adjoining.*

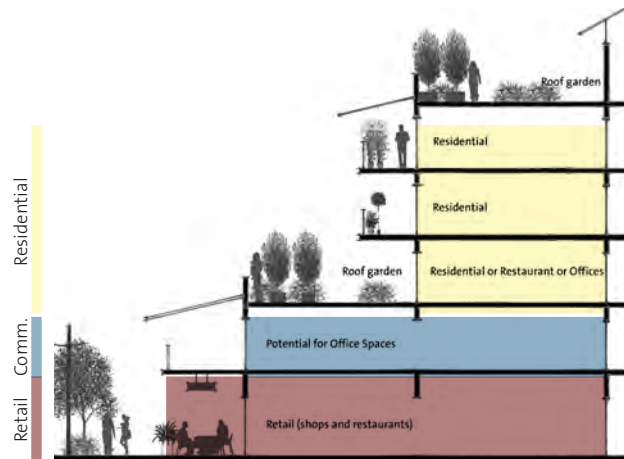
*Similarly, noise attenuation becomes an important matter to be addressed once residential units are attached.*

#### Encouraged Guidelines

1. The potential noise context of the site should be considered in the building design;
2. The location of commercial activities on first and second floors with retail on ground floor is encouraged; and
3. Acoustic design to manage internal noise (between tenancies or units) is encouraged.



Vertical mix of uses



Vertical mix of uses

## 2.12 Developing Resilience

The objectives of this guideline are to address natural hazards and the design for flexibility of futures uses.

### A. Design for Flexibility

The objective of this guideline is to encourage new buildings to be designed to enable greater flexibility of uses and adaptations to respond to different needs that may arise in the Petone Mixed Use Activity Area over time.

### B. Natural Hazards

In order for an area to be resilient, it must be designed so that the risk and impact of natural hazards is reduced to a tolerable level. The objective of this guideline is to encourage new development to be aware of these natural hazards and design accordingly.

### A. Design for Flexibility

*Traditionally, buildings were constructed with relatively high floor-to-ceiling heights and good quality materials that had a long lifespan. These attributes, combined with their modular structures and layouts facilitate an easier conversion of old buildings into new mixed use developments. The objective of this guideline is to encourage new buildings to be designed to enable greater flexibility of uses and adaptations to respond to different needs that may arise in the area overtime.*

### B. Natural Hazards

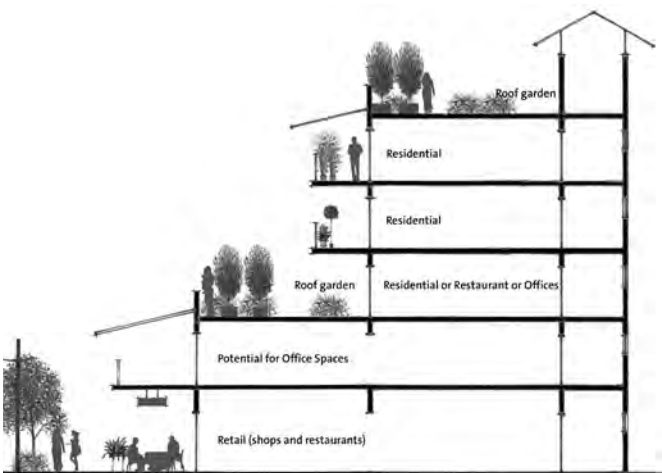
The primary hazard identified in Petone West is the fault line which runs through the subject area and is roughly parallel to the Hutt Road. This could cause ground shaking and liquefaction. The area is also vulnerable to sea level rise. The natural hazards occurring in the area have an impact on current and future development. It is possible to manage the location and design of buildings to respond to the potential adverse effects of natural hazards on human life, property and the environment.

#### Assessment Guidelines

1. A minimum of 3.4 metres of floor-to-ceiling height should be provided on the ground floors;
2. A minimum of 2.7 metres of floor-to-ceiling height should be provided on upper floors;
3. In residential or commercial developments, the provision of separate entrances to ground and upper floors is encouraged; and
4. Building depth between 10 to 15 metres should be provided to maximise adaptability between residential and commercial uses;

#### Assessment Guidelines

1. Building design should be appropriate for the seismic risk the area presents and for potential sea level rise; and
2. Adopt a precautionary approach in relation to use or development affected by potential natural hazards.



Design for flexibility

**AMENDMENT 41** [New Main Entrance and Gateway Routes Map]

*Add a new “Appendix Petone Commercial 3 – Main Entrance and Gateway Routes which pass through Area 2 - Petone Mixed Use”*

## Appendix Petone Commercial 3



## **AMENDMENT 42** [New Wind Report]

*Add a new “Appendix Petone Commercial 4 – Wind Report” to read as follows:*

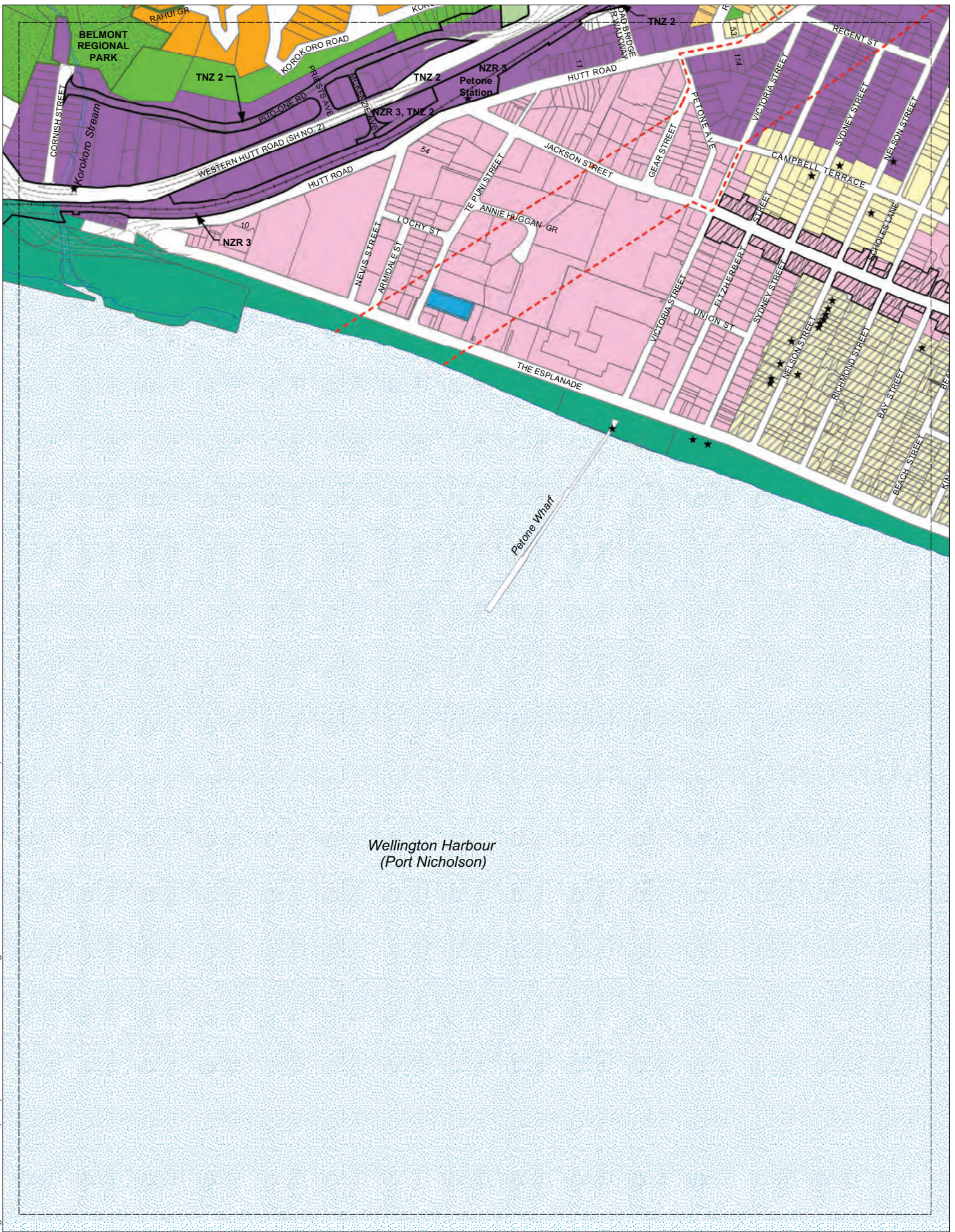
Buildings above 12 metres require a wind assessment report to identify and describe measures for addressing the potential adverse of wind on public space, including streets.

Typically headings for a wind assessment report would be:

- Existing wind conditions/environment
- Existing built context and environment in terms of height and bulk of surrounding buildings
- Location of the site relative to public spaces
- Proposed building height and form
- Design features proposed to manage wind effects

**AMENDMENT 43** [Planning Map A5]

*Amend Planning Map A5 by rezoning the area shown from General Business Activity Area to Petone Commercial Activity Area – Petone Mixed Use Area 2”.*



Wellington Harbour  
(Port Nicholson)

Corrected 19 July 2012

**ACTIVITY AREAS**

- |  |                      |  |                     |  |                    |
|--|----------------------|--|---------------------|--|--------------------|
|  | General Residential  |  | Central Commercial  |  | Extraction         |
|  | Special Residential  |  | Petone Commercial   |  | General Recreation |
|  | Historic Residential |  | Suburban Commercial |  | Special Recreation |
|  | Hill Residential     |  | Special Commercial  |  | River Recreation   |
|  | Landscape Protection |  | General Business    |  | Passive Recreation |
|  | Rural Residential    |  | Special Business    |  | Community Health   |
|  | General Rural        |  | Avalon Business     |  | Community Iwi      |

**ANNOTATIONS**

- |  |                            |  |                            |
|--|----------------------------|--|----------------------------|
|  | City Boundary              |  | Regional/Forest Park       |
|  | Designation                |  | Heritage Area              |
|  | Medium Density Residential |  | Primary River Corridor     |
|  | Wellington Faultline       |  | Secondary River Corridor   |
|  | Special Study Area         |  | 1 in 100 Year Flood Extent |
|  | Hydraulic Line             |  | Building Setback Line      |
|  | Flood Protection Bank      |  | Notable Tree               |
|  | Railway Line               |  | Historic Place             |



A4	B4
[Map Area]	
B5	





NEW AMENDMENT - ADD

APPENDIX PETONE COMMERCIAL 5 – PETONE COMMERCIAL  
ACTIVITY AREA 1

AND

APPENDIX PETONE COMMERCIAL 6 – PETONE COMMERCIAL  
ACTIVITY AREA 2

# Appendix Petone Commercial 5



## Petone Commercial Activity Area - Area 1

# Appendix Petone Commercial 6



## Petone Commercial Activity Area - Area 2

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## Amendments to

### Chapter 6A – General Business Activity Area

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#### **AMENDMENT 44** [6A 1.1.2 (Main Entrance Routes)]

*Amend the Issue, Policies and Explanation and Reasons in Section 6A 1.1.2 of the General Business Activity Area as follows:*

##### Issue

**The main entrance routes of the City need to be attractive and clearly defined to reinforce the identity of the City and the sense of place that it offers. Some of the main transport routes pass through the General Business Activity Areas. These routes include Railway Avenue, Hutt Road, ~~The Esplanade~~, Waione Street, and State Highway No.2. It is necessary to manage the effects of development along these routes to maintain and enhance the image of the City.**

##### Policies

- (a)** That the design, appearance and scale of structures or buildings fronting main transport routes be managed to emphasise the importance of the area as a major access to the City.
- (b)** That all structures fronting main entrance routes are modulated and do not have continuous blank walls.
- (c)** That the design and appearance of sites fronting main transport routes be maintained to avoid adverse effects on the visual quality of the routes and the surrounding area.
- ~~**(d)** That the height, location and bulk of structures fronting ~~The Esplanade~~ be managed to avoid adverse effects on the adjoining foreshore.~~
- (d)(e)** That the location, design and appearance of structures be managed to reinforce the definition of the street edge and enclosure of the sites fronting Waione Road.
- (e)(f)** That the effects of activities fronting Railway Avenue, Hutt Road, ~~The Esplanade~~, Waione Street, and State Highway No.2 be managed to enhance the image of these main entrance routes and avoid adverse effects on the amenity value and character of the surrounding areas.

##### Explanation and Reasons

The objective is to maintain and enhance the image and visual appearance of main entrance routes within the City. These routes can enhance the experience of entrance to and exit from the City, thereby creating a sense of approach, arrival and departure as people travel through the City. This helps to reinforce the identity of the City and accentuates the sense of movement from one place to another when entering or leaving the City. This approach to the main entrance routes can assist peoples' sense of orientation and understanding of the physical structure, and the geography, of the City.

The main entrance routes include Railway Avenue, Hutt Road, ~~The Esplanade~~, Waione Street, and State Highway No. 2 identified in Appendix General Business 1.

**(a) Railway Avenue:**

Railway Avenue is an important point of entry into Lower Hutt's Central Commercial Activity Area. The activities fronting Railway Avenue should reflect such locational importance and enhance the image of this main entrance route. This area accommodates industrial and commercial activities, which provide a supporting role to the Central Commercial Activity Area. These activities should attain high levels of amenity and aesthetic standards to emphasise the importance of this entrance route.

**(b) Hutt Road:**

The role of Lower Hutt as a regional industrial and service centre is emphasised by the character of the buildings and type of activities along this route. There are significant features along this route that mark progress. These include ~~the roundabout with Jackson Street~~, the residential area at Riddlers Crescent and the railway overbridge. This route provides a link between the Petone Off Ramp and the Central Commercial Activity Area. Activities along this route should enhance the amenity value and visual appearance of this main entrance route.

~~**(c) The Esplanade:**~~

~~This area forms one of the most important entrances to the City. Given the close association with the harbour and public open space along the Petone foreshore, it is important to maintain a high standard of design for buildings and structures fronting The Esplanade.~~

~~Activities along The Esplanade will be required to maintain and enhance the amenity value and visual appearance of this main entrance route. This will be achieved using specific guidelines for buildings and structures to maintain the contrast of townscape and seascape.~~

**(c)(d) Waione Street:**

~~The Esplanade and~~ Waione Street carries a significant volume of traffic along the Petone foreshore area. This route is at the edge of the City and is part of the connection with the harbour, which is one of the region's most significant natural features. There is a contrast between, on the one side of the road, a building dominated townscape, and on the other, a panoramic seascape.

There is a transition at Waione Street from a seaside cottage style residential area to an industrial area which has a built up nature. The distinct industrial character and diversity of form contributes to signalling progression along the route. This contrasts with the openness and long range views to both the central City, and the river and harbour that can be obtained from the Estuary Bridge.

The buildings located close to the street boundary provide a sense of enclosure which contrasts with the openness of The Esplanade and the Hutt River, and emphasises a sense of progression along this route.

The aim of the policies is to maintain the sense of enclosure and contrast with open panoramic sea views on other stretches of the entrance route. Buildings will be permitted up to the street boundary and there will be no requirement for front or side yards. Outdoor storage, parking and servicing will be accommodated in the rear yard.

The building design and appearance will be managed to enhance the amenity value of the area. Design features will be incorporated to prevent visual monotony and promote a strong visual connection with the street. There is no landscaping requirement, however, landscaping may be permitted where it enhances the character of the site.

**~~(d)~~(e) State Highway No.2:**

The business areas at Cornish Street and Hebden Crescent are highly visible from State Highway No.2. The effects generated by the activities need to be managed to enhance the visual appearance, amenity value and contribution to the image of the City. This involves attention to building design and appearance, landscaping and screening, signage and traffic generation.

**AMENDMENT 45** [6A 1.2.2 (Amenity Values of the Esplanade West Area)]

*Delete Section 6A 1.2.2 as follows and amend subsequent numbering accordingly:*

**~~6A 1.2.2~~ Amenity Values of the Esplanade West Area**

~~Issue~~

~~Land fronting The Esplanade enjoys a close association with the Harbour and public open spaces along the foreshore. The design and scale of buildings must be managed to ensure there are no adverse effects on amenity values of the area and the adjoining foreshore, as well as emphasising that this is an important access to the City.~~

~~Objective~~

~~To ensure that buildings and structures in the Esplanade West Area are of high design standard and of an appropriate scale to avoid adverse effects on the amenity values of the area and the adjoining foreshore area.~~

~~Policies~~

- ~~(a) That the design and external appearance of structures and buildings be managed to emphasise the importance of the Esplanade West Area as a major access to the City.~~
- ~~(b) That the height, location and bulk of buildings and structures be managed to maintain and enhance the contrast between townscape and seascape, provided that there are no adverse effects in terms of shadow and wind effects.~~

~~Explanation and Reasons~~

~~The Esplanade West Area forms one of the most important entrances to the City. A study carried out in 1994, "Approaches to the Hutt City: A Strategy for Accentuating Main Entrance Routes" stated that:~~

~~"Nowhere in Lower Hutt is the identity of the city more distinct from the surroundings than along The Esplanade. This route is clearly the edge of the city, and is part of the connection with the harbour which is the region's most significant natural feature. The contrast here is clearly between, on the one side of the road, a firmly dominated townscape, and on the other a panoramic seascape."~~

~~The study proceeded to describe the business area at the western end of The Esplanade as "unique as a seaside commercial locality in the region." It recommended the identity of this area of The Esplanade be reinforced. Given the close association with the harbour and public open space along the Petone foreshore, it is important to maintain a high standard of building design for structures fronting The Esplanade.~~

~~The Esplanade West Area will have specific guidelines for buildings and structures to achieve the contrast of townscape and seascape, provided that there are no adverse effects in terms of shadow and wind effects. The Esplanade West Area identified in Appendix General Business 2. Activities along The Esplanade will be required to~~

~~maintain and enhance the amenity value and visual appearance of this main entrance route.~~

## **AMENDMENT 46** [Rule 6A 2.1.1 (c) (Maximum Height of Buildings and Structures)]

*Amend Rule 6A 2.1.1 (c) to read as follows:*

### **(c) Maximum Height of Buildings and Structures:**

- (i) ~~Maximum height of all buildings and structures is 12m, except in the Esplanade West Area.~~
- (ii) ~~Maximum height of all buildings and structures in the Esplanade West Area (see Appendix General Business 2) is 30m, provided that the following conditions are met:~~

~~All buildings and structures over 12m shall show that the proposed development complies with the following standards. A wind report must be supplied which includes the results of a wind tunnel test.~~

<b>Existing Wind Speeds</b>	<b>Wind speed resulting from development proposal</b>	<b>Requirements on developer</b>
	<del>If exceeding 10m/sec in any public space</del>	Reduce to 10m/sec in public space
Up to 15m/sec	<del>If exceeding 15m/sec</del>	1. Reduce to 15m/sec 2. Although other directional wind speeds may be increased towards 15m/sec, the overall impact is to be no worse than existing
15-18m/sec	<del>If exceeding 15m/sec</del>	Reduce to max 15m/sec
Above 18m/sec	<del>If more than 18m/sec</del>	Reduce to max 18m/sec

## **AMENDMENT 47** [Rule 6A 2.1.1 (l) (Visitor Accommodation)]

*Amend Rule 6A 2.1.1 (l) to read as follows:*

### **(l) Visitor Accommodation:**

~~No visitor accommodation is permitted, except in the Esplanade West Area, as shown in Appendix General Business 2.~~

## **AMENDMENT 48** [Rules 6A 2.2 (a) and 6A 2.2.1 (a) (Controlled Activities)]

*Amend Rules 6A 2.2 (a) and 2.2.1 (a) to read as follows:*

- (a) Any Permitted Activity in the western ~~and southern~~ areas of Petone which does not comply with the Parking, Loading and Unloading Conditions for Permitted Activities in Chapter 14A. (The western ~~and southern~~ areas of Petone are identified in Appendix General Business 3.)

## **AMENDMENT 49** [Rules 6A 2.3 (c) and 6A 2.3.1 (c) (Restricted Discretionary Activities)]

Delete Rules 6A 2.3 (c) and 2.3.1 (c) as follows and amend numbering of Rules 6A 2.3 (d) to (h) and 6A 2.3.1 (d) to (h) accordingly:

~~(c) Any building or structure on a site fronting The Esplanade~~

### Matters in which Council has Restricted its Discretion and Standard and Terms

~~(i) Design and location of buildings and structures:~~

~~— The maximum width of a building or structure, or the primary forms of any multi-unit building at the road edge, when viewed from that road edge, shall be in keeping with the local characteristic building width. The appearance of a solid wedge of development must be prevented.~~

~~— All buildings and structures shall be designed and constructed such that their facades nearest to The Esplanade incorporate openings to the road which minimises the visually deadening effect of otherwise blank walls along the road edge.~~

~~— There should be no continuous blank walls, and facades should be modulated.~~

~~— There shall be no front yard or required setback of buildings from the front boundary and buildings should be located as close as practicable to the boundary with The Esplanade.~~

~~(ii) Maintenance of structures, buildings and space about buildings:~~

~~All structures, buildings and space about buildings shall be maintained in a tidy state at all times to ensure that there is no adverse effect on the amenity values of the surrounding area.~~

~~(iii) Landscaping and screening:~~

~~— Soft landscape planting of the front yard adjacent to The Esplanade should be minimised and permitted only where it contributes to heightening the landscape contrasts between the built edge of the site and the harbour foreshore.~~

~~— Storage and servicing areas must be screened and not visible from The Esplanade or from any public space.~~

~~— Goods or products stored or placed outside buildings must not be visible from The Esplanade or from any public space.~~

~~— Goods or products stored or placed outside buildings must be screened from adjoining properties, be kept in a tidy condition and not detract from the amenity values of the surrounding area.~~

~~(iv) Car parking and servicing:~~

~~— Car parking areas shall not be provided in any yard area immediately between buildings and The Esplanade, but should be located in side and rear yard areas.~~

~~— Loading and unloading facilities should be provided in the rear or side yards of the site.~~

~~(v) Layout and location of activities and facilities not enclosed within a building or structure:~~

~~The site shall be designed and maintained in such a manner so as to enhance the amenity value of the area and the image of The Esplanade as a main entrance route of the city.~~



~~(vi) Traffic generation:~~

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

**AMENDMENT 50** [Rule 6A 2.4 (d) (Discretionary Activities - Visitor Accommodation)]

*Amend Rule 6A 2.4 (d) to read as follows:*

- ~~(d) Visitor accommodation except in the Esplanade West Area as shown in Appendix General Business 2.~~

**AMENDMENT 51** [Rule 6A 2.5 (c) (Non-Complying Activities)]

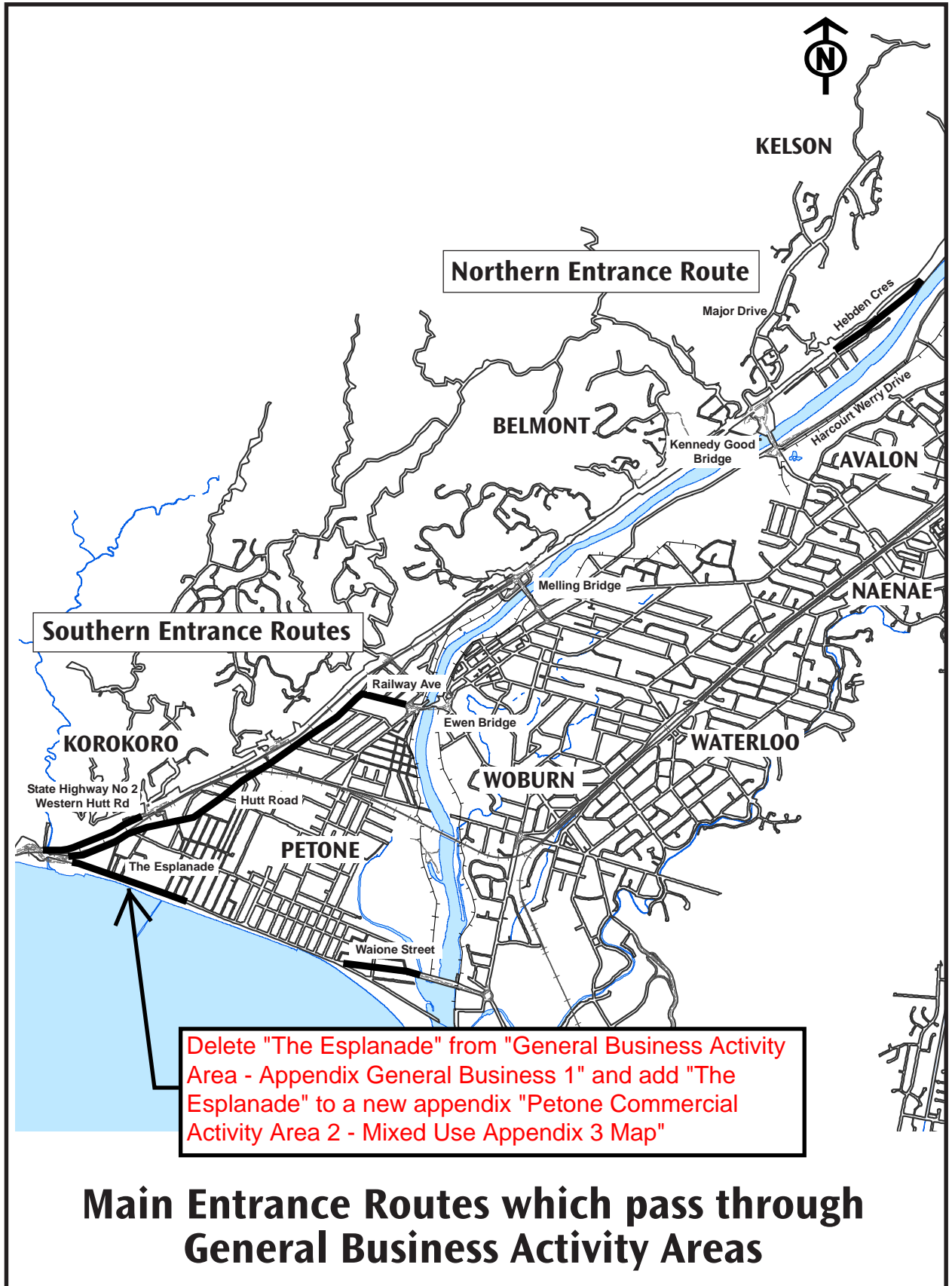
*Delete Rule 6A 2.5 (c) as follows and amend numbering of 6A 2.5(d) accordingly:*

- ~~(c) Service stations along The Esplanade.~~

**AMENDMENT 52** [6A Appendix 1]

*Amend Section 6A Appendix 1 "Main Entrance Routes which pass through General Business Activity Areas" by deleting the label and reference to "The Esplanade" from the map.*

## Appendix General Business 1



**AMENDMENT 53** [6A Appendix 2]

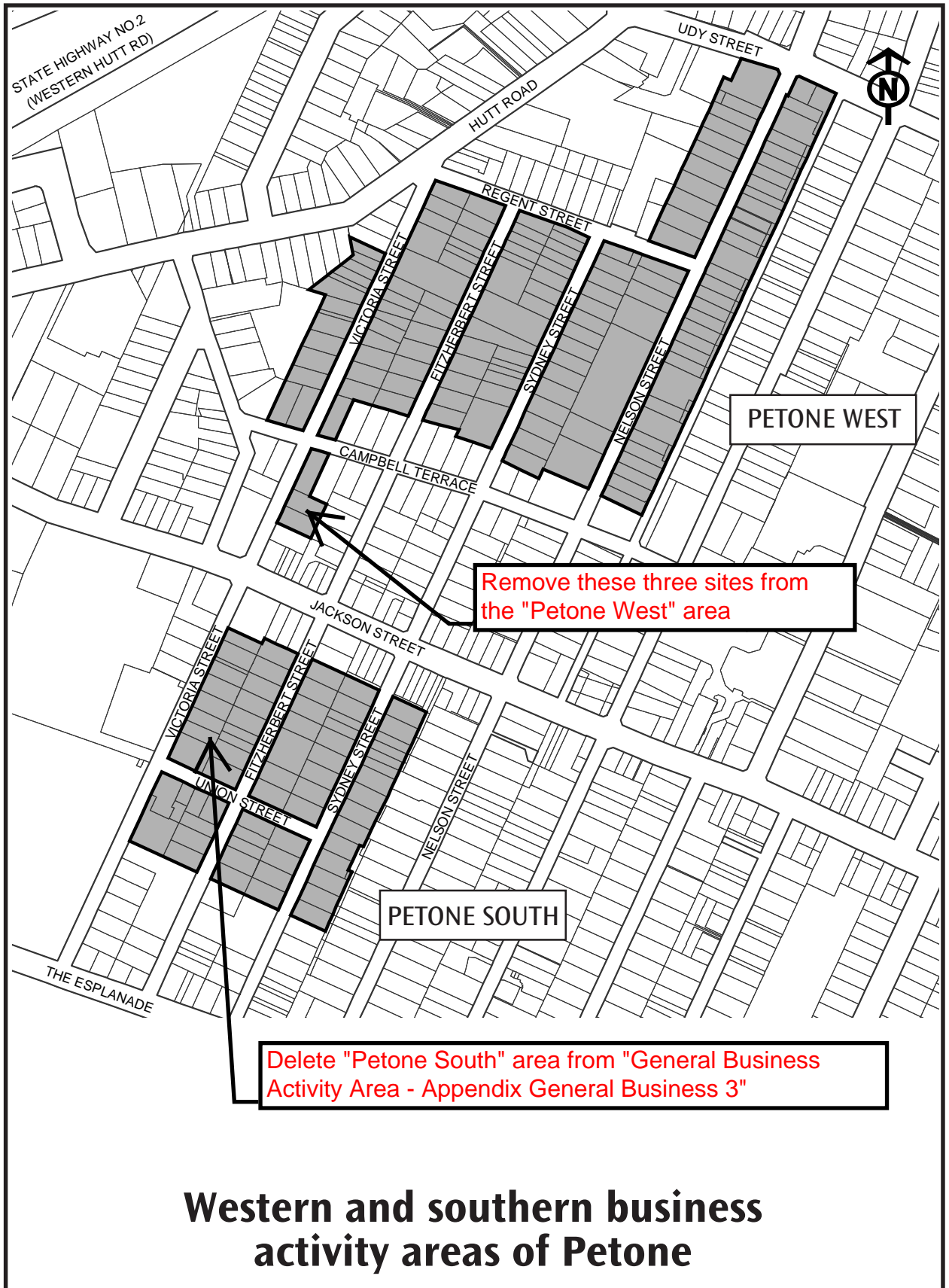
*Delete Section 6A Appendix 2 “Esplanade West Area” of General Business Activity Area.*

*Consequential Changes: Re-number “General Business Appendix 3” to “General Business Appendix 2” and “General Business Appendix 4” to “General Business Appendix 3”. Amend all other Plan provisions that cross-reference these appendices.*

**AMENDMENT 54** [6A Appendix 3]

*Amend Section 6A Appendix 3 “Western and South Business Activity Areas of Petone” by deleting the “Petone South” Area, and also remove three sites off Campbell Terrace from “Petone West” Area as shown in Part 4 of this document.*

### Appendix General Business 3



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## Amendments to Chapter 14A - Transport

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### **AMENDMENT 55** [14A(iii) 1.1.2 (Adequate Car Parking Provision in the Petone Commercial Activity Area)]

*Amend Section 14A(iii) 1.1.2 to read as follows:*

#### Issue

The availability of short stay parking in close proximity to the retail shops and small-scale commercial activities along Jackson Street is an important factor for business viability. There is a need for additional parking provision in the Petone Commercial Activity Area, particularly between Victoria and Cuba Streets. However, it is undesirable to provide access to off street parking along Jackson Street within Area 1, as this tends to break up the pedestrian frontage and the commercial properties lack depth.

If the on street parking is insufficient within Areas 1 and 2 of the Petone Commercial Activity Area, there is the potential for poor parking behaviour which creates a traffic hazard, visual detraction and an adverse impact on the amenity value of the area. Safe and adequate off street parking should be available in the vicinity of Jackson Street, both within Areas 1 and 2, to accommodate the parking demand of the workforce and shoppers.

Nevertheless, parking demands by workforce and shoppers need to be managed to prevent increases in traffic volumes on the wider road network from being generated by increased car parking provision. Providing a high level of on-site car parking, can encourage the use of private vehicles and discourage the use of more sustainable forms of transport.

#### Objective

To provide adequate car parking in a safe and visually attractive manner, to maintain the safety and amenity values of the area.

#### Policies

- (a) That sufficient parking spaces be provided using a graduated scale for retailing activities, ~~commercial services~~ and licenced premises.
- (b) That on site parking be provided in a safe and visually attractive manner to enhance the safe and efficient operation of the roading system.
- (c) ~~That on street parking be provided in a safe and visually attractive manner to enhance the safe and efficient operation of the roading system.~~

#### Explanation and Reasons

The objective and policies seek to ensure that the safety and efficiency of the road system is maintained, and that adverse effects on the amenity values or character of the area are mitigated.

The sites along Jackson Street within Area 1 are small and it is difficult to provide on site parking or rear service lanes. It is not necessary for small retail shops or commercial activities below 500m<sup>2</sup> to provide onsite parking as it is inappropriate to disrupt the commercial frontage. The needs of such small retail shops and commercial offices should be met by on street parking. However, larger retail premises would require on site parking provision, particularly where integrated retail comprehensive development is proposed.

There are some sites in Area 2 – Petone Mixed Use which will find it difficult to provide on site parking and servicing areas in accordance with the permitted activity standards, where the site is small and there is a narrow road frontage. New development shall ensure that sufficient provision is made for parking, loading and unloading facilities.

On street parking will be controlled by a traffic management plan as necessary to avoid the adverse effects of poor parking behaviour on both safety and efficiency of the roading network.

The parking requirements for retail activities, ~~commercial services~~ and licenced premises will be determined on the gross floor area of the building, using a graduated system. Where a integrated comprehensive retail development involves a range in sizes of retail activities then the parking requirement will be determined on an aggregate basis.

## **AMENDMENT 56** [14A(iii) 1.1.5 (Adequate Car Parking Provision in the South and Western Petone Business Activity Area)]

*Amend Section 14A(iii) 1.1.5 to read as follows:*

### **14A(iii) 1.1.5 Adequate Car Parking Provision in the Southern and Western Petone Business Activity Areas**

#### Issue

**Many of the sites in the ~~southern and western areas of Petone~~, which are in the General Business Activity Area, are generally small sites. Some of these sites are unable to provide sufficient space for parking and servicing. It is necessary to manage activities on these sites to ensure that adequate provision is made for car parking and servicing.**

#### Objective

To provide for adequate car parking and servicing in the ~~southern and western areas~~ of Petone in the General Business Activity Area.

#### Policy

- (a) That activities in the ~~southern and western areas~~ of Petone in the General Business Activity Area be controlled to ensure that adequate provision is made for car parking and servicing.

#### Explanation and Reasons

There are some sites in the ~~southern and western areas~~ of Petone in the General Business Activity Areas which will find it difficult to provide on site parking and servicing areas, where the site is small and there is a narrow frontage. New development will be a controlled activity to ensure that sufficient provision is made for parking, loading and unloading facilities. On street parking may be used where this is appropriate.

## **AMENDMENT 57** [Rule 14A(iii) 2.1(c)(ii) (Permitted Activity - Conditions)]

*Amend Rule 14A(iii) 2.1(c)(ii) to read as follows:*

- (ii) Petone Commercial and Suburban Commercial Activity Areas -

Residential Activities within Area 2 – Petone Mixed Use: The minimum parking requirement for residential activities is 1 space for every two residential units.

Retail Activities and Licensed Premises: A graduated system will be used to determine the appropriate amount of car parking spaces required for retailing activities, ~~commercial services,~~ and licenced premises. Where an integrated retail comprehensive development involves a range in sizes of retail activities then the parking requirement will be determined on an aggregate basis.

The minimum parking requirement for retailing activities, ~~commercial services,~~ and licenced premises shall be based on the following graduated scale:

Less than 500m<sup>2</sup> GFA - Nil

More than 500m<sup>2</sup> GFA but less than 1500m<sup>2</sup> GFA - 1 space per 100m<sup>2</sup> GFA

More than 1500m<sup>2</sup> GFA but less than 3000m<sup>2</sup> GFA - 2 spaces per 100m<sup>2</sup> GFA

More than 3000m<sup>2</sup> GFA but less than 5000m<sup>2</sup> GFA - 3 spaces per 100m<sup>2</sup> GFA

More than 5000m<sup>2</sup> GFA - 5 spaces per 100m<sup>2</sup> GFA

Note: The above graduated system does not apply in a systematic way, in that the first 500m<sup>2</sup> of a 1800m<sup>2</sup> development is not exempt from the standard requiring 2 spaces per 100m<sup>2</sup>.

Commercial activities up to 500m<sup>2</sup> within Area 1 – Jackson Street Historic Retail Precinct - Nil

Other Activities: The minimum parking requirements for other Permitted Activities are listed in Appendix Transport 3.

## **AMENDMENT 58** [14A(iv) 1.1 (Safe and Adequate Provision for Servicing)]

*Amend the Explanation and Reasons in Section 14A(iv) to read as follows:*

### **Explanation and Reasons**

The objective and policy seek to ensure that the safety and efficiency of the road network is maintained, and that any adverse effects on the amenity values or character of an area are mitigated.

Loading and unloading facilities are an integral part of the road network, linked strongly to both moving traffic and land use activities. Adequate on site servicing provision is necessary to enhance the safety and efficiency of the roading network. Such provision shall be made in an attractive manner to maintain and enhance the amenity value of the area.

It is recognised that it is not always possible to provide sufficient on site loading and unloading facilities. For example, some of the business premises in the western ~~and southern~~ areas of Petone have a small site and narrow frontage, which makes it difficult to provide on site parking, loading and unloading facilities. New development will, therefore be a controlled activity to ensure that sufficient provision is made for parking, loading and unloading facilities. On street provision may be used where this is appropriate.



In the Central Commercial Activity Area, the objective is to increase residential development and the standard loading requirements for larger scale residential development would limit the efficient use of this land.

## **AMENDMENT 59** [17 Resource Consent and Notification Procedures]

*Add new information requirements to Sections 17.1.1 and 17.1.2 to read as follows:*

### 17.1.1 Land Use Consents

(h) In areas subject to high risk from seismic activity, including the Wellington Fault Special Study Area, geotechnical information provided by a suitably qualified person assessing the seismic risks for the subject site, including fault rupture, ground shaking, subsidence and liquefaction. The information shall identify the location and depth of any fault trace and/or fault trace deformation, location and depth of subsidence, and liquefaction risk.

### 17.1.2 Subdivision Consents

(g) In areas subject to high risk from seismic activity, including the Wellington Fault Special Study Area, geotechnical information provided by a suitably qualified person assessing the seismic risks for the subject site, including fault rupture, ground shaking, subsidence and liquefaction. The information shall identify the location and depth of any fault trace and/or fault trace deformation, location and depth of subsidence, and liquefaction risk.

**APPENDIX 2: PRE-HEARING MEETINGS – NATURAL HAZARDS, RETAIL, BUILT FORM AND TRAFFIC**

Notes of Plan Change 29 pre-hearing meeting to discuss retail issues held at the Thumbs UP Hall, 5 Elizabeth Street, Petone on Wednesday 20 February 2013 at 6pm.

About 30 people attended representing c 19 submitters.

Submitters identified issues raised by the plan change. These were;

- impact of large retail on small retail – the *Walmart effect*
- negative impact on property values
- impact of increased height on amenity – e.g. *making the area dark*
- negative impact on heritage precinct
- retail activity at western end permitted should only support proposed residential development
- insufficient parking provision for retail activity
- negative impact on retail in Jackson Street heritage precinct and adjoining area
- negative impact on preservation of heritage precinct
- impact of retail on The Esplanade
- credibility of underlying analysis (*Petone West Plan Change: Evaluation of Market Demand and Development Feasibility' February 2012*) leading to plan change – e.g. *Hutt population increase of 1.1%....demand for retail space in Petone increase by 75%*
- *Petone Vision Statement* not taken into account – land use planning and “gateway” function of area
- drafting inconsistencies and conflicts in plan change document.

One submitter indicated that they supported the proposed plan charge because the additional retail would attract more people to the area.

The meeting agreed that the proposed plan change ignored the *Petone Vision Statement* which provides a framework for future development. Those present agreed that any planning changes should reflect the *Statement's* four elements and cited element 1 in particular.

The meeting discussed concerns about the likely impact of retail on The Esplanade. Traffic issues were a major issue and the meeting noted that work had started on a traffic study of the route. Submitters were concerned that while retail development might bring more people into the area, that may be at the expense of Jackson Street retail. Opinions differed on whether retail on The Esplanade was a good thing.

The meeting agreed that the plan change should protect the heritage values of the Petone area. The meeting agreed that the plan change provisions did not protect the heritage precinct in Petone. The removal of the maximum and minimum floor space rule for retail was cited as an example. The concern was that changes allowing development of small scale retail at the western end (Victoria Street to the Petone

Railway Station) would have the effect of retail moving westward leaving heritage buildings and the precinct empty. This would threaten the economic future of those building which may be left empty with no income for maintenance or earthquake strengthening with the cumulative effect of *destroying* the vitality and amenity values of the heritage precinct. Similarly, submitters were concerned that the removal of the maximum floor space of developments would threaten the heritage precinct given that larger buildings in the precinct would be out of scale.

The meeting agreed that impact of permitted scale of buildings at the western end was inconsistent with the amenity values that the Petone Vision Statement sought to protect. There was no agreement on what should be a maximum size limit for larger retail. The majority thought the parking provisions for new retail development were not controlled enough.

Sue Piper  
Facilitator  
21 February 2013

Note:

There was some confusion at the meeting about the permitted floor area permitted in the Plan Change. I have been advised by the Council that:

- the permitted retail floor space limit for Area 1 (Petone Historic Retail Area) is 0 to 1,000m<sup>2</sup>.
- the current permitted floor space limit for Petone Commercial Activity Area 2 is 500 to 3,000m<sup>2</sup>.
- the proposed permitted retail floor space limit for the plan change area is 0 to 10,000m<sup>2</sup>

Notes of Plan Change 29 pre-hearing meeting to discuss built form issues held at the Thumbs UP Hall, 5 Elizabeth Street, Petone on Thursday 21 February 2013 at 6pm.

22 people attended representing c 15 submitters.

The Council described the current and proposed height limits and proposed wind assessment requirements.

Submitters identified issues raised by the plan change. These were;

- Landscaping of both public and private spaces
- parking
- shading (overshadowing caused by large buildings)
- site coverage
- urban design
- impact on heritage precinct of new floor area limits at western end of Jackson Street
- permitted height
- protection of cultural identity
- Esplanade foreshore rules
- height increase at western end of Jackson Street
- Gateway function including The Esplanade
- lack of heritage and archaeological assessment
- transitional arrangements with residential area
- design guide content
- application of design guide within new zone
- privacy for residential activities
- visual pollution
- loss of natural light on public and private spaces
- nga urupara
- impact on Te Puni Reserve and gateway area
- lack of public spaces
- mixed use status leading to adverse effect on current businesses and proposed residential properties

The meeting agreed that the lack of detail about heritage and archaeological issues was of concern.

The meeting expressed concern that the 100% site coverage created a (permitted) baseline scenario that meant that shading effects could not be considered, in cases where resource consent is required. The meeting noted that shading effects of permitted development on both public and private space was a major concern.

The meeting was concerned that the plan did not allow for the creation of safe open spaces for public use.

There was considerable discussion about the possible effects of the rules for development in the “mixed area” on adjoining residential areas. The meeting noted that the plan change policy discussed the need to avoid over-dominance of new development on the existing residential area, but the rules contradicted the policy. One submitter illustrated the effects of permitted development adjacent to Sydney Street and streets to the east which showed significant shading effects on dwellings. The meeting noted that the design guide did not apply in this area.

The meeting agreed that the plan change did not reflect the existing character of Petone. Nor was it clear what the plan change was seeking to achieve. {The conversation echoed earlier comments at previous meetings about the lack of connection with the Petone Vision Statement (my comment)}.

There was considerable comment about the design guide proposed. These included

- did not meet the standard set in the New Zealand Urban Design Protocol, published by the Ministry for the Environment, which Hutt City is a signatory
- does not apply to the entire area covered by the plan change
- does not protect views from Korokoro nor views of hills when driving west
- does not promote good residential amenity – e.g. outdoor space, sunlight
- applies only to developments along main street frontages
- less robust than design guide used for Lower Hutt CBD (Central Commercial Activity Area)

The meeting agreed that the wind assessment provisions were a good idea.

Discussion about the foreshore and The Esplanade focused on the shading and other amenity effects of height and bulk rules on the foreshore and the road. The meeting noted the previous plans required setbacks and landscaping which provided some protection for important amenity values. The meeting noted that the proposed plan provision for a 15m height at the road frontage with a setback was an improvement on the current plan.

The meeting agreed that the height provision of 15-30m at the western end of Jackson Street was excessive. Concerns included:

- lack of context/scale with the heritage precinct
- views to and from the hills
- the bulk and height of neighbouring new buildings dominating the heritage precinct

The meeting discussed possible remedies noting they might include setbacks, lower height, design guide requirements. There was no consensus on suitable

amendments. The need for consistent application of the canopy rule was discussed as was the glazing of frontages (display window space).

The meeting expressed support for the Tenth's Trust's concerns about nga urupara and the plan change's possible effects on Te Puni Reserve and the foreshore. The meeting noted that the plan change did not address the importance of the "gateways" (The Esplanade, foreshore and the western end of Jackson Street).

The meeting discussed the effect of potential development of the newly zoned "mixed use" area and the potential for current lanes and informal connections to adjacent streets to disappear. The meeting agreed that the design guide should address this issue.

The meeting explored the draft rules about permitted activities in the plan change. There was no conclusion but the meeting discussed the need for mixed services for residential and businesses to continue to be available in Petone.

Sue Piper  
Facilitator  
24 February 2013

Notes of Plan Change 29 pre-hearing meeting to discuss traffic and parking issues held at the Thumbs UP Hall, 5 Elizabeth Street, Petone on Monday 25 February 2013 at 6pm.

Four people attended representing five submitters.

Submitters identified issues raised by the plan change. These were;

- impact of increased traffic on local network
- changes to landscaping arrangement for car parks
- traffic on The Esplanade
- parking requirements for residential development
- parking requirements for retail development
- State Highway 2 (SH2) connections
- Lack of provisions for pedestrians and cyclists

Submitters were concerned that while the plan had statements addressing the management of traffic effects, there were no means to assess traffic effects of new developments. Nor did the plan change address the Petone Vision Statement's second element which discusses the need to *improve the movement of residential and business traffic and add amenity value to areas such as the foreshore and improve the attractiveness of walking, cycling and public transport options.*

Submitter's concerns about parking were:

- current on-street parking is very limited given narrow streets and the impact of commuter parking at the western end of Petone near the railway station
- NZ standard for retail parking is around 5 per 100m<sup>2</sup>, which overall is less than the graduated system proposed for the western end of Petone. This is expected to increase on-street parking demand
- residential parking requirements are insufficient given limited on-street parking, no encouragement of alternative modes (pedestrian and cycling) and most residents will have a car
- design guide does not address parking provision
- removal of landscaping requirements will negatively impact on streetscape and visual amenity

Submitters' concerns about traffic management were;

- no assessment of impact of new development on SH2 connections from additional traffic generated from new residential and retail activities
- lack of assessment of traffic impacts against the relevant regional policy statement
- lack of assessment of impact on narrow streets
- no reference to alternate transport modes



- intensive residential development needs provision of connections (in addition to formed streets) across area and the design guide and/or rules should address this issue
- current plan allows for financial contributions from larger retail developments (eg. Countdown Supermarket) towards traffic management works (eg. traffic lights and roundabouts). The plan change removes this opportunity for similar sized development and could lead to the transference of traffic management costs to the Council

Submitters discussed the possible impacts on The Esplanade and foreshore.

Concerns raised were:

- no assessment of impact of additional traffic from new development on the “Gateway” function of area and SH2 connections
- no assessment of effects from increased traffic on the enjoyment of the foreshore
- lack of measures to manage conflicts and increased traffic volumes for through traffic, local traffic, beach and reserve users and existing residents and businesses
- new development might lead to a reduction in on-street parking

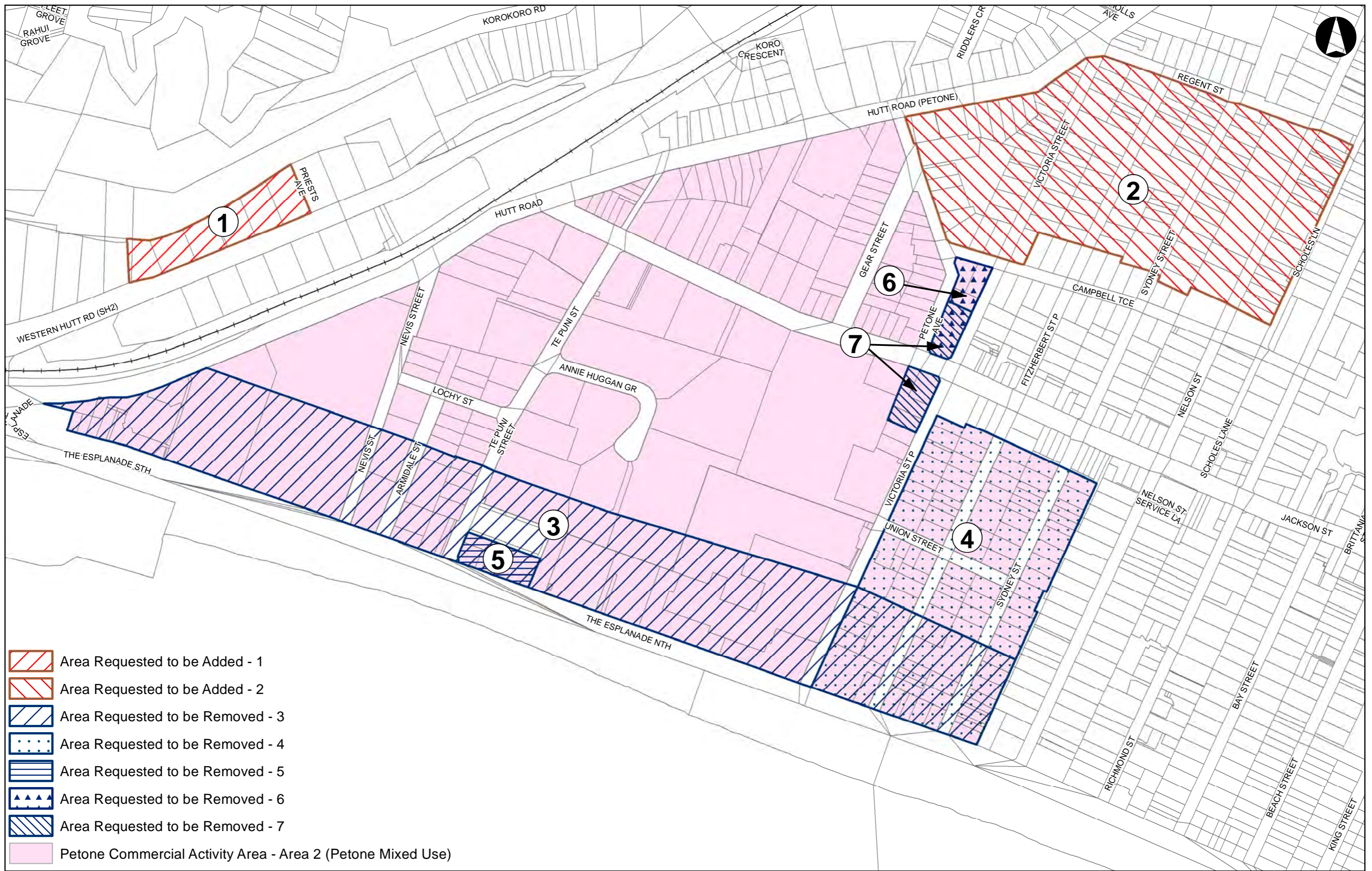
Sue Piper  
Facilitator  
27 February 2013

Note:

The Council has advised me:

- there is no official NZ standard for parking provision, with each local authority having the ability to decide on what are appropriate levels of on-site car parking provision.
- the parking standard of 5 parking spaces per 100m<sup>2</sup> refers to the minimum parking standards contained in Appendix Transport 3 of the Operative District Plan, which applies to retail floor space outside the following centres:
  - a) Central Commercial Activity Area (Lower Hutt CBD);
  - b) Petone Commercial Activity Areas 1 and 2;
  - c) Suburban Commercial Activity Areas; and
  - d) Special Commercial Activity Areas.

**APPENDIX 3: MAP SHOWING APPROXIMATE AREAS TO BE INCLUDED OR EXCLUDED FROM MIXED USE ZONE**



Approximate Areas Requested to be Added or Removed from Petone Commercial Activity Area - Area 2 (Petone Mixed Use Area)

**APPENDIX 4: COPY OF DRAFT APPENDIX PETONE COMMERCIAL 3 AND 4**

# Appendix Petone Commercial 5



## Petone Commercial Activity Area - Area 1

# Appendix Petone Commercial 6



## Petone Commercial Activity Area - Area 2

**APPENDIX 5: URBECON PROPOSED PLAN CHANGE 29 SUBMISSION REVIEW**

**urbecon**  
economics planning property

# Proposed Plan Change 29 Submission Review

Client: Hutt City Council  
Date: March 12 2013 | Version: 50598.5.03





**Version:** 50598.5.03

**Date:** March 13, 2013

**Author:** Adam Thompson

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# Proposed Plan Change 29

## Submission Review

### 1. REVIEW OF SUBMISSIONS

I have been requested to review a number of submissions that I understand are a representative sample of the matters that relate to the potential economic impacts associated with Proposed Plan Change 29 (ppc29). My review considers the findings of my previous report; “Petone West Plan Change: Evaluation of Market Demand and Development Feasibility, February 2012”. An additional economic impact analysis is provided in response to the economic effects that relate to the retail provisions of ppc29.

#### 1.1. Submission 16 Susan Callan

S Callan opposes ppc29 on the following basis:

1. “I’m concerned that the new zoning could/would allow for a large shopping precinct at the end of Jackson Street, Petone.”

Point 1 is addressed in Section 2 General Issues Raised by Submitters.

#### 1.2. Submission 33 Neil Potter

N Potter opposes ppc29 on the following basis:

1. “As currently worded, the Proposed Plan Change 29 would completely change the whole character of Jackson Street (and Petone), and allowing lots of small shops in the proposed area would strip shops out of buildings in the heritage precinct”
2. “Allowing retail spaces of up to 10,000m<sup>2</sup> as a non-notified activity, plus the likelihood of developments over 10,000m<sup>2</sup> also getting non-notified consent makes a mockery of having A District Plan at all.”

Points 1 and 2 are addressed in Section 2 General Issues Raised by Submitters.

#### 1.3. Submission 39 John Weeds

J Weeds opposes ppc29 on the following basis:

1. “We are a Commercial Laundry operating in the area that would be affected by this zone change. The development of the laundry was specifically chosen because of the current zone status. We operate 7 days per week on average 20 hours per day. We rely on quick access to the motorway.”
2. “I am of the firm belief that allows the proposed change, in time, we will be forced from this area if residential dwelling is allowed and increased traffic volumes on the esplanade lead to non productive time.”

There is the certain possibility that businesses, such as this commercial laundry, will be displaced if the Petone West area is redeveloped. This will present a cost to the community as these firms will have to relocate to locations that may be less suitable for their needs. On balance, however, it is my opinion that the benefits of the redevelopment of Petone West will outweigh these costs as new more productive firms, such as high rise offices, will be enabled in this location.

#### 1.4. Submission 54 Brett Nicholls

B Nicholls opposes ppc29 on the following basis:

1. "In proposing a retail size of up to 10,000m<sup>2</sup> anywhere in the proposed area this could reflect negatively on the heritage area and will undermine Jackson Street and the greater Hutt Region. Jackson Street is now known for its 'boutique' type stores, not large retail complexes, for which the proposed changes could undermine in one blow."
2. The existing retail rules should not be expanded beyond the western end of Jackson Street, and remain as 500m<sup>2</sup> the minimum and 3000m<sup>2</sup> the maximum outside the heritage precinct. An increase of up to 10,000m<sup>2</sup> should not be allowed.

Points 1 and 2 are addressed in Section 2 General Issues Raised by Submitters.

#### 1.5. Submission 81 Wendy Saunders

W Saunders opposes ppc29 on the following basis:

1. It will undermine improvements to the Hutt CBD envisaged in the "CBD Making Places: Hutt City Council's project to transform the CBD toward the year 2030" (2009). W Saunders' concern is that "The Hutt is not big enough to have two competing areas for mixed use development and, with empty shops and buildings already common in the CBD, this proposed plan change has the potential to have a large impact on those businesses remaining. There is also not the population to support two areas of new apartment-style mixed use development".
2. The proposal will undermine the "...current unique identity of Petone, in particular Jackson Street"...This experience, along with the high quality restaurants and cafes, will be undermined with this proposal by a new shopping area in the plan change area".
3. W Saunders also states that the Hutt City does not have the population to support two areas of new apartment style development.

Points 1 and 2 are addressed in Section 2 General Issues Raised by Submitters.

In response to point 3, I note that the Hutt City area currently has a modest demand and marginal commercial feasibility for apartments (estimated in my previous report at 10-15 apartment buildings for the entire City). Given these challenges, it is my opinion that any location in the Hutt City that has market potential for apartments should be considered for this activity, and supported subject to their being no other effects (design, shading, etc). I consider Petone is an ideal location for apartments given its proximity to the commercial centre, the beach, Wellington CBD, public transport and the potential sea views for residents.

## 1.6. Submission 109 Alison Newbald

A Newbald opposes ppc29 on the following basis:

1. It will "...result in development that is uncoordinated...and significantly undermine the retail locations of Petone (Jackson Street) and Lower Hutt".
2. It will disadvantage existing businesses by "...increased land values associated with the "blanket" 30m height limit and mixed use zoning...".
3. In respect of the identified issue relating to the potential for ppc29 to detract from the "vibrancy and vitality" of Jackson Street, A Newbald expresses the opinion that the "permitted threshold for retail activity...the failure to promote consolidation of LFR and smaller retail stores...[will]...undermine the objective policies [sic] and do nothing to address the identified issue".

A Newbald also raises concern about the pattern of development promoted by ppc29 being "uncoordinated". In respect of small scale retail development, I agree with this concern (for the reasons outlined in Section 2). For other activity types, I do not consider that development would be "uncoordinated". The redevelopment of all cities occurs on a site by site basis, i.e. as feasible development properties become available. This is the normal redevelopment process for cities and does not inherently produce a pattern of development that is uncoordinated. In my opinion ppc29, (notwithstanding the comments made in Section 2 of this report) promotes an ideal mix of activities for Petone West and this will result in a more diverse and productive centre.

The other matters raised by A Newbald are addressed in Section 2 General Issues Raised by Submitters.

## 1.7. Submission 111 Marie Robb

M Robb opposes ppc29 on the following basis:

1. "The Jackson Street Heritage Area faces significant challenges. The economic viability of businesses in general is a challenge for the area. Opportunities for the small buildings to be used to maintain a vital centre where people want to shop are threatened by costs associated with repairs, maintenance, and earthquake strengthening."
2. "I am extremely concerned that all the work in preserving this unique environment will be compromised if the present proposal is accepted and not only the viability of existing businesses is at state but of the retail strip as a whole."

Points 1 and 2 are addressed in Section 2 General Issues Raised by Submitters.

## 1.8. Submission 118 Jackson Street Programme

H Nesar, on behalf of the Jackson Street Programme, opposes ppc29 on the following basis:

1. The proposed plan change does not consider "...the impact on both the unique character of Jackson Street with the appropriate height and size restrictions, and the value of having small boutique shopping areas that attract people from the greater Wellington region".

2. “Uncontrolled growth...destroys local boutiques that cannot compete with cheap national retail chain stores...The Lower and Upper Hutt experience is a testimony to this – both main streets are virtually derelict, with loads of empty shops...”
3. “The proposed retail rules allowing for any size retail up to 10,000m<sup>2</sup> anywhere in the proposed area will undermine not only Jackson Street but the Hutt CBD, Naenae, Stokes Valley, Taita, Moera and Wainuiomata...”
4. H Nesor requests that the present retail size rules are maintained (with 500m<sup>2</sup> the minimum and 3,000m<sup>2</sup> the maximum). H Nesor also requests that retail of this size is not able to occur outside the presently zoned areas.

Points 1-4 are addressed in Section 2 General Matters Raised by Submitters.

H Nesor, on behalf of the Jackson Street Programme, concludes that uncontrolled growth of national retail chain stores will destroy local boutique retail stores. In my opinion it would be very difficult, if not impossible, for a local authority to support boutique retailers over chain retailers through regulation, as building owners have a right to choose their preferred tenant. In principle, if there is a market for boutique retailers in the Petone Mainstreet these stores should not require protection from trade competition through restrictions on retail occurring in Petone West.

#### 1.9. Submission 121 Cuttriss Consultants

J Beban opposes ppc29 on the following basis:

1. J Beban does not consider that ppc29 encourages “...the construction of quality residential apartments by setting a minimum size apartment size as well as a requirement for apartments and outdoor space to be orientated in a manner to achieve maximum solar gain.
2. “There is no documentation of retail activities of this scale [of up to 10,000m<sup>2</sup>] (including integrated retail) occurring within this area of Petone. The economic assessment which was prepared for Council clearly states “only the economic impacts of the Proposed Plan Change for small format retail, commercial and residential are estimated in this paper”. As such, there has been no meaningful consideration of the implications of large format retail and integrated retail developments within this area on Jackson Street, the CBD or suburban centres. As such, this form of development should not be allowed as the potential effects on the commercial viability and vitality of other shopping centres are completely unknown and could be significant.
3. “The CBD currently has a high number of retail vacancies and many poor quality retail activities. The CBD could continue to decline if extensive areas of small scale or large integrated retail activities are able to occur...”

Points 1-3 are addressed in Section 2 General Matters Raised by Submitters.

#### 1.10. Submission 123 Julia Forsyth

J Forsyth opposes ppc29 on the following basis:

1. “Plan Change 29 is likely to result in development that is uncoordinated”

2. "...there is a considerable risk that it [ppc29] will result in development that detracts from the significant economic value Petone already provides for those who live and work here, and the many people who visit Petone from other parts of Hutt City and greater Wellington region.
3. "By providing for up to 10,000m<sup>2</sup> of retail as a permitted activity, there appears to be a considerable risk of dispersed retail development which will detract from the current economic viability of the existing Petone town centre".
4. "There is no discussion or information about the potential for existing business uses to be disadvantaged by increased land values associated with the "blanket" 30m height limit and mixed use zoning".
5. "The Issue related to the Petone Mixed Use Area appropriately identifies the risk that the mixed use development could detract from the established "vibrancy and vitality" of Jackson Street...The permitted threshold for retail activity, the failure to promote the consolidation of LFR and smaller retail stores...all undermine the objective and related policies".

Points 1- 5 are addressed in Section 2 General Matters Raised by Submitters.

#### 1.11. Submission 150 Andy Christofferson

A. Christofferson opposes ppc29 on the following basis:

1. "I am concerned that the provisions will not adequately achieve the objectives and policies within ppc29 that seek to protect Petone and the CBD"
2. "The rules must be amended to enable a full consideration of the economic and distributional effects of retail activities on the economic viability [of] Petone and Hutt City CBD"
3. "Moreover, this report states that "only the economic impacts of the Proposed Plan Change for small format retail, commercial and residential are estimated in this paper". The potential for significant effects on the economic viability of Petone and the CBD are therefore not known..."

Points 1- 3 are addressed in Section 2 General Matters Raised by Submitters.

#### 1.12. Submission 153 Petone Urban Environmental Association Inc (PUEA)

PUEA opposes ppc29 on the following basis:

1. "In the long run we want Petone to be a better place to live and in which to do business. This may mean, as in Christchurch, that land supply is actually restricted and accommodated with very clear urban planning to ensure that improved land use and amenity emerges."
2. "The underlying demand analysis and development feasibility, on which many of the proposed changes are based, is deeply flawed". The report prepared by Development Economics, on which the analysis is based, provides no justification or evidence for its

estimates for future business and household demand...The results do not seem credible, for instance population in Petone is expected to grow by 6.5% between 2011 and 2031 but retail floor space is somehow expected to grow by 82% in the same time period”.

3. “In terms of retail and business demand, there are real risks that proposed changes could reduce amenity and productivity within Petone West, and more importantly, could result in reduced effectiveness in other parts of Petone retail of the Hutt. For example, a similar challenge was explored with respect to Auckland with the study concluding:

“The study findings highlight the need for careful consideration of retail and service provisions in the forthcoming District Plan review process. It is important to adequately provide for the substantial growth in floorspace in the City, without occasioning a substantial dispersal of retail floorspace across the Business areas, and undermining the retail and wider roles of the centres network””

4. “The proposed retail rules will undermine Jackson Street as they are too permissive”

In point 1 PUEA expresses the opinion that the demand forecasts presented in my previous report are “deeply flawed”. However, it is unclear how they reach this conclusion. I can only refer to my original report which I consider is accurate.

PUEA suggests that the path to a better Petone is tight restrictions on the development of new buildings. The implied rationale is that restricting the height and site coverage of new buildings would channel future rent increases into the existing building stock and provide the catalyst for its refurbishment and redevelopment. Conversely, any new large scale developments, such as the IBM building, would divert the future rent increases from the existing building stock and therefore undermine its refurbishment and redevelopment.

An intervention to restrict new development occurring in a city is justified when there is an existing or expected situation that represents an economic cost to the City<sup>1</sup>. Such a situation would involve, for example, an excess of vacant buildings that undermined the attractiveness of the location for businesses, or an excess of one particular industry that prohibited other industries that were considered able to better utilise the location. PUEA has not identified whether they consider such a situation exists or is expected in Petone as a result of ppc29.

In my opinion there are likely to be economic benefits with fewer rather than more restrictions on new development in Petone. Fewer restrictions would increase the number of opportunities for redevelopment and would likely result in a faster rate of redevelopment. In addition, fewer development controls could also be a catalyst for redevelopment for the reason that it would attract the attention of developers that have not previously considered investing in the Petone.

C Bakker queries the retail demand forecasts that equate to 82% growth over the 2011-2032 period as it is significantly larger than the population growth forecast of 6.5% over the same period. Table 3.6 (page 9) in my previous report answers this query. It shows that the Hutt City

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<sup>1</sup> It is normal for an economist to identify a market failure (or externality) before recommending a market intervention, such as restrictions to development. PUEA has not identified a market failure or externality and it is unclear why they have recommended a market intervention.



approved building consents for 87,740 m<sup>2</sup> of new retail floorspace over the 2001- 2010 period. This is a substantial increase when compared to the population increase of around 5% over the same period.

A comparison with New Zealand's retail market assists to address the PUEA query. On average, in the order of 200,000 m<sup>2</sup> of retail building space is consented annually. By comparison, only 30,000 - 40,000 people are added to the New Zealand population annually. This equates to 5-6 sqms of retail floor space for every additional person, considerably higher than present supply ratio of 1-2 sqms per person<sup>2</sup>. The two reasons for this rate of growth are increases in the retail spending power of households translating in to demand for more retail stores, and the continued growth of the LFR sector which requires more space per for every dollar of goods sold than smaller retail stores.

PUEA references a report prepared by Market Economics for Auckland City Council. This report is concerned with the establishment of 'out of centre' retail or new centres. This is not a relevant comparison with Petone West as development in this location is an expansion of an existing centre and therefore does not raise concerns about adverse economic effects that can result from 'out of centre' retail development.

Point 4 is addressed in Section 2 General Matters Raised by Submitters.

### 1.13. Submission 155 NZHPT

NZHPT opposes ppc29 on the following basis:

1. "...we note that issue for Area 2 states "making provision for mixed use activities in Petone would support the social and economic well-being of the area....but could also detract from the established vibrancy and vitality of the retail areas of Jackson Street and the Central Commercial Activity Area". We resonate with this issue but note the lack of policies to reverse this unintended consequence."
2. "NZHPT is concerned about the removal of the minimum floor space from the original rule which allowed for a minimum of 500 m<sup>2</sup>. As this would allow for boutique retail precinct or similar developments then this would have detrimental effects on the vitality and viability of the Jackson Street retail area".
3. "Whilst the rule does not allow for large malls as any development over 10,000m<sup>2</sup> would require a resource consent, developers could circumvent the rule by developing two malls and interconnecting them by virtue of a pedestrian passageway or thoroughfare"

Points 1-3 are addressed in Section 2 General Matters Raised by Submitters.

### 1.14. Submission 163 NZTA

NZTA's submission on the ppc29 makes the following comments:

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<sup>2</sup> This reflects the ongoing increase in real spending power of NZ households (i.e. people spend more on retail goods and therefore more retail stores are needed) and the shift towards larger retail stores which display a wider range of goods for consumers to choose between.

1. “As part of its promotion of integrated planning, the NZTA supports the containment of urban development to areas where is it most appropriate. The NZTA considers this location to be appropriate for mixed use due to its proximity to key transport modes”.
2. “The Council may also wish to consider additional provisions to ensure that the mixed range of land uses such as retail, residential and office development is achieved. It would be undesirable for the area to have one primary land use such as residential dominate, without the office space for the residents to be employed in”.

I agree with NZTA that Petone West is a suitable location for mixed use development.

In point 2, NZTA suggests that there are benefits in ensuring a mix of uses eventuates to ensure the benefits of a ‘mixed use development’ are achieved. I agree that mixed use development areas provide economic benefits. However, I do not agree that it is necessary in this instance to regulate to ensure a mix of uses eventuates, and consider that there may be adverse consequences from this type of policy.

In my opinion, given that Petone has modest rather than strong demand for new construction, more permissive planning regulations are necessary to ensure that there is sufficient opportunity for new development to occur. If there was strong demand for new construction, then there may be a case to regulate to achieve the benefits of an optimal mix of activities.

#### **1.15. Submission 168 Leonie Dobbs**

L Dobbs opposes ppc29 on the following basis:

1. “It has taken 20 years for building owners and retailers to be known as the “place to come and shop” and Jackson Street is seen as the Jewel in the Crown of the City. New Zealand’s Heritage areas are reducing in numbers and it would be tragic that the proposal suggested by Hutt City would destroy it. If plan change 29 is adopted then this could see the demise of Jackson Street as it is today”.

Point 1 is addressed in Section 2 General Matters Raised by Submitters.

#### **1.16. Submission 172 Light House Cinema**

R Werry opposes Proposed Plan Change 29 on the following basis:

1. “It is Council’s intention to allow a greater range of activities in the area West of Victoria Street through to the Hutt Road. The concern of the Light House Cinema is that this change will threaten the commercial viability of the Petone Heritage Precinct.”
2. “It is obvious that is the development of small boutique retail shops, possibly in the form of a retail shopping complex(s), are permitted along Jackson Street West of Victoria Street to the Hutt Road...the Heritage Precinct in Area 1 will be impossible to defend. It is precisely the fact that this could not happen in terms of the current plan which has caused property owners in the Heritage Precinct to support and invest in Area 1.”

Points 1-2 are addressed in Section 2 General Matters Raised by Submitters.

### 1.17. Submission 180 John Howat

J Howat supports the Proposed Plan Change 29 on the following basis:

1. “The first and most obvious change retailers are experiencing is the advent of ‘internet shopping’ which offers prospective customers the dual advantages of ‘shopping from home’ and ‘obtaining the worlds cheapest price’. That will not benefit Jackson Street retailers – and it will get worse. The second change is the long recession that is affecting the discretionary spending ability of many citizens. That will not benefit Jackson Street food outlets – which, by number, are the backbone of the street...”
2. In response to these challenges, J Howat states that “More people and more businesses are needed in the area.” And accordingly is in support of ppc29.

In general I agree with J Howat that ppc29 will increase the potential customer base for the existing retail stores on Jackson Street. One exception is the potential effect on Jackson Street from a new retail centre at Petone West. This is analysed in Section 3 of this report.

### 1.18. Submission 198 Alex Edmonds

A Edmonds opposes the Proposed Plan Change 29 on the following basis:

1. “By the early 1990’s, Jackson Street was run down and struggling to survive...What changed the situation and started the rejuvenation of the area were the decision of the Hutt City Council to zone the commercial areas in a way that discouraged the establishment of small businesses other than in the traditional Jackson Street retail area...As a result, I have seen the historic area change from being a dying retail area to become a relatively sought after place to rent retail space...”.
2. “I consider it is necessary to prevent the establishment of small retail shops outside the defined Jackson Street area because to do so would not merely compromise the area but slowly see its demise.”

Points 1-2 are addressed in Section 2 General Matters Raised by Submitters.

### 1.19. Submission 199 Petone Planning Action Group (PPAG)

PPAG opposes the Proposed Plan Change 29 on the following basis:

1. “...opposed to anything less than what will ensure a very high quality design and development at the western end of Petone.”
2. “We are particularly concerned about how this application seeks to alter the plan provisions (including Rules) that PPAG considers has enabled Jackson Street to come back from oblivion and become the boutique shopping destination in the whole of the Wellington Region.”
3. “Allowing retail developments up to 10,000m<sup>2</sup> means that a mall (the size of e.g. the current Johnsonville Mall or Upper Hutt Mitre 10) could be established, with the associated effects that we have seen in the central Hutt area.”

4. “The crux of the widespread concern about this plan change that is stated in the Explanation and Reasons (Amendment 4): Retail activities are continually changing in response to market pressures. The Petone Mixed Use Area has developed a location for larger format retail activities. There is potential of a high number if smaller scale specialty or comparative shops develop in the Petone Mixed Use Area could degrade or undermine the vitality and vibrancy of the existing core Jackson Street retail area (Area 1) and the Lower Hutt central area. Therefore, a limitation is placed on the size of larger retail complexes to main the role and economic and social wellbeing of the existing areas....The two parts of this paragraph do not equate. It may as well be written as the Mixed use area has been written to degrade and undermine the existing core Jackson Street area (Area 1) and the Hutt City central area by allowing a high number of smaller specialty or comparative shops to develop in the area as well as mall type developments of up to 10,000m<sup>2</sup>.”
5. There is no information about who says there is a demand for mixed use development? There is no evidence of any demand provided in the s32 report - only a statement of page 152 that “there have been a number of enquiries about provision for residential activities in the Esplanade West area.”
6. “The admission under the issue (5B1.1.2) that making provision for mixed use could also detract from the established vibrancy and vitality of the retail areas of Jackson Street and the Central Commercial Activity Area needs to be dealt with – not just alluded to.”
7. “Requirements for any residential developments that include a minimum size of at last 50m<sup>2</sup> per unit, the provision of outdoor areas for each residential apartment, and rules to ensure ongoing access to sunlight in all apartments”.
8. “The permitted height across the whole area reduced to 10 metres maximum. Some taller buildings may be appropriate, but subject to design control.

Points 1-4, 6 and 7 are addressed in Section 2 General Matters Raised by Submitters.

My previous report<sup>3</sup> evaluates the demand for each property type.

PPAG suggests that the height of the buildings in Petone West should be limited to 10 metres (three storeys). This height would undermine the redevelopment feasibility of most properties within the ppc29 area. In order to offset the cost of buying and demolishing existing structures, developers require the ability to build taller (i.e. more than 4-6 storeys) rather than shorter buildings for most activity types. This is addressed in detail in Section 4.2 of my previous report.

## 1.20. Submission 221 John Donnelly

J. Donnelly opposes the Proposed Plan Change 29 on the following basis:

1. “The reason Petone has more recently been a potential attraction to smaller retailers and grown from an old tired place to what it is now is because it has character and people can

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<sup>3</sup> Petone West Plan Change: Evaluation of Market Demand and Development Feasibility, February 2012

buy in and do up houses and shops - as they have been doing. If we lose sight that special attraction and have a laissez faire approach in the District Plan then we are not ever going to be able to realize the full potential of Petone.”

2. “Through the present zoning separating the two commercial areas – large stores at the western end of Jackson Street and adjacent small retail outlets and businesses in the heritage precinct of Jackson Street – and the JSP, HCC has encouraged small retailers to Jackson Street on the basis the area would remain protected because of its particular character...With Plan change 29, HCC seems to be signaling its intention to abandon the present rules and destroy the rejuvenation of Jackson Street...”.

Points 1 and 2 are addressed in Section 2 General Issues Raised by Submitters.

## 2. GENERAL ISSUES RAISED BY SUBMITTERS

### Impact on the CBD and Jackson Street

Ppc29 would potentially create a third destination retail centre<sup>4</sup> for Hutt City. The most efficient network of retail centres would be achieved in Hutt City by focusing smaller specialty or ‘comparison’ retail in the two existing centres: Jackson Street and Hutt CBD. A quantitative analysis of this is provided in Section 3.

### Impact on other retail centres in the Hutt City

All other retail centres in Hutt City (i.e. other than the CBD and Jackson Street) are convenience centres. As shoppers do not travel more than 1-2 kilometres for convenience retail, it would not be possible for any retail in Petone to impact on the commercial viability or function of the City’s smaller convenience centres.

### Exclusion of consideration of LFR in my previous report.

My previous report does not consider the impact of LFR in Petone West on existing centres as it is a permitted activity and its effects have been considered by previous plan changes. Section 3 of this report analyses the economic impact of a new 30,000m<sup>2</sup> retail development in Petone West on the Hutt CBD and Jackson Street.

### Impact of mixed use development in Petone on the Hutt CBD.

The clustering of office buildings provides significant economic benefits as it increases employees access to other businesses and support services. If office buildings are scattered through a city these economic efficiencies are forgone and this presents a cost (in the form of a lost opportunity).

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<sup>4</sup> A destination retail centre contains a range of comparison stores. Shoppers are willing to travel a relatively long distance (i.e. 5-10 km’s) to visit a destination retail centre when buying goods that have significant price, quality and style variations. All other retail centres are convenience retail centres, and are located in close proximity (i.e 1-2 km’s) to their market draw area.

There is a trade-off in having new office development in either Petone West or the CBD. The CBD is the main office cluster in Hutt City and new office development would ideally be located there to further enhance the economies of scale<sup>5</sup>.

Petone West is a unique location for office development and is able to attract office space that would not otherwise locate in Hutt City. Petone's location near the motorway, its proximity to Wellington CBD, and its general amenity, are able to attract office based firms that would not otherwise locate in Hutt City. The IBM building is an example of this. The implication is that if new office activity would locate in Petone West, but would not elsewhere in the City, then it would provide a net economic benefit to the City if it was developed in Petone West (i.e. it would not divert development from the Hutt CBD). The economic benefits would include the one-off direct and indirect benefits of the construction of the building and the ongoing direct and indirect benefits of the operation of the business. There would also be benefits that relate to the improved economic performance of the Petone Centre overall (i.e. larger commercial centres have a higher productivity than smaller commercial centres, and will in turn become a more attractive location for other businesses).

Given these potential benefits, ppc29's promotion of office space in Petone West is in my opinion likely to provide an overall net economic benefit to Hutt City.

### **Displacement of low value land uses**

Several submitters raise a concern about increasing land values displacing existing activities. It is a normal process for a City's lower value land uses to be displaced over time from central locations to peripheral locations by higher value land uses. This market process results in the most efficient structure for a city (technically referred to as the rent gradient or bid rent curve, where the higher value land uses are located centrally). If there are no other suitable locations for the displaced activities to relocate to, or if the displaced activities could not operate efficiently from the new location, there may be an economic benefit in enabling the lower value land uses to stay in a central location. For example, a port may require a special zone to ensure it is not displaced by apartments or office buildings, despite being a lower value land use.

In Petone West the potentially displaced firms are industrial firms. There is sufficient land for these firms available elsewhere in the Hutt Valley and wider region, and it is a reasonable assumption that these firms will operate effectively from these other locations. On this basis it is my opinion that there are no likely adverse economic effects from the displacement of lower value land uses from Petone West as a result of ppc29, and rather, it is likely to provide an economic benefit.

### **Apartment size**

Several submitters raise concerns regarding small apartments being inherently of low quality and suggest there is a need for a minimum apartment size to avoid the potential adverse social and economic effects that are associated with apartment buildings.

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<sup>5</sup> More specifically referred to as agglomeration economies, these are exponential, that is as the centre increases in size there are proportionally larger increases in productivity (as employees are able to access a larger number of other firms they can conduct their business more efficiently).

It is important to bear in mind that the majority of apartments are small rental units occupied by low-middle income younger single and couple households. In Auckland for example, 60% of apartments are valued at less than \$300,000 and these are generally in the 30-60 sqm size range (i.e. small studio and single bedroom units).

A 30 sqm apartment is a small studio unit, however would have a relatively high price in New Zealand (when compared to houses and terraces) of around \$180,000 and would rent for around \$280 per week. The prices show the challenge that developers face when building apartments, as compared to other forms of housing they are very expensive<sup>6</sup>.

Small rental apartments provide an important housing option for low-middle income households. A minimum unit size policy would in my opinion undermine the market feasibility for apartments in Petone, as I would expect that the main market would be for relatively small units of 30-40 sqms.

It would in my opinion be more appropriate not to have a minimum size for apartments, and rather establish regulations that ensure that apartments are built and managed to a high standard. This would significantly reduce any adverse social effects associated with rental apartment buildings, and would provide a low cost housing option for low-middle income households.

### 3. EVALUATION OF RETAIL TRADE IMPACTS & ECONOMIC EFFECTS

Hutt City has two large retail centres, the CBD and Petone. The CBD has approximately 90,000m<sup>2</sup> of retail. It is the main retail centre in the Hutt Valley and is comprised of a Westfield shopping mall, of 45,000m<sup>2</sup>, and two 'mainstreet' shopping areas of approximately 45,000m<sup>2</sup>. Most of the CBDs highest performing retailers are located in the shopping mall and this has left the mainstreet areas with fewer national brands and fewer potential tenants. However, both retailers and shoppers continue to use the mainstreet areas and although there are vacancies and lower performing stores, it continues to be a viable retail area.

Petone has approximately 45,000m<sup>2</sup> of existing retail. Petone has several distinct functions as a retail centre;

- a large format retail (LFR) destination for the Hutt Valley;
- a local convenience centre for Petone residents, and to some extent the residents of Moera, Maungaraki and Alicetown as well; and,
- a boutique retail destination, particularly for cafes and restaurants.

Petone does not have an ideal layout for a retail centre. The mainstreet is very long, about 1.0km, and all of the LFR 'anchor tenants' are located at one end of the mainstreet resulting in a total centre length of about 1.4km's. An ideal layout for a centre of this size would be a shorter mainstreet with anchor tenants set behind the smaller stores.

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<sup>6</sup> Most occupants choose to live in apartments to save on travel costs, and this offsets the high per sqm cost of renting an apartment compared to houses and terraces.

The general configuration of Petone is however a reasonable outcome given the historic patterns of development. It would be very difficult, or impossible, for LFR to have established in the residential areas behind the mainstreet. The only option was for it to be located at the western end of Petone. While this is not the ideal configuration for the centre, it is a more efficient outcome than having LFR scattered throughout the Hutt Valley.

A key consideration for Petone is how to accommodate future demand growth for smaller specialty stores. A westerly extension of the mainstreet would provide an optimal location for new smaller stores, and would provide shoppers with a better walking environment between both parts of the centre. Such an extension would however likely result in a displacement of stores from the eastern end of the mainstreet, and should occur at a rate that is commensurate with increases in market demand.

All other centres within the Hutt Valley (Naenae, Taita, Stokes Valley, Wainuiomata) are small convenience centres. As shoppers do not travel long distances for convenience stores, there is no concern that new retail development in Petone would undermine their commercial viability.

So what are the potential retail trade impacts of ppc29?

At present, LFR retail between 500-3,000m<sup>2</sup> can establish in Petone West. Any effects of LFR have therefore already been considered (by previous plan changes). At present Petone has few remaining sites that are suitable for LFR development of this size. The main change promoted by ppc29 (in the retail sector) is that it enables smaller retail stores, with the only limit being a maximum 10,000m<sup>2</sup> per site. It is not intended, but is conceivable that a full size shopping mall would be a permitted activity if it spanned over 2-3 sites which is a matter that should be addressed in any changes to PC29.

A potential development that may occur from ppc29 is therefore a new shopping centre of 30,000m<sup>2</sup>, comprising of a mix of LFR and specialty (comparison) retail stores. The commercial trade impact of this hypothetical development can be tested with a basic calculation if some simplifying assumptions are made. The calculations are presented in Table 1.

TABLE 1: RETAIL TRADE IMPACTS (FOR A NEW 30,000M<sup>2</sup> RETAIL CENTRE IN PETONE IN 2017)

Centre	Retail floorspace (sqms GFA)	Total retail sales (\$m p.a.) Status Quo					Total retail sales (\$m p.a.) New Development 2017				
		2012	2017	2022	2027	2032	2012	2017	2022	2027	2032
Queensgate	45000	\$311	\$364	\$415	\$483	\$542	\$311	\$310	\$354	\$413	\$463
CBD (Excl. Queensgate)	45000	\$311	\$364	\$415	\$483	\$542	\$311	\$310	\$354	\$413	\$463
Petone Mainstreet	20000	\$138	\$162	\$184	\$215	\$241	\$138	\$138	\$157	\$183	\$206
Petone West	25000	\$173	\$202	\$230	\$268	\$301	\$173	\$172	\$197	\$229	\$257
Other Retail Centres	40000	\$276	\$323	\$369	\$430	\$482	\$276	\$276	\$315	\$367	\$411
<b>Total Floorspace Hutt City</b>	<b>175000</b>	<b>\$1,209</b>	<b>\$1,414</b>	<b>\$1,612</b>	<b>\$1,879</b>	<b>\$2,109</b>	<b>\$1,209</b>	<b>\$1,207</b>	<b>\$1,377</b>	<b>\$1,604</b>	<b>\$1,800</b>
New Development 2017	30000	\$0	\$0	\$0	\$0	\$0	\$0	\$207	\$236	\$275	\$309
<b>Total 2017</b>	<b>205000</b>	<b>\$1,209</b>	<b>\$1,414</b>	<b>\$1,612</b>	<b>\$1,879</b>	<b>\$2,109</b>	<b>\$1,209</b>	<b>\$1,414</b>	<b>\$1,612</b>	<b>\$1,879</b>	<b>\$2,109</b>

Source: Urbecon

Table 1 adopts the following assumptions:

The new retail centre in Petone:



1. only diverts retail sales from the Hutt CBD and existing Petone stores (i.e. does not compete with other convenience centres);
2. diverts retail sales from the Hutt CBD and existing Petone proportionately to the size of each centre (i.e. the impacts are spread evenly across both centres based on the size of each); and,
3. online retail sales increase from 5% of the total market to a maximum of 10%.

The existing retail centres in the Hutt Valley:

1. achieve retail sales that are proportionate to the size of the retail centre (all centres have equal sales performance based on their size); and,
2. do not experience any development of new retail floorspace over the forecast period (i.e. no additional cumulative effects from other new developments are considered).

The main conclusion that can be drawn from Table 1 is that if a new development of 30,000m<sup>2</sup> was added to Petone over the next 1-4 years, the trade impact effects would be completely offset by market growth by 2017. This is evident in the cells coloured in yellow, where the New Development attracts \$207m in sales. However, the total increase in spending power in Hutt City increases by approximately this amount (from \$1,209m in 2012 to \$1,414m in 2017). The implication is that under this scenario, the existing shops would only experience a temporary impact on their turnover.

If other retail buildings were built over the period out to 2017, for example another 30,000m<sup>2</sup> elsewhere in Hutt City, this would extend the 'recovery time' out to 2022 (see the cells coloured yellow in Table 2). In the short term (2017) the trade impact effect on existing centres would be in the order of -13%. A temporary trade impact of -13% would certainly be unwelcomed by existing retailers, however is unlikely to be detrimental to their commercial viability. More generally, it would almost certainly not result in the total commercial failure of either the Petone Mainstreet or CBD. The present Environment Court case law focuses primarily on whether a centre will experience a 'total commercial failure', with the economic effect being the subsequent abandonment of the centre's physical resources (buildings, roads, etc).

TABLE 2: RETAIL TRADE IMPACTS (FOR 30,000 M<sup>2</sup> DEVELOPMENT IN PETONE IN 2007 PLUS AN ADDITIONAL 30,000M<sup>2</sup> ELSEWHERE IN THE DISTRICT)

Centre	Retail floorspace (sqms GFA)	Total retail sales (\$m p.a.) Status Quo					Total retail sales (\$m p.a.) New Development 2017				
		2012	2017	2022	2027	2032	2012	2017	2022	2027	2032
Queensgate	45000	\$311	\$364	\$415	\$483	\$542	\$311	\$271	\$309	\$360	\$404
CBD (Excl. Queensgate)	45000	\$311	\$364	\$415	\$483	\$542	\$311	\$271	\$309	\$360	\$404
Petone Mainstreet	20000	\$138	\$162	\$184	\$215	\$241	\$138	\$120	\$137	\$160	\$179
Petone West	25000	\$173	\$202	\$230	\$268	\$301	\$173	\$150	\$172	\$200	\$224
Other Retail Centres	40000	\$276	\$323	\$369	\$430	\$482	\$276	\$241	\$274	\$320	\$359
<b>Total Floorspace Hutt City</b>	<b>175000</b>	<b>\$1,209</b>	<b>\$1,414</b>	<b>\$1,612</b>	<b>\$1,879</b>	<b>\$2,109</b>	<b>\$1,209</b>	<b>\$1,053</b>	<b>\$1,201</b>	<b>\$1,399</b>	<b>\$1,570</b>
<b>New Development 2017</b>	<b>60000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$361</b>	<b>\$412</b>	<b>\$480</b>	<b>\$538</b>
<b>Total 2017</b>	<b>235000</b>	<b>\$1,209</b>	<b>\$1,414</b>	<b>\$1,612</b>	<b>\$1,879</b>	<b>\$2,109</b>	<b>\$1,209</b>	<b>\$1,414</b>	<b>\$1,612</b>	<b>\$1,879</b>	<b>\$2,109</b>

Source: Urbecon

In my opinion the 'total commercial failure' approach to determining retail effects is in most cases of little relevance for quantifying economic effects as there is only one example in the history

of New Zealand of a retail centre experiencing a ‘total commercial failure’ as a result of a new development<sup>7</sup>, that has resulted in the centre’s physical resources being abandoned, and the community being left without a local retail centre.

A more appropriate method for evaluating economic effects is the ‘retail network efficiency’ approach. If retail is scattered across all corners of the City then shoppers must travel further, on average, to purchase retail goods, particularly comparison goods where shoppers wish to visit more than one store before purchasing. In order to reduce travel costs a city can promote large retail centres that contain a wide range of retail stores. Such an outcome would be most economically efficient and would reduce consumers ‘search and uncertainty costs’ (i.e. shoppers could simply travel to one centre and browse the stores). Appendix 1 illustrates the difference between the two approaches.

To maximise economic efficiency Hutt City would have only one large comparison retail centre<sup>8</sup>. For example, Dunedin has one large CBD that services a population of 125,000. For whatever historical reason, Hutt City has two large comparison retail centres.

Both centres have little capacity remaining to build new LFR stores as large inexpensive sites are scarce. Any LFR development that is built within or near these centres is likely to provide an efficient outcome for the City, as it would add to the size and range of stores available in each centre.

With regard to smaller specialty stores, both centres have the capacity to accommodate additional development. At present the large majority of the City’s smaller specialty stores are located in Hutt CBD, and based on this critical mass, it is arguably the most efficient location for additional small retail stores.

If a large retail centre of 30,000m<sup>2</sup> was built in Petone West, this would potentially result in a third major comparison retail centre for the City and would attract retailers that would have otherwise located either on the Petone mainstreet or in the CBD. As either of these locations would provide a more economically efficient location, it is my opinion that ppc29 would not, as it relates to retail, produce the most efficient possible outcome for the City.

This can be quantified using the following calculation.

TABLE 3: RETAIL CENTRE VALUE ESTIMATES

	Retail Floorspace (sqms)			Centre Rents (\$/sqm p.a.)			Centre Values (\$m)		
	Status Quo	Scenario A	Scenario B	Status Quo	Scenario A	Scenario B	Status Quo	Scenario A	Scenario B
Petone Mainstreet	20000	35000	20000	\$260	\$370	\$260	\$70	\$160	\$70
Hutt CBD	90000	105000	90000	\$560	\$590	\$560	\$630	\$770	\$630
New Retail Centre*	0	0	30,000			\$340	\$0	\$0	\$130
Total	110000	140000	140000				\$700	\$930	\$830

Source: Urbecon

\* New Retail Centre of 30,000 sqms in Petone West

<sup>7</sup> South Dunedin town centre

<sup>8</sup> As a comparison, Dunedin has one large CBD that services a population of 125,000.

Table 3 estimates the total value of each retail centre. This is based on the following steps:

1. **Determine the centre size (m<sup>2</sup>) under each scenario.** The Status Quo assumes no additional floorspace (2013). Scenario A assumes an additional 30,000m<sup>2</sup> of retail floorspace is added, comprised of an additional 15,000m<sup>2</sup> added to the Petone mainstreet<sup>9</sup>, and 15,000m<sup>2</sup> added to the CBD. Scenario B assumes that an additional 30,000m<sup>2</sup> of retail floorspace is developed in Petone West, becoming a third major retail centre for Hutt City.
2. **Determine the rents achieved for each centre.** Retail rents are strongly related to the size of the retail centre. This is shown in Figure 1 below. The important trend to note is that larger retail centres general **higher average rents** than smaller retail centres.
3. **Determine the market value of each centre.** This is achieved by applying a capitalisation rate<sup>10</sup> of 9% to the total rent of each centre.

The main findings in Table 3 are highlighted in yellow. Under the Status Quo, the total value of retail on the Petone Mainstreet is estimated at \$70m and the total value of retail in the Hutt CBD is estimated at \$630m. Both centres have a combined value of \$700m.

Under Scenario A, where an additional 30,000m<sup>2</sup> of retail is added to the Petone mainstreet and Hutt CBD (i.e. 15,000m<sup>2</sup> is added to each centre) the total resulting value of **both** centres is estimated at \$930m.

Under Scenario B, where an additional 30,000m<sup>2</sup> of retail is added in the form of a New Retail Centre at Petone West, the total resulting value of all **three** centres is estimated at \$830m.

The key point to note is that increasing the size of the two existing main centres produces a more valuable outcome for the City than adding a new (third) centre at Petone West (i.e. two larger centres is better than three smaller centres). In terms of an 'economic impact assessment' the difference in the market value of the each possible retail centre network provides a quantification of the costs/benefits of each. This is because if a retailer was to establish in a larger centre, that business would have a higher turnover (per m<sup>2</sup> of floor space) and would be able to pay a higher rent, as rent is in broad terms a percentage of turnover.

Some of the practical economic benefits of larger retail centres include:

- Retailers achieve a higher commercial performance when they cluster, as measured in turnover per square metre of building space. My research indicates that as a centre doubles its size there is an approximate 50% increase in its average rent, which is a proxy for store turnover. In broad terms, centres become more efficient as they increase in size.
- Consumers benefit from lower travel costs as they can access a greater range of retail goods and services from one location. This is attributed to a reduction of "search and uncertainty

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<sup>9</sup> Accommodating this additional space may require both redevelopment and expansion of the Mainstreet.

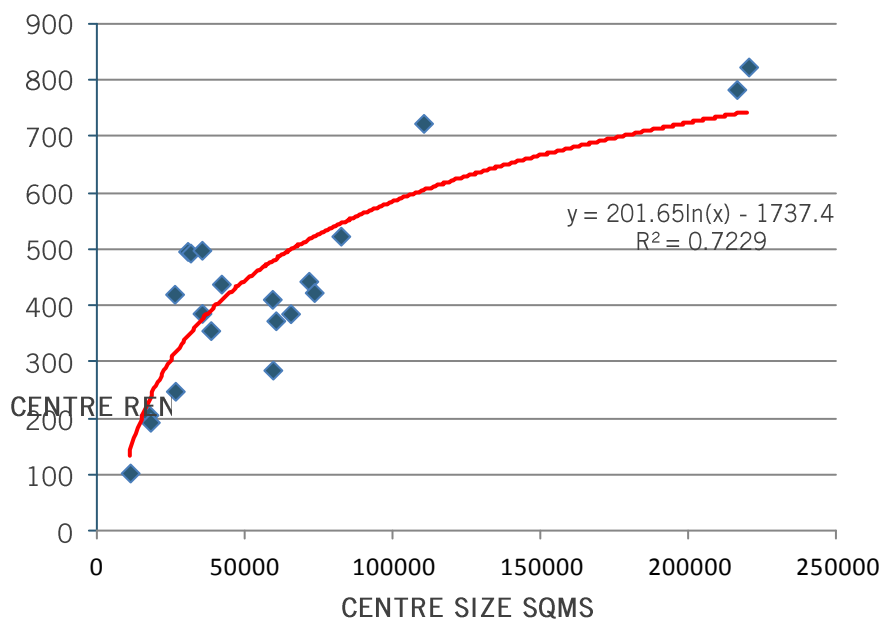
<sup>10</sup> Capitalisation rates are the rental returns investors require from a building and are used to determine the market value.

costs” when only one trip to one larger centre is required, rather than two trips to two smaller centres.

- Employees and residents within a commercial centre have increased access to retail goods and services, reducing their travel costs; and,
- Less land and building space is required to meet the community’s retailing needs. This reduces the capital cost to accommodate a city’s retail businesses, and occurs as a consequence of more shoppers using each shop, for the reasons explained in the first point above. This is evident in the US retail market, where many cities have high ratios of retail floorspace per capita. In practical terms this is because there are many stand alone large format stores located on arterial roads and on the urban periphery.

Figure 1 shows the relationship between centre size and average rents (\$/m<sup>2</sup> p.a.) using a regression analysis. There is a strong relationship between centre size and average rent, with an R<sup>2</sup> of 0.73 indicating that a centres size is able to explain 73% of the average rent achieved.

FIGURE 1: RETAIL RENTS VS RETAIL CENTRE SIZE (NZ RETAIL CENTRES)



In summary, if a conventional ‘total commercial failure’ retail impact assessment methodology is used to evaluate ppc29, it would be unlikely to show any significant economic effects, as no existing centres would be exposed to a potential failure. If a ‘retail network efficiency’ methodology is used to evaluate ppc29, it shows an impact to the economic efficiency of the City’s retail network to be potentially in the order of \$100m, which is significant. On an annualised basis, this is a cost of approximately \$50 per resident.

## 4. POLICY RECOMENDATIONS

Having considered the submissions on ppc29, and the economic analysis in this report, there is no information that causes me to change the strategy and policy recommendations made on page 27 and 28 of my previous report. These are copied below.

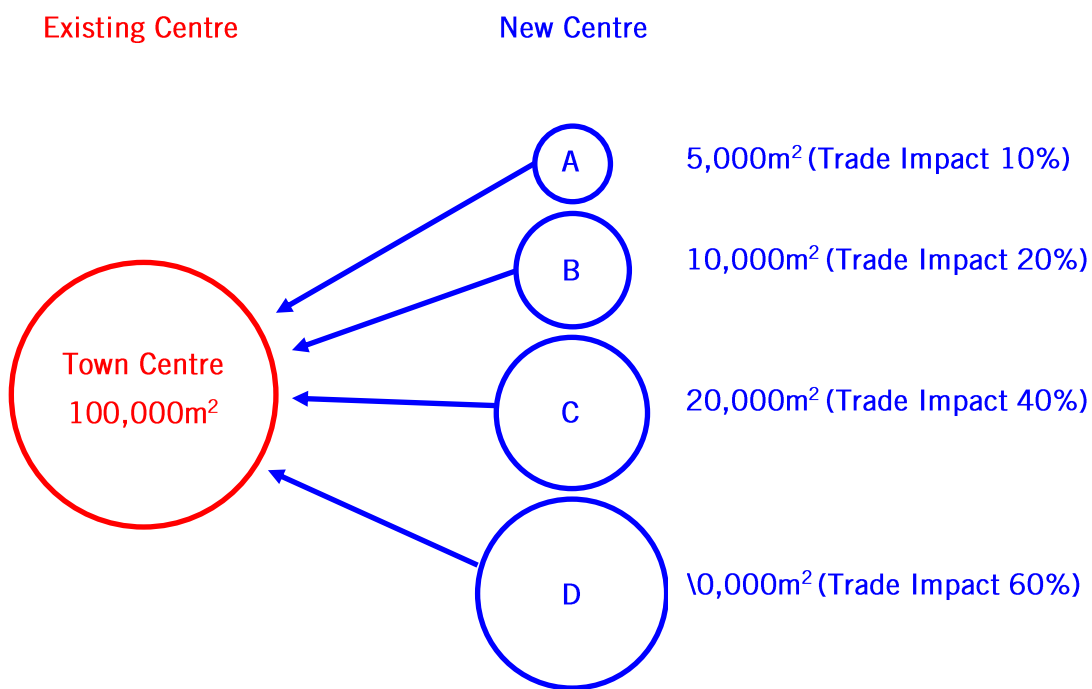
1. *Promote the consolidated development of LFR stores in the Plan Change area. This involves the identification of suitable development sites that are in close proximity to the existing LFR stores.*
2. *Promote the consolidation of smaller specialty retail stores in the mainstreet area. If possible it would be beneficial to encourage a consolidation to the more western end of the mainstreet. There is presently a minor 'over-supply' of smaller specialty retail stores in Petone that has been brought about by the structural shift in the market from smaller to LFR stores, and also in the sub-regional context, the introduction of the large Westfield Queensgate shopping mall.*
3. *Restrict the development of smaller specialty retail in the Plan Change area. This is the greatest threat to the overall economic and social performance of the total Petone commercial centre, and is a matter that requires careful consideration. If smaller specialty retail was a permitted activity in the Plan Change area, the following outcomes economic effects would be expected:*
  - *A loss in the overall economic performance/value of the Petone centre as retail disperses and becomes less efficient as a retail centre. Retail centre and shopping mall owners and managers are very aware of the importance of having retail stores located in close proximity to enable shoppers to access many stores in one visit. This principle can also be applied to retail planning policy, in which case the Council has the responsibility to manage interests of a range of retail property owners and retailers, as well as the consumers.*
  - *An increase in the vacancy rate in the mainstreet, which may reduce the overall attractiveness and economic performance of the mainstreet centre.*
  - *A lowering of the quality of retail tenants, which may reduce the overall attractiveness and economic performance of the mainstreet centre.*
  - *A reduced ability for property owners to properly maintain the historic buildings. If demand for smaller specialty retail stores is diverted to the Plan Change area, this will reduce rents and will in turn reduce the financial ability of property owners to continue to re-invest in their properties.*
4. *Extend the smaller specialty retail along Jackson Street from the Mainstreet through to the Plan Change area. There will be demand growth for smaller specialty retail over time, and this location would reinforce both the existing consolidation of retail activity on the mainstreet and the ongoing development of the LFR stores in the Plan Change area. The exact extent, quantify and timing of this should be considered in greater detail.*

5. *It is likely that Hutt City will receive ongoing applications for smaller specialty retail in the Plan Change area. Present Environment Court case law has established a relatively high threshold for effects to be considered as significant. For Hutt City to effectively manage the ongoing consolidation of retail in the Mainstreet area will require an assessment of the overall economic value of this centre, and the impact that a dispersed pattern of retail development would have on this economic value. As a basic principle, as a retail centre increases in size by 10% there is a corresponding increase in its total economic value of 15%. This is because as the centre expands in size and range, more consumers choose to shop there, and there is a corresponding increase in the property value of the centre. These are important economic benefits, and are commonly referred to as 'agglomeration economies'. Conversely, the agglomeration economies can be eroded, either in terms of the relocation of existing stores or the diversion of new stores that would have otherwise located within the centre. This can result in substantial economic impacts. It is evident in many cities in NZ that unless there is an evidential basis to the policy that considers the value of the agglomeration economies of the centre, it will be unlikely that the Council will be able to manage the dispersal of retail activity.*
6. *Promote multiple storey office development. Provision in the rules for six or more storeys would be needed to generate an economically viable development for office space in the Plan Change area. This would support both the economics of development and would also enable attractive views for prospective tenants.*
7. *Enable office development to include a small component of specialty retail. This would support office development and would also provide access to service retail for office workers, particularly cafes and restaurants. Retail could be permitted up to a maximum of 10% of the total building's GFA.*
8. *Promote multiple storey apartment development. Provision in the rules for four or more storeys would be required to support any significant development of apartments in Petone. This would support both the commercial feasibility of development and would also enable attractive views for prospective occupants.*
9. *It is recommended that terrace housing is not promoted in the Plan Change area. This activity would displace other uses that would contribute significantly more to the overall economic performance of the total Petone commercial centre. An important factor to consider is that there is no opportunity cost associated with excluding terrace housing from the Plan Change area, as this activity could potentially locate in the established residential zones. Conversely, commercial activity has little potential to establish in the residential zones.*
10. *Retirement villages should be promoted in the Plan Change area. This form of development requires large sites, and is generally in multiple storey buildings that are not permitted in residential zones.*

## 5. APPENDIX 1: ECONOMIC EFFICIENCY & RETAIL CENTRE NETWORKS

New retail developments that require a resource consent must demonstrate that the 'retail impacts' on other centres are minor. The conventional methodology for a 'retail impact assessment' estimates whether an existing centre will incur a 'commercial failure' as a consequence of a new retail centre entering the market. This 'commercial failure' methodology was initially developed in the UK in the 1980's and 1990's to evaluate the impact of new regional shopping malls on existing town centres. This involved large regional malls of a similar size to the town centre being near to the town centres primary trade area. The methodology relies on estimating the trade competition impact and then determining whether the centre would incur a commercial failure as a result of the trade impact.

The 'trade competition impact' assessment that is the basis of the **commercial failure** methodology is illustrated below.

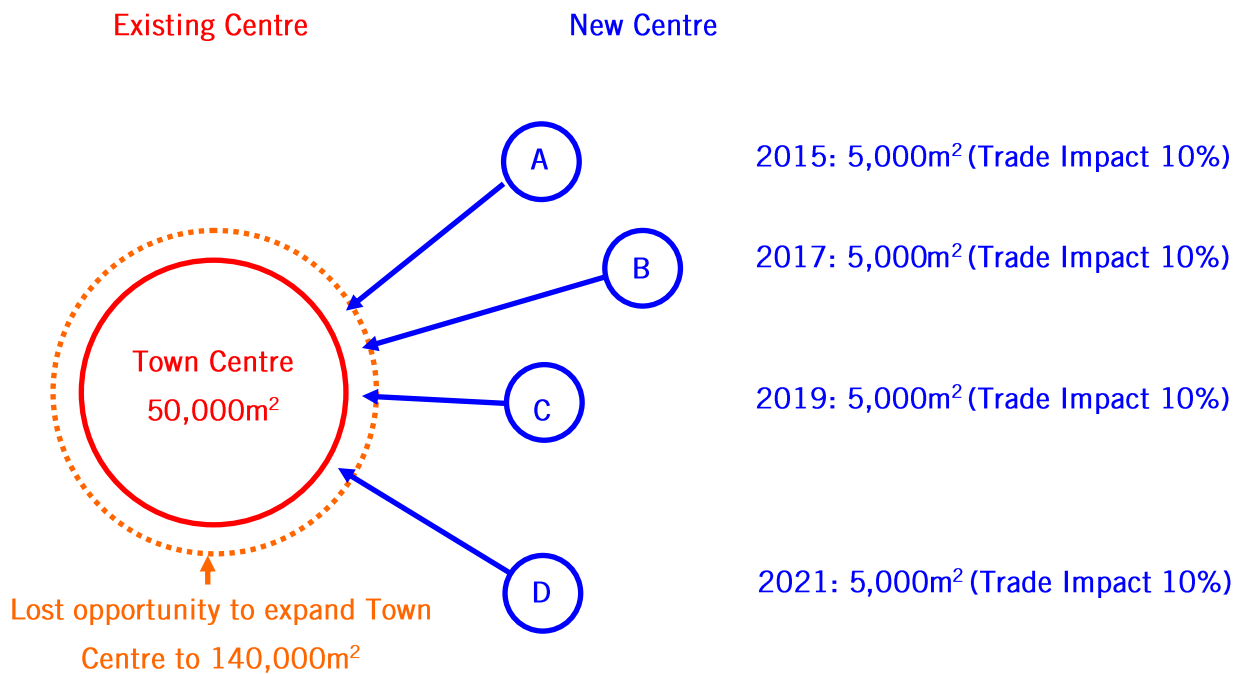


The trade competition impact can be estimated by determining the size of the New Centre as a proportion of the Existing Centre. For example, under New Centre Scenario A, the centre will divert approximately 10% of sales from the existing town centre (i.e. 5,000m²/50,000m²). Under this scenario it is very unlikely that the existing town centre will incur a 'commercial failure' as most retailers will continue to trade if their turnover decreases by 10%.

Under New Centre Scenario C however, approximately 40% of sales from the existing town centre will be diverted (i.e. 20,000m²/50,000m²). Under this scenario, the existing town centre may incur a commercial failure as many retailers will cease to trade if their turnover decreased by 40%.

The majority of new retail developments represent a small increase to the city’s retail space and in most instances are no greater in size than Scenario A which diverts approximately 10% from the existing centre. The main implication is that the trade competition impacts of new retail centres are never more than 10%. As most retailers will continue to trade if their turnover decreases by 10% there is in most cases no potential for the commercial failure of an existing centre, and therefore the application of this methodology will result in a minor economic effect.

The pattern of development under this scenario is illustrated below. Over time four new retail centres are developed, A-D, each of 5,000m<sup>2</sup>. Each new development is approved as individually, they only represent a 10% expansion to the city’s total retail space. As this occurs every two years the existing retailers in the town centre are able to continue to trade without any risk of commercial failure. In effect all new demand for retail space is being met by new retail centres, and the existing centre ceases to attract any new retailers.



The pattern of development illustrated above is typical to many towns in New Zealand. However, it often results in an inefficient outcome for the town. This is because the town would have benefited more if the town centre had increased in size from 50,000m<sup>2</sup> to 70,000m<sup>2</sup>. It should at this point be noted that small convenience retail centres are excluded from this example, as it is beneficial for these centres to be established locally.

Many City/District Plans have emphasised the importance of focusing retail activity in and adjacent to existing centres to promote the ‘vitality and vibrancy’ of these centres. The concept of vitality and vibrancy is useful as it describes how a busy centre is valuable for a town. These concepts are however not a in themselves relevant consideration under the RMA. This is because any new centre could equally bring vitality and vibrancy to the city, albeit in a new location (i.e. a new



shopping mall on the edge of the town could in reality be as vital and vibrant than the existing town centre).

There are however important economic principles that underpin the concept of vitality and vibrancy that are relevant under the RMA. These principles are:

1. Larger comparison centres increase the **productivity of retail firms**.
2. Larger comparison centres reduce **travel and uncertainty costs**.
3. Larger comparison centres reduce **retail leakage and reduce travel costs**.
4. Larger comparison centres require **less building space**.
5. Convenience retail need to be available locally, and where possible include a small supermarket and a 10-20 stores.
6. Large format retail stores need to be located within the town centre, when possible.

These principles, when implemented, maximise the vitality and vibrancy of a city's retail centres. The concepts of vitality and vibrancy are therefore crucial to the sustainable management of a city's retail centres, and they are achieved indirectly through the careful consideration of the optimal network of retail centres to meet the city's needs. For this reason, proposed new retail centres should be evaluated in regard to their impact on the efficiency of the retail network. This is referred to as the '**retail network efficiency**' methodology.

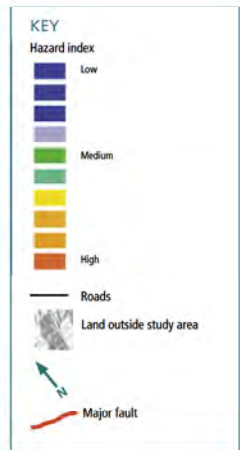
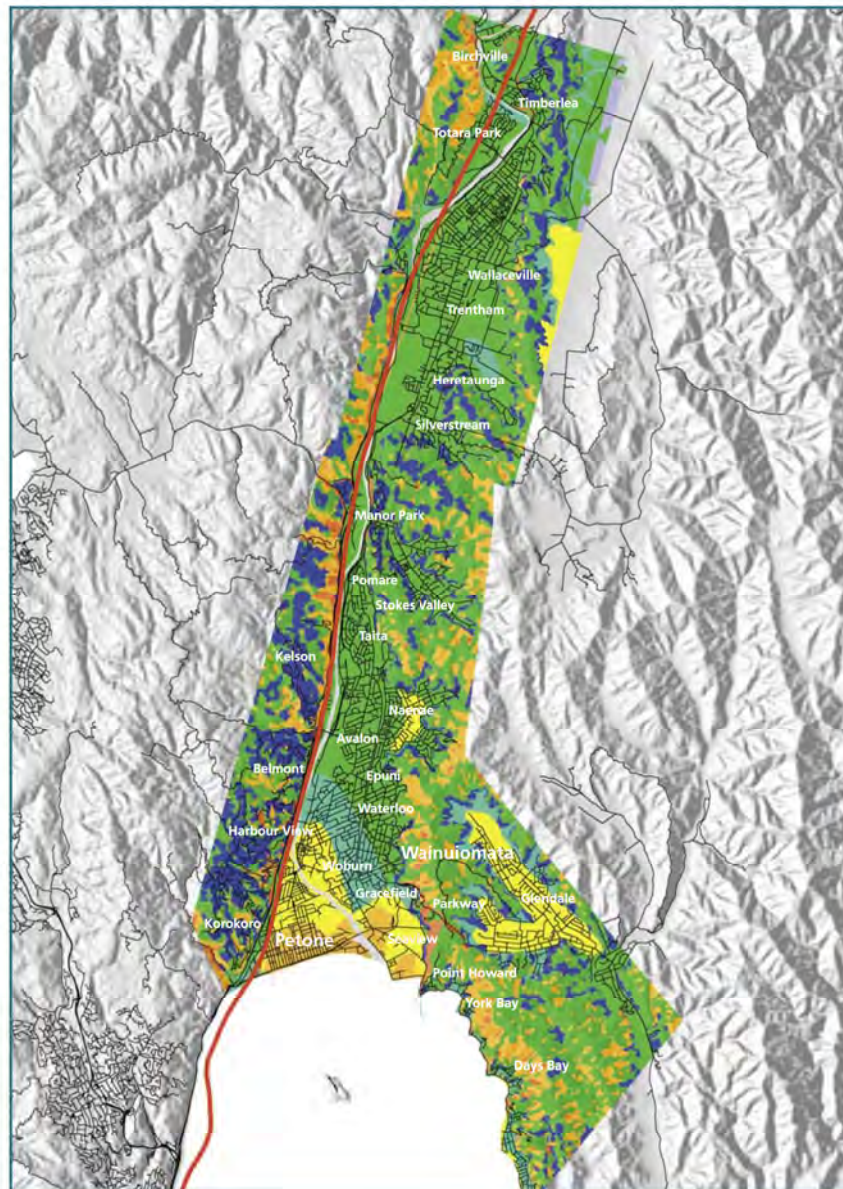
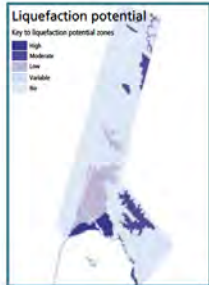
The '**retail network efficiency**' methodology estimates economic effects by evaluating the effect on the value of a city's retail property. This approach can be used to measure a proposal's impact on rents and land values. It is referred to as the hedonic pricing method as it quantifies economic impacts by considering their impact on land values.

Our analysis has found that when a retail centre increases in size by 10% there is an increase in rents of 15% across stores in the centre. This is crucial for the planning of retail in a city, as it shows that centres become more productive as they increase in size. The vitality and vibrancy of a city's retail centres can therefore be achieved by promoting an 'in-centre' rather than out-of-centre pattern of retail development.

The economic impact of a new retail proposal on the vitality and vibrancy of retail centres can therefore be significant well before the **commercial failure** of the centre is likely. Our previous evaluations have shown that out-of-centre retail developments of only a few thousand sqms can have economic impacts in the millions of dollars, which in practical terms mean longer drive times to access retail and additional building space required to accommodate retail stores.

**APPENDIX 6: HAZARD MAPS – HUTT COMBINED EARTHQUAKE MAP AND TSUNAMI EVACUATION ZONE**

# Combined earthquake hazard map Hutt Valley



Earthquake hazard mitigation measures				
Hazard	Effect on ground	Effect on facilities	Mitigation options: existing facilities	Mitigation options: planned facilities
<b>Fault movement</b>	Ground disturbances vertically and horizontally over a zone depends on depth to rock below surface. Cracks in land surface.	Uplifted, tearing apart, movement of foundations, severe damage to structures which cross the fault.	<ol style="list-style-type: none"> <li>1. Verify.</li> <li>2. Assess impact.</li> <li>3. Options:                             <ol style="list-style-type: none"> <li>a) strengthen to survive</li> <li>b) move facilities from fault zone</li> <li>c) limit damage by providing weak links or isolation</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1. Verify.</li> <li>2. Assess impact.</li> <li>3. Options:                             <ol style="list-style-type: none"> <li>a) construct facilities elsewhere</li> <li>b) incorporate special strengthening</li> <li>c) provide weak links or special isolation to limit damage</li> </ol> </li> </ol>
<b>Ground shaking</b>	Violent horizontal and vertical motions for up to one minute duration.	Cracking, fracture, collapse of buildings. Breaks in underground services. Deformation of surface infrastructure.	<ol style="list-style-type: none"> <li>1. Verify.</li> <li>2. Assess impact.</li> <li>3. Options:                             <ol style="list-style-type: none"> <li>a) strengthen or base isolate</li> <li>b) secure/improve vulnerable parts</li> <li>c) limit damage by providing weak links or isolation</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1. Verify.</li> <li>2. Assess impact.</li> <li>3. Options:                             <ol style="list-style-type: none"> <li>a) comply with current codes for design and construction</li> <li>b) incorporate strength and resilience</li> <li>c) secure vulnerable parts and contents</li> </ol> </li> </ol>
<b>Liquefaction</b>	Shaking causes some soils to behave like liquid, causing loss of support to structures above. Such soils may be up to 10m below ground surface. Lateral movement of large soil masses, especially adjacent to rivers. Variable subsidence of ground surface.	Sinking and tilting of structures supported on liquefied material. Severe damage to underground services. Flooding of empty underground tanks and chambers.	<ol style="list-style-type: none"> <li>1. Verify.</li> <li>2. Assess impact.</li> <li>3. Options:                             <ol style="list-style-type: none"> <li>a) install piles</li> <li>b) install gravel drains</li> <li>c) drain liquefiable layers</li> <li>d) prepare for quick reinstatement</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1. Verify.</li> <li>2. Assess impact.</li> <li>3. Options:                             <ol style="list-style-type: none"> <li>a) compact ground at site</li> <li>b) install piles and gravel drains</li> <li>c) drain liquefiable layers</li> </ol> </li> </ol>
<b>Slope failure</b>	A significant soil mass moves bodily down the slope, from few hundred millimetres to many metres. Landslides occur at many different locations.	Ranges from deformation of foundations and structural failures to total destruction of site and all buildings and infrastructure above and below ground.	<ol style="list-style-type: none"> <li>1. Verify.</li> <li>2. Assess impact.</li> <li>3. Options:                             <ol style="list-style-type: none"> <li>a) stabilise slope – retaining walls</li> <li>b) stabilise slope – ground anchors</li> <li>c) improve drainage, reduce erosion</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1. Verify.</li> <li>2. Assess impact.</li> <li>3. Options:                             <ol style="list-style-type: none"> <li>a) find a better site</li> <li>b) stabilise slope retaining walls</li> <li>c) stabilise slope – ground anchors</li> <li>d) improve drainage, reduce erosion</li> </ol> </li> </ol>
<b>Tsunami</b>	Land flooded. Scouring action erodes soil dramatically.	Flooding of basements. Undermining/ destruction of surface infrastructure. Exposure/ damage to underground services. Undermining of foundations. Bodily movement of some structures, equipment, vehicles etc.	<ol style="list-style-type: none"> <li>1. Verify.</li> <li>2. Assess impact.</li> <li>3. Options:                             <ol style="list-style-type: none"> <li>a) construct protective sea walls</li> <li>b) shift critical facilities to higher level</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1. Verify.</li> <li>2. Assess impact.</li> <li>3. Options:                             <ol style="list-style-type: none"> <li>a) find a better site</li> <li>b) construct protective sea walls</li> <li>c) design special foundations/ dikes</li> <li>d) put critical facilities at high level</li> </ol> </li> </ol>

## Background statement

In recognition of the earthquake hazard in the Region, the Greater Wellington Regional Council has carried out studies on ground surface rupture from active faulting, ground shaking, liquefaction potential and associated ground damage, slope failure and tsunami inundation (Wellington Harbour). Single factor hazard maps have been produced by Greater Wellington for each of these earthquake hazards.

This map sheet is part of a series of four map sheets showing the combined earthquake hazard for the main urban areas in the western part of the Wellington Region. The map series is one of Greater Wellington's natural hazard education and awareness initiatives.

The combined earthquake hazard map is a generalised map of earthquake hazard reflecting possible effects on a typical range of facilities (buildings, roads, services, etc.). The methodology has involved broad assessments of many factors which determine the effects of earthquakes.

This map series was prepared for Greater Wellington by Ian R Brown Associates Ltd in association with Kingston Morrison Ltd and Victoria University of Wellington.

## Warning

The hazard assessment methodologies developed for each of the earthquake hazard components and the methodology used to combine and present the hazard information impose certain qualifications and limitations on the use of the information. Details on the qualifications and limitations, and assessment methodologies of the component earthquake hazard studies are available from Greater Wellington. The methodology used to combine the various earthquake hazards is described in the Greater Wellington Report on Mapping Methodology and Risk Mitigation Measures WRC/ RP-T-96/22.

The information provided on these maps cannot be substituted for a site specific investigation. The site specific potential for and consequent damage from active faulting, amplified ground shaking, liquefaction, slope failure, and tsunami inundation should be assessed by qualified and experienced practitioners.

## Bibliographic reference

Greater Wellington Regional Council (1996). Sheet 3 Hutt Valley (1st ed.) Combined Earthquake Hazard Map 1:30000. Pub. No. WRC/ RP-T-96/14 Greater Wellington Regional Council, Wellington, New Zealand.

## Notes on earthquake hazard mitigation measures

1. Check that the broad indication of hazard from the maps is correct for a particular site. (In many cases, this could prove cost-effective towards mitigation.)
2. Obtain professional advice on implications and available countermeasures.
3. Mitigation options shown are in brief general terms. Professional advice will be needed to account for particular circumstances at the site.

## Single component hazard maps

These combine to produce the Combined Earthquake Hazard Maps. Maps of the single components (ground shaking, liquefaction and earthquake induced slope failure) are available from the Hazard Analyst at Greater Wellington.

Copyright: Wellington Regional Council. The topographic information used in this map has been reproduced under licence from Land Information New Zealand (LINZ). Crown Copyright Reserved.



# LOWER HUTT TSUNAMI EVACUATION ZONES

## TSUNAMI WARNINGS - KNOW WHAT TO DO

### Natural tsunami warnings are:

- a strong earthquake that is hard to stand up in
- a weak rolling earthquake with shaking that lasts a minute or more
- unusual noise from the sea, or sudden sea level rise or fall

### What to do

- Immediately leave all evacuation zones
- Stay out of all evacuation zones until the official 'all-clear' is given

### Official tsunami warnings and information comes from

#### Civil Defence via:

- sirens and text alerts that tell you where to get information from:
- television and radio
- Hutt City Council [www.huttcity.govt.nz](http://www.huttcity.govt.nz)

### What to do

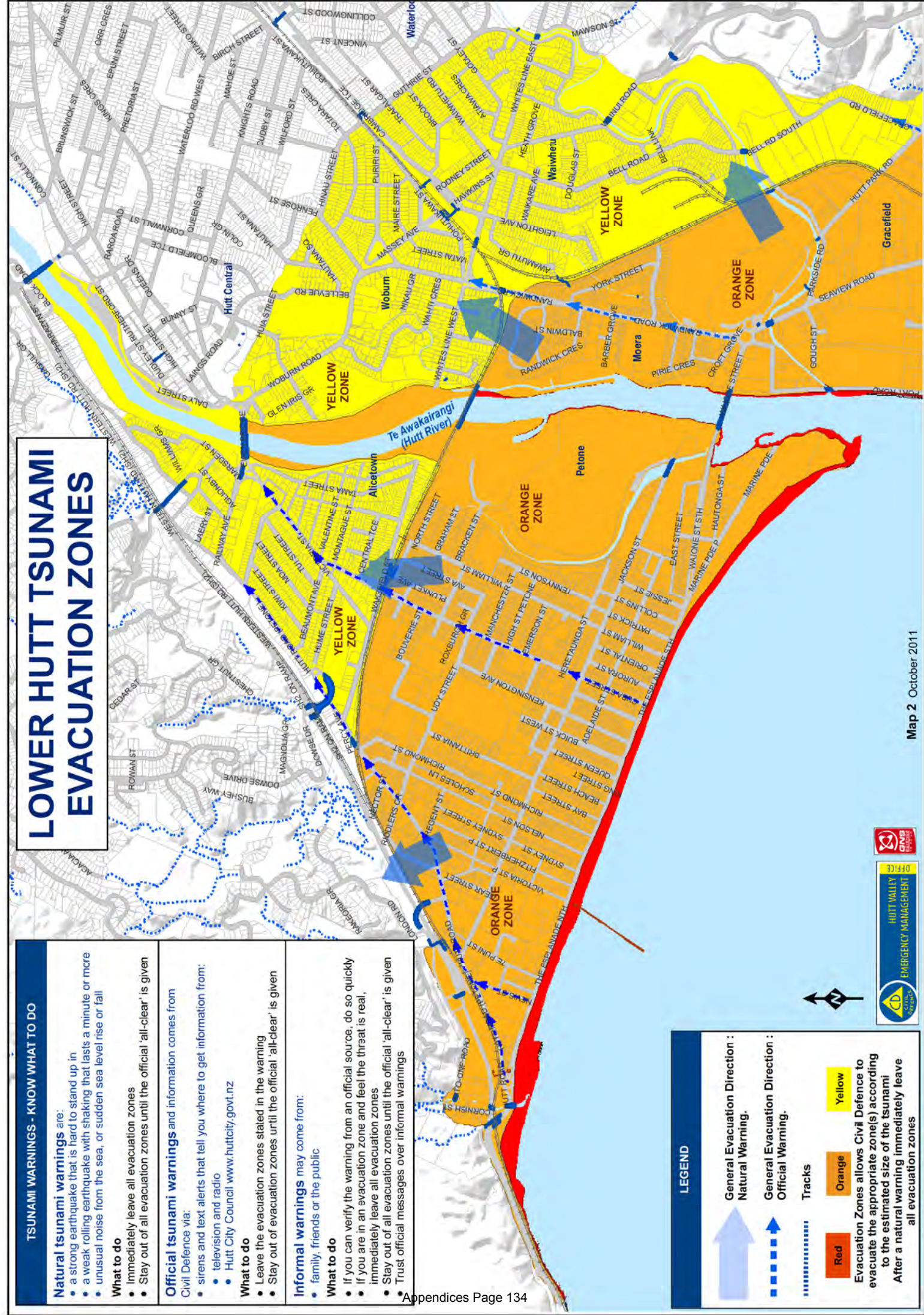
- Leave the evacuation zones stated in the warning
- Stay out of evacuation zones until the official 'all-clear' is given

### Informal warnings may come from:

- family, friends or the public

### What to do

- If you can verify the warning from an official source, do so quickly
- If you are in an evacuation zone and feel the threat is real, immediately leave all evacuation zones
- Stay out of all evacuation zones until the official 'all-clear' is given
- Trust official messages over informal warnings



**LEGEND**

General Evacuation Direction :  
Natural Warning.

General Evacuation Direction :  
Official Warning.

Tracks

Red

Orange

Yellow

Evacuation Zones allows Civil Defence to evacuate the appropriate zone(s) according to the estimated size of the tsunami. After a natural warning immediately leave all evacuation zones.

HUTT VALLEY  
EMERGENCY MANAGEMENT

**APPENDIX 7: GHD PROPOSED PLAN CHANGE 29: PETONE MIXED USE AREA – NATURAL HAZARD TECHNICAL REVIEW**



13 March 2013

Bronwyn Little  
Hutt City Council  
30 Laings Road, Private Bag 31912  
Lower Hutt 5040

Our ref:51/30593//GHD Natural  
Hazards Submissions Plan  
Change 29 Letter Final

Dear Bronwyn,

## **Proposed Plan Change 29: Petone Mixed Use Area Natural Hazard Technical Response to Submissions**

### **1 Introduction**

Hutt City Council (HCC) has notified a Proposed District Plan Change (PC 29: Petone Mixed Use Area) for the western end of Petone which proposes a number of changes to enable increased mixed use development in this area. HCC previously commissioned GHD Limited (GHD) (in association with GNS Science) to undertake a review of the natural hazards that affect or have the potential to affect the Petone West area. These hazards along with critical geotechnical issues, possible consequences and possible engineering measures were presented in our report titled "Natural Hazards Review and Geotechnical Considerations" (February 2012).

HCC have received a high number of submissions from the public in response to the proposed plan change, and have engaged GHD to carry out a technical review of the submissions raising natural hazards matters and whether any information contained in the submissions should be considered as part of the plan change, as updates to the natural hazards review, or as recommendations to HCC outside the proposed plan change.

The area of Petone West covered by the proposed plan change is detailed in the proposed plan change documents from HCC and graphically as a figure in the aforementioned GHD Natural Hazards Review Report.

### **2 Summary of GHD Report "Natural Hazards Review and Geotechnical Considerations"**

#### **2.1 Natural Hazards**

The following natural hazards are covered in the previous GHD report:

- Earthquake induced fault (ground) rupture;
- Earthquake induced ground level changes (either from liquefaction, subsoil densification, or global subsidence or uplift of the Petone Basin/Lower Hutt Valley);
- Earthquake induced ground shaking; and,
- Tsunami hazards.



The following natural hazards / geotechnical issues were specifically not covered in the GHD natural hazards review:

- Sea level rise;
- Flooding (induced by locally heavy rainfall or river flooding or storm surge);
- Other weather related phenomenon;
- Poor fill material;
- Poor design and/or construction;
- Expansive soils; and,
- Slope instability.

## **2.2 Critical Geotechnical Issues**

Of the natural hazards considered in the GHD review, the following were considered to be significant hazards and ones that pose critical geotechnical issues to the proposed plan change:

- Ground level changes east of the Wellington Fault (global subsidence in a Wellington Fault event);
- Ground level changes of Petone West (global uplift); and,
- Fault Rupture of (displacement along) the Wellington Fault.

More detail on these issues can be found in the aforementioned GHD report.

## **2.3 Other Geotechnical Considerations**

Along with the critical geotechnical issues that were identified in the GHD natural hazards review, the following hazards were considered likely to affect Petone West and beyond:

- Tsunami inundation;
- Liquefaction;
- Ground shaking; and,
- Ground level changes (including flooding).

More detail on these issues can be found in the aforementioned GHD report, and additional issues within this document.

## **2.4 Petone West Geotechnical Sections**

The Petone West study area comprises three separate Sections, based on the consideration of the geological setting, hazards, and geotechnical considerations. The three Sections of Petone West are:

- West of the Fault Rupture Section (WFR) ;
- Fault Rupture Section; and,
- East of the Fault Rupture Section (EFR).

More detail on these issues can be found in the aforementioned GHD report.



## 2.5 Previous Recommendations

The following recommendations were made in relation to the study area to be incorporated into planning considerations. Although, most of the hazards are likely to affect more than just the study area, and it is possible that they may be considered for implementation elsewhere in Hutt City once studies have been completed to assess and quantify the level of hazards to that area.

1. That HCC closely monitor and react to the findings of the Canterbury Earthquake's Royal Commission.
2. That HCC carry out a review of the HCC adopted standards and guidelines for infrastructure and building construction etc. in light of the natural hazards review.
3. All new structures and buildings, and those that are being retrofitted to an increased standard must have comprehensive and appropriate intrusive ground investigation data. Technologies have moved forward, allowing more information to be obtained from investigations, providing the correct methods and specifications are given for collecting data. CPTs (Cone Penetrometer Testing) are one of the most appropriate methods for obtaining the most comprehensive data for liquefaction analysis. However, there are other methods that may be appropriate for different sites depending on what data is required (and what is already known). It is generally accepted that intrusive investigations for liquefaction analysis should extend to 20-25m below ground level. The investigations must be scoped by qualified and experienced geotechnical professionals. The same is true of the analysis of the results. However, problems with intrusive investigations are posed by the existing Resource Consent restrictions imposed when drilling above the Waiwhetu artesian aquifer. It is proposed that work is carried out in conjunction with Greater Wellington Regional Council to generate a standard methodology to allow the medium to deep intrusive tests, whilst protecting the Waiwhetu artesian aquifer.
4. That a specialist should be engaged to better constrain the location of the Wellington Fault to allow refinement of the Wellington Fault Section / Wellington Fault Special Study Area. This is likely to result in a narrower corridor of Petone West being located within the Wellington Fault Section and therefore subject to the more stringent restrictions. The fault can be better constrained by a number of methods including trenching, seismic profiling, gravity measurements, and ground penetrating radar (GPR).
5. The current demarcation of the WFSSA requires refinement in that part of it appears to follow lot boundaries rather than the approximately location of the Wellington Fault.
6. That the conditions of the WFSSA continue to be applied with only structures that be constructed are not for habitation or working purposes and those structures be lightweight with appropriately designed piled foundations to be constructed within the fault avoidance zone. No construction within WFSSA or Fault Rupture Zone to be building importance levels 3-5 (inclusive).
7. The implementation of a ground engineering register, so that technical or peer review of geotechnical investigations, assessments, analysis, and design inputs are carried out by pre-approved companies with geotechnical professionals who are recognised by Hutt City Council to be qualified to review geotechnical works.





8. Above and beyond the ground engineering register, a register of Chartered Professional Engineers (CPEng) Engineers or Chartered Geologists who are recognised by their peers as experts in the geotechnical / engineering geology field should be established, as a register of “Geotechnical Gurus”. These professionals can be sought to review the most complex or geotechnically challenging of situations / designs – such as large heavy buildings or structures and multistorey buildings to assess whether the appropriate geotechnical factors have been taken in to account and if so used appropriately given the geological setting and geotechnical complexities of the study area.
9. Whilst the New Zealand Building Code (NZBC) and other standards and codes such as NZS3604 call for “good ground” it is considered that this still remains somewhat discretionary in some respects. Frequently the client decided they will accept a lower level of confidence in the ground conditions to avoid outlaying costs on geotechnical investigation and analysis. Ultimately this may results in a building not performing as expected or underperforming in a natural hazard event. Considering this and recent events within New Zealand we would recommend a review of local building consent processing requirements. One possible outcome could be that intrusive investigations to a minimum of 10m be carried out for all small lightweight (residential) timber structures with a minimum of 2 tests per structure (i.e. per 200m<sup>2</sup> area) to allow for appropriate assessment of the ground conditions for the site specific foundation design process. Consistent assessment at the building consent stage is also recommended.

## 2.6 Building Importance Categories

Building Importance Categories (BIC) state the relative importance of assessing the suitability of a building within, or proposed for, a fault avoidance zone, and apply to the Fault Rupture Section of the GHD natural hazards review.

The categories are based on risk levels for building collapse according to the building type, use and occupancy. Category one is the least important; category four is most important.

Councils can use Building Importance Categories to make decisions about resource consents (section 11 of this document), and to require conditions on buildings within fault avoidance zones.

The four Building Importance Categories, and one sub-category, are presented in Table 1 and have been extracted from the Ministry for the Environment Planning for Development of Land on or Close to Active Faults document prepared by GNS Science Ltd:

**Table 1 – Building Importance Categories**

Building Importance Category (BIC)	Description	Examples
1	Structures presenting a low degree of hazard to life or property	Structure with a total floor area less than thirty square metres. Farm buildings, Isolated structures, Towers in rural situations. Fences, Walls, In-ground swimming pools.
2a	Residential construction	timber-framed Timber-framed single-storey buildings.



Building Importance Category (BIC)	Description	Examples
2b	Normal structures and structures not in other categories	<p>Timber framed houses with a floor area of more than 300 square metres.</p> <p>houses outside the scope of <i>NZS: 3604 Timber Framed Buildings</i>.</p> <p>multi-occupancy residential, commercial (including shops), industrial, office and retailing buildings designed to accommodate less than 5000 people and also those less than 10,000 square metres gross area.</p> <p>public assembly buildings, theatres or cinemas with a floor space of less than 1000 square metres.</p> <p>car parking buildings.</p>
3	Structures that, as a whole, may contain people in crowds or have contents of high value to the community, or pose a risk to large numbers of people in close proximity.	<p>Emergency medical and other emergency facilities not designated as post-disaster facilities.</p> <p>Buildings where more than 300 people can congregate in one area</p> <p>Buildings and facilities with primary school, secondary school or day care facilities with a capacity greater than 250 people.</p> <p>Buildings and facilities with greater than 500 for colleges or adult education facilities.</p> <p>Health care facilities with a capacity of 50 or more residents but not having surgery or emergency treatments facilities.</p> <p>Airport terminals, principal railway stations, or other transport terminals with a capacity greater than 250 people.</p> <p>Any occupancy with a capacity greater than 500 people.</p> <p>Power generation facilities, water treatment and waste treatment facilities and other public utilities not included in Importance Category 4.</p> <p>Buildings and facilities not included in Importance Category 4, containing hazardous materials capable of causing a hazard or hazardous conditions that do not extend beyond the boundaries of the property on which they are located.</p>
4	Structures with special post-disaster functions	<p>Buildings and facilities designated as essential facilities.</p> <p>Buildings and facilities with special post-disaster functions.</p> <p>Medical emergency or surgical facilities.</p> <p>Emergency service facilities such as fire stations, police stations and emergency service vehicle garages.</p> <p>Utilities required as backup for buildings and facilities of Importance Category 4.</p> <p>Designated emergency shelters, emergency centres and ancillary facilities.</p> <p>Buildings and facilities containing hazardous materials capable of causing a hazard, or hazardous conditions, beyond the site on which they are located.</p>



### 3 Public Submissions

#### 3.1 Natural Hazards Included in Submissions

A number of the public submissions include comments on or about various natural hazards and geological conditions. The following hazards / conditions are commented upon or information presented:

- Tsunami;
- Flooding;
- Fault rupture;
- Sea level rise / climate change;
- Liquefaction;
- Ground conditions; and,
- Hutt aquifer.

More detail is presented below:

- The proposed plan changes allow construction of 30m buildings and intensification in an area that is subject to a large range of natural hazards (liquefaction, fault rupture, tsunami, flooding, and sea level rise) and poor ground conditions (“swampy”);
- Concerns were raised regarding foundations of tall buildings with the aquifer being shallow. In particular the difficulties of constructing the foundations and protecting the aquifer;
- Flooding and destructive powers of a tsunami. The area is potentially subject to 1m to 2m tsunami that could arrive (depending on source area) within 20-30 minutes of an earthquake. Suggestions have been made for evacuation methods – i.e., vertical evacuation, structural design and construction methods for buildings to withstand the destructive, debris laden, tsunami flows;
- That Petone West has a high liquefaction potential, and the consequences of liquefaction on the local infrastructure and the built environment and have been highlighted, along with the consenting problems for deep piled foundations that would be required for tall buildings;
- Climate change / sea level rise– see Section 3.2;
- Flooding– see Section 3.3;
- The apparently lack of cost analysis for the proposed plan change, i.e. the assessment of the potential costs arising from damage after an event, the potential issues with obtaining insurance on hazard prone land, the potential costs of future proofing infrastructure to allow post-event function; and,
- Problems of the existing plan wording that creates loopholes that can result in an increased risk from natural hazards.

Tsunami, fault rupture and liquefaction were addressed in the GHD natural hazards review (along with other natural hazards). The Hutt aquifer is not a natural hazard; however it was mentioned in the aforementioned report with regards to resource consent conditions for intrusive geotechnical investigation and deep foundations. “Swamp” was referred to in one of the submissions as one of the poor ground conditions in the Petone West area. Soft ground, subsidence and settlement (i.e. geotechnical issues that can occur in “swampy” ground”) were discussed in the GHD natural hazards review.



### **3.2 Sea Level Rise / Climate Change**

Sea level rise (and relative sea level rise) was excluded from the scope of the GHD natural hazards review.

The following is a summary of the information contained in GNS Science (GNS) and Greater Wellington Regional Council's (GWRC) submissions.

GWRC released a report (Bell R.G, and Hannah J. 2012, Sea-level variability and trends: Wellington Region, Hamilton: NIWA) that assessed sea-level rise and coastal flooding from storm events in the Wellington region (both GWRC submission and GNS Science reference this paper). The study was based on 110 year analysis of the tide gauge records from around NZ including Wellington and Porirua Harbours and long term analysis of coastal storm events. The analysis shows that during storm events sea levels can become elevated by up to 0.5 m for periods of 1-3 days.

GPS records show that since 2000 Wellington City has been subsiding on an average of 1.7 mm/yr due to recent slow slip events. Records from the last 6 years show the subsidence varies across the region with 1 mm/yr on the Kapiti coast to 2-3 mm/yr along the Wairarapa coast. The subsidence is a result of slow seismic slip related to the plate boundary.

Wellington has the highest rate of sea level rise of all the main centres in New Zealand at 2.03 mm/yr.

Predications are that in the Wellington region sea-level could rise by 0.8 m by the 2090's or 1.0 m by 2115.

At the coast, as sea levels rise, it allows waves to reach higher up the beach during storm conditions and high spring tides. This means that beaches around the Harbour will become more vulnerable to erosion and inundations inland.

In line with Ministry for Environment guidance "Coastal Hazards and Climate Change – A Guidance Manual for Local Government in New Zealand" June 2008, development should allow for 0.8m sea level rise by 2090.

### **3.3 Flooding**

Flooding (not related to tsunami) was excluded from the scope of the GHD natural hazards review.

The following is a summary of the information contained in GNS and GWRC's submissions.

GWRC describes historically documented flooding in the Petone West area as a result of runoff from the Western Hills in the Korokoro Stream. It is recorded that the plan change area was extensively flooded in the December 1976 storm event. GWRC has submitted a photograph of the event and a report entitled "Report on storm of December 20 1976, Wellington Regional Board".

The report documents the flooding along Cornish Street to Odlins Timber Yard between The Esplanade and the Hutt Road, part of the proposed plan change area. Photographs showing the flooding are attached to this letter (Figures 2 and 3). GRWC also presents that flooding in the proposal plan change area can also result from flooding associated with the Hutt River,



as part of the area within the proposed plan change is subject to a residual flood risk from the Hutt River corridor in the case of over design flood events, and from local storm water, and the effects of climate change.

Sea level rise will reduce drainage gradients and elevate the groundwater table near to the coast. This slows drainage of rainwater through the ground during storm events and causes prolonged periods of stormwater ponding. These problems will be exacerbated as stormwater drainage networks become less efficient when elevated sea levels block the outfalls. A similar effect occurs at river and stream mouths. During coastal storm events and at high tide, floodwaters back upstream and impeded drainage during flood flows. This effect will be exacerbated by sea level rise and will become an issue for both the Hutt River and the Korokoro stream.

At the coast, as sea level rises, it allows waves to reach higher up the beach during storm conditions and high spring tides, meaning that beaches around the Harbour will become more vulnerable to erosion and inundations.

#### **4 GHD Comments on the Public Submissions**

As a general summary, the submissions were concerned that the proposed plan change would allow tall buildings (up to 30m in height) and high site coverage of land (to 100%) in an area of poor ground that is close to sea level and highly exposed to a range of natural hazards. In such an environment, new buildings and their infrastructure need to be designed and constructed to an exceptionally high standard of earthquake and inundation resilience.

The GNS' and GWRC's sources of information and data (that are quoted in their submissions) are the best available, robust, and the information and technical data within their submissions can be and should be, taken into consideration without further peer review.

However, it should be noted that with regards to the flooding of Korokoro Stream, anecdotal evidence suggests that measures such as debris fences have been placed in the Korokoro Stream to prevent debris blocking the culverts. Where the Korokoro Stream is culverted there is a combination of ownership between, New Zealand Transport Agency (NZTA), HCC and private companies/people. GWRC also state that they do not have specific flood modelling which can give flood extents and flood depths for the proposed plan change area.

With regards to protecting buildings in flooding events, recommendations for freeboard for floor heights are provided in the Regional Standard for Water Services (Nov 2012) by Capacity Infrastructure Services.

It is considered that no new information has come to light from the submissions that should be included in the plan change that has not already been covered in the GHD natural hazards review report, other than those of sea level rise and flooding already covered in this letter.



## 5 Revised Recommendations

The following revisions are made as *edits* to the previously made recommendations or in addition to the previously made recommendations. Those recommendations *edited* have the same recommendation number as it was assigned in the GHD natural hazards review report. Additional recommendations have *new numbers*. The recommendations have been revised and edited in light of some information contained in the submissions, the contents of the proposed plan change, to make clearer the recommendations, and in light of the recommendations contained in the Canterbury Earthquake's Royal Commission.

The recommendations are made in relation to the study area to be incorporated into planning considerations. Although, most of the hazards are likely to affect more than just the study area, and it is possible that they may be considered for implementation elsewhere in Hutt City once studies have been completed to assess and quantify the level of hazards to that area.

1. That HCC closely react *to and incorporate* the findings of the Canterbury Earthquake's Royal Commission. (Should apply at Resource Consent and Building Consent stage). The Canterbury Earthquake's Royal Commission's Final Report is now available for review. Its recommendations, in particular those relating to geotechnical issues, ground improvement, and foundation design (as these are relevant to this letter's subject matter), in our opinion, should be followed, considering the geological and geotechnical similarities of Petone West and Christchurch.
2. That HCC carry out a review of the HCC adopted standards and guidelines for infrastructure and building construction etc. in light of the natural hazards review *and public submissions*. (Should apply at Resource Consent and Building Consent stage)
3. All new structures and buildings, and those that are being retrofitted to an increased standard must have comprehensive and appropriate intrusive ground investigation data. Technologies have moved forward, allowing more information to be obtained from investigations, providing the correct methods and specifications are given for collecting data. CPTs (Cone Penetrometer Testing) are one of the most appropriate methods for obtaining the most comprehensive data for liquefaction analysis. However, there are other methods that may be appropriate for different sites depending on what data is required (and what is already known). It is generally accepted that intrusive investigations for liquefaction analysis should extend to 20-25m below ground level. The investigations must be scoped by qualified and experienced geotechnical professionals. The same is true of the analysis of the results. However, problems with intrusive investigations are posed by the existing Resource Consent restrictions imposed when drilling above the Waiwhetu artesian aquifer. It is proposed that work is carried out in conjunction with Greater Wellington Regional Council to generate a standard methodology to allow the medium to deep intrusive tests, whilst protecting the Waiwhetu artesian aquifer. (*No change*) (Should apply at Building Consent stage but considered at Resource Consent Stage)
4. That a specialist should be engaged to better constrain the location of the Wellington Fault to allow refinement of the Wellington Fault Section / Wellington Fault Special Study Area. This is likely to result in a narrower corridor of Petone West being located within the Wellington Fault Section and therefore subject to the more stringent restrictions. The fault can be better constrained by a number



of methods including trenching, seismic profiling, gravity measurements, and ground penetrating radar (GPR). (No change)

5. The current demarcation of the WFSSA requires refinement in that part of it appears to follow lot boundaries rather than the approximate location of the Wellington Fault. (No change)
6. *That the restricted discretionary activity status continue to be applied with all structures and buildings where the whole site or a portion of the site falls within the WFSSA, and that no construction within Fault Rupture Zone to be buildings of BIC 2b-5 (inclusive). It is noted that in future when the Wellington Fault is better constrained the Fault Rupture Zone will be reduced in width.*
7. The implementation of a ground engineering register, so that technical or peer review of geotechnical investigations, assessments, analysis, and design inputs are carried out by pre-approved companies with geotechnical professionals who are recognised by Hutt City Council to be qualified to review geotechnical works. (No change) (Should apply at Resource Consent and Building Consent stage)
8. Above and beyond the ground engineering register, a register of Chartered Professional Engineers (CPEng) Engineers or *Professional Engineering* Geologists who are recognised by their peers as experts in the geotechnical / engineering geology field should be established, as a register of “Geotechnical Gurus”. These professionals can be sought to review the most complex or geotechnically challenging of situations / designs – such as large heavy buildings or structures and multistorey buildings to assess whether the appropriate geotechnical factors have been taken in to account and if so used appropriately given the geological setting and geotechnical complexities of the study area. (Should apply at Resource Consent and Building Consent stage)
9. *All new buildings and structures should have a completed geotechnical and hazard desk study that consider natural hazards on a more global sense (i.e. greater than Lot specific) and site specific geotechnical intrusive investigation. Such investigations may be* ~~Whilst the New Zealand Building Code (NZBC) and other standards and codes such as NZS3604 call for “good ground” it is considered that this still remains somewhat discretionary in some respects. Frequently the client decided they will accept a lower level of confidence in the ground conditions to avoid outlaying costs on geotechnical investigation and analysis. Ultimately this may results in a building not performing as expected or underperforming in a natural hazard event. Considering this and recent events within New Zealand we would recommend a review of local building consent processing requirements. One possible outcome could be that~~ intrusive investigations to a minimum of 10m, and should be carried out for all small lightweight (residential) timber structures with a minimum or 2 tests per structure (i.e. per 200m<sup>2</sup> area) to allow for appropriate assessment of the ground conditions for the site specific foundation design process. ~~Consistent assessment at the building consent stage is also recommended.~~ (Should apply at Resource Consent and Building Consent stage)
10. *That Section 14H Natural Hazards of the District Plan be revised to reflect the current level of knowledge natural hazards that have the potential to affect Hutt City.*
11. *With regards to Chapter 14H – Natural Hazards, of the District Plan, the part sentence “or that necessary engineering precautions have been taken” be removed from clause 14H 2.1.1 (i). This part of the clause creates a loophole or that the “necessary engineering precautions” are better defined.*



## 6 Conclusions

In summary the submitters were concerned that the proposed plan change would allow tall buildings (up to 30m in height) and high site coverage (up to 100%) in an area of poor ground that is close to sea level and highly exposed to a range of natural hazards:

- fault rupture (with associated displacement);
- ground shaking;
- global subsidence (to the east of the Wellington Fault);
- global uplift;
- liquefaction;
- tsunami;
- poor ground conditions;
- flooding; and,
- sea level rise / climate change.

In an area of poor ground that is close to sea level and highly exposed to a range of natural hazards such as the study area (the area affected by the proposed plan change 29), all new buildings and their associated infrastructure need to be designed and constructed to an exceptionally high standard of earthquake and inundation resilience. Specifically this would require the peer review of compliance considering relevant standards by a member of the aforementioned geotechnical gurus (see recommendation no. 8).

Standards and guidelines that are in place for hazards such as flooding need to be adhered to.

Some of the natural hazards highlighted can be designed against but others reasonably cannot and require planning measure to reduce avoid or reduced the risk to people and their property.

The information and data presented in GNS and GWRC's submission regarding sea level rise / climate change have been summarised here and are the best available, robust, and the information and technical data within their submissions can be and should be, taken into consideration for any revisions of the proposed plan change, along with the recommendations in this document.

## 7 Scope and Limitations

This report presents the results of a geotechnical appraisal prepared for the purpose of this commission. The data and advice provided herein relate only to the project and structures described herein and must be reviewed by a competent geotechnical engineer before being used for any other purpose.

GHD accepts no responsibility for other use of the data.

An understanding of the geotechnical site conditions depends on the integration of many pieces of information, some regional, some site specific, some structure specific and some experienced based. Hence this report should not be altered, amended or abbreviated, issued in part and issued incomplete in any way without prior checking and approval by GHD. GHD accepts no responsibility for any circumstances, which arise from the issue of the report, which have been modified in any way as outlined above.





Please do not hesitate to contact the undersigned with any queries or if you require any additional information.

Yours sincerely  
GHD Limited

A handwritten signature in blue ink, appearing to be 'BC', with a long, sweeping horizontal line extending to the right.

**Beverley Curley**

Senior Engineering Geologist & Job Manager  
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A handwritten signature in blue ink, appearing to be 'D Beetham', with a long, sweeping horizontal line extending to the right.

**Dick Beetham**

Principal Geotechnical Engineer  
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A handwritten signature in blue ink, appearing to be 'BS', with a long, sweeping horizontal line extending to the right.

**Bruce Simms**

Principal Engineering Geologist  
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#### **Attachments**

Figure 1 – Flooding December 1976 at Odmins Timber Yard

Figure 2 – Flooding December 1976 – Debris removal at railway overbridge, Petone

**Figure 1** – Flooding December 1976 at Odlins Timber Yard, Petone



<http://www.fclarchives.co.nz/detail.php?id=28813>

**Figure 2** – Flooding December 1976 – Debris removal at railway overbridge, Petone



<http://mp.natlib.govt.nz/detail/?id=45918&l=en>

**APPENDIX 8: TIM KELLY TRANSPORTATION PLANNING – PROPOSED ZONING CHANGE TO THE WESTERN END OF PETONE – PETONE MIXED USE (PLAN CHANGE 29)  
REVIEW OF TRANSPORTATION ISSUES**

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# Proposed Zoning Change to the Western end of Petone – Petone Mixed Use (Plan Change 29) Review of Transportation Issues

prepared by: **Tim Kelly Transportation Planning Ltd**

for: **Hutt City Council**

**March 2013**

Reference: *hcc pc29 transportation review v2 mar13.docx*



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## 1 Background & Scope

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### 1.1 Background

Hutt City Council (HCC) has developed Plan Change 29 (PC29) with the intent of allowing a greater range of activities in the western part of Petone. A need for change was identified by the Petone Vision Statement.

PC29 was notified in June 2012 and attracted a large number of submissions by the closing date in August 2012. An opportunity was provided for further submissions, with a closing date in November 2012.

Many of the submissions raise substantive issues relating to traffic, parking and transportation matters. A hearing is currently programmed for April 2013.

### 1.2 Scope

This document provides a high-level review of the transportation issues associated with PC29. This has been informed by a review of the plan change material, submissions and meetings with HCC officers and the New Zealand Transport Agency (NZTA).

## 2 Existing Issues & Problems

This section summarises the existing situation as the 'baseline' against which the potential effects associated with PC29 are assessed.

### 2.1 Location

The extent of the area potentially affected by PC29 is shown by **Figures 2.1** (district plan map) and **2.2** (aerial view).

The area is bordered by Hutt Road, Petone Avenue, Campbell Terrace, Victoria Street, Sydney Street and The Esplanade.

### 2.2 Activities

The existing General Business Activity Area (GBAA) within the PC29 area is primarily occupied by a significant number of light industrial / trades activities on small sites. These are supplemented by a few larger activities (such as the New Zealand Post mail centre), offices, storage facilities, a fuel station (Z Energy), motor lodge and food supply / cafe (La Bella Italia).

Within the existing Petone Commercial Activity Area-2 (PCAA2), activities are dominated by large format retail outlets such as Pak 'n Save, The Warehouse and Briscoes on the southern side of Jackson Street. A Countdown supermarket is currently under construction on the northern side of Jackson Street.

### 2.3 Transportation Infrastructure

#### Road Network

In general, the area has a high level of accessibility to the local and strategic road network.

The Esplanade is classified as a Major District Distributor road in the roading hierarchy defined by the City of Lower Hutt District Plan (CLHDP). The Esplanade typically carries 18,000 – 27,000 vehicles/day (depending on section and day of week) of which a high proportion are heavy vehicles. This classification, level of vehicular activity and the high proportion of heavy vehicles emphasises the importance of this route as a connection between the state highway network and the industrial / commercial area at Seaview to the east.

Hutt Road is classified as a Minor District Distributor Road and typically carries 15,000 vehicles/day (between the Jackson Street and Esplanade intersections).

These two routes intersect at a roundabout at the western extremity of the PC29 area, which provides access to and from State Highway 2 (SH2). Congestion is common in this area, especially during morning and evening commuter periods, with southbound queues of vehicles on Hutt Road often extending back to the Jackson Street intersection and beyond.

Although not within the PC29 area, SH2 lies a short distance to the north and parallel to the Hutt Road. In 2011, the section of SH2 immediately to the north-east of the Petone ramps

carried 39,100 vehicles/day, increasing to 66,100 vehicles/day to the north-east of the Ngauranga interchange. The percentage of heavy vehicles carried by SH2 is 6-7%.<sup>1</sup>

Surprisingly, Jackson Street is not specifically classified in the district roading hierarchy and hence by default has the status of an Access Road. This is despite the road typically carrying 11,000 – 12,000 vehicles/day and providing access to a wide range of commercial and retail activities.

Other streets within the PC29 area are characterised by a high density of adjacent commercial and industrial activities. These streets typically provide 7-8m wide carriageways within 12-13m wide road reserves. Although usually incorporating two footpaths, these have frequent vehicle crossings and are commonly obstructed by parked vehicles.

The NZTA has recently commissioned investigations into a Petone-to-Grenada (P2G) link road which it is expected will terminate at its eastern end at a new intersection with the Petone over-bridges. The NZTA anticipates that this project will open to traffic between 2020 and 2024. In addition to providing a more direct route between the State Highway 1 and 2 corridors for general traffic (with consequent traffic relief to existing sections of these roads), such a road would also create an opportunity for direct bus services between the Porirua / northern Wellington and Hutt Valley areas.

Investigations are also being undertaken into a Cross-Valley link road to provide more efficient connectivity between the Seaview/Gracefield area and SH2.

Both of these projects have a potential to significantly influence the levels and patterns of transportation demand in this area.

## 2.4 Public Transportation

The area is well served by public transportation, with the Petone railway station adjacent to the Hutt Road and a high density of bus services, primarily along Jackson Street.

As a result, the area is easily accessed from Wellington, Hutt city centre and Upper Hutt.

## 2.5 Walking & Cycling

As an urban area, most of the roads in the PC29 area have footpaths to both sides, although as noted above, on some of the smaller streets these are frequently blocked by parked vehicles. Pedestrian crossing facilities provide for access across the main routes and to facilities such as the railway station and beach / foreshore reserve.

There are no specific on-road cycle facilities in this area and cyclists are generally required to share road-space with general traffic. However, I understand that cycle lanes are proposed along sections of The Esplanade.

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<sup>1</sup> Source: NZTA counts for 2011.



## 2.6 Existing District Plan Controls

### Activity Status

**Table 3.1** summarises the existing status of activities within the PC29 area.

The GBAA accommodates a mix of primarily industrial and commercial activities. Retailing is carefully managed through its discretionary activity status to ensure that it is not of a type which would compete with established retail areas. Residential activity is also controlled with discretionary activity status to ensure that this is ancillary to the industrial and commercial activities within the area.

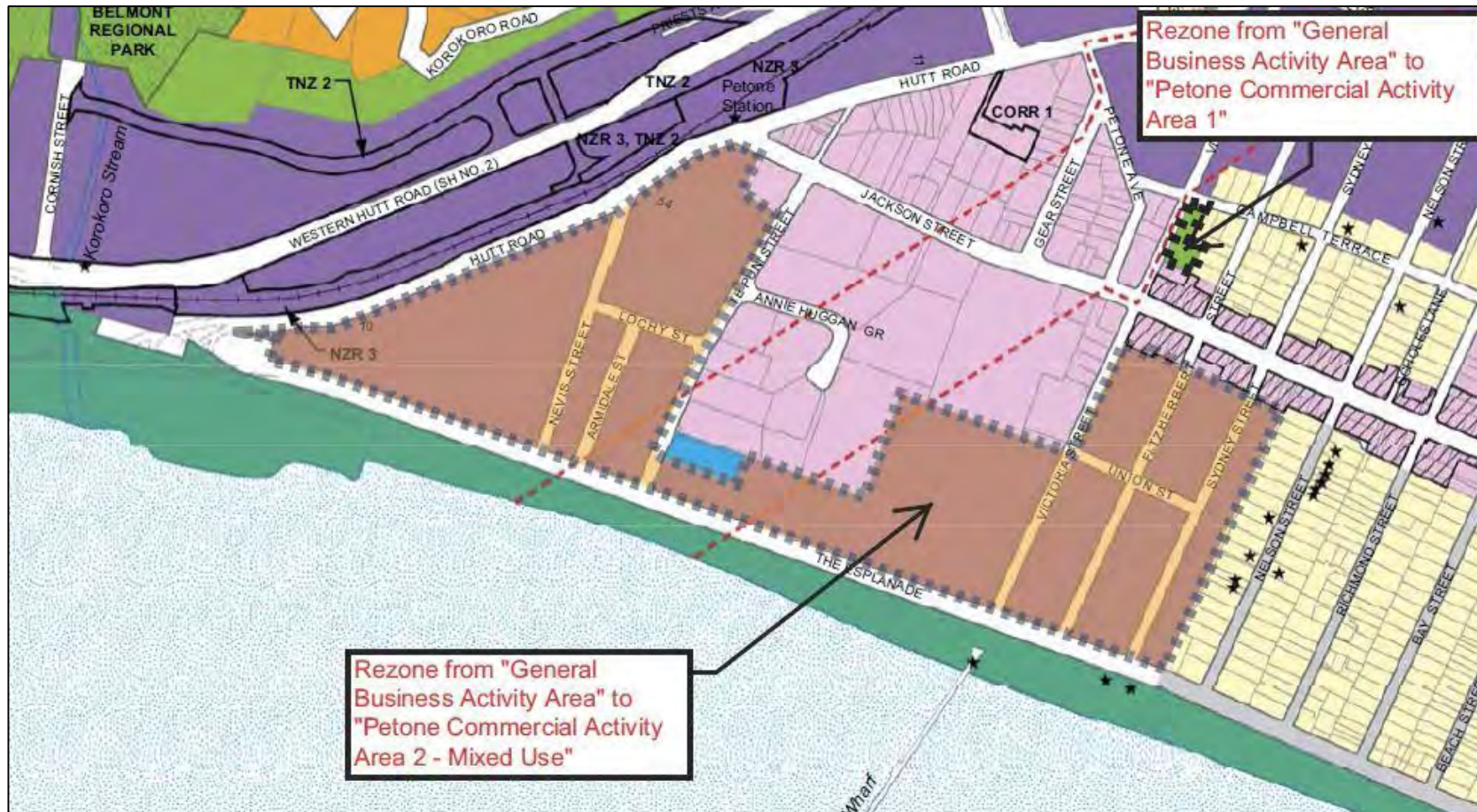
The PCAA2 focuses upon vehicle-orientated retailing and other larger scale activities. Small retail activities (under 500m<sup>2</sup> GFA) are restricted on the basis that these would compete with established shops in Jackson Street. Larger retail activities (over 3,000m<sup>2</sup> GFA) trigger restricted discretionary activity status, with a requirement to consider effects upon the operation of the transportation network, such as traffic generation, parking provision, public transport accessibility and walking / cycling facilities. All types of residential and industrial activities are non-complying.

### Parking Requirements

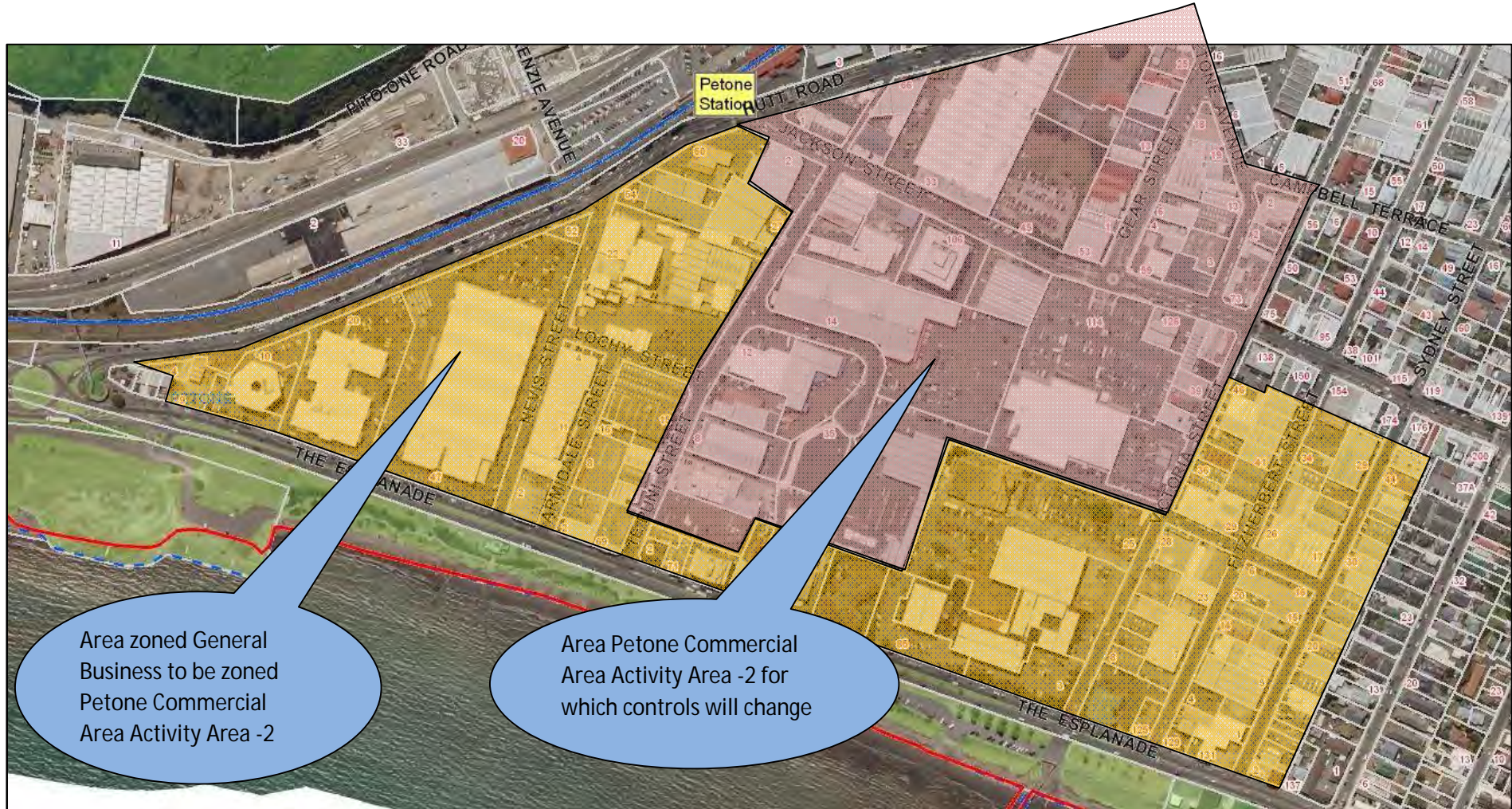
**Table 3.2** summarises the existing parking requirements for permitted activities within the PC29 area.

For the GBAA, the district-wide parking requirements (defined at Appendix Transport 3 of the district plan) are applicable. However the district plan recognises that many of the sites are small and unable to provide adequate provision for parking and hence any activities unable to meet the district-wide parking requirements have controlled activity status. General retail activities are required to provide a minimum of 5 spaces/100m<sup>2</sup> GFA, and industrial activities the greater of one space per staff member or 1 space/100m<sup>2</sup> GFA. Residential activities are required to provide 1 space/dwelling (existing) or 2 spaces/dwelling (new).

A tiered parking requirement is applicable to retail and commercial activities in the PCAA2, with greater parking requirements per unit floor area for larger developments. Although this is potentially counter-intuitive (in that larger developments usually require a lower rate of parking provision) this is understood to have worked reasonably well to date. This is in the context of a large number of small sites which are unable to provide sufficient off-street parking (for which some areas of pooled parking have been established) and a risk of a significant adverse effect if a larger development were to under-provide parking.



**Figure 2.1: Proposed Plan Change Area**  
(Source: Proposed Plan Change 29 Documentation, Hutt City Council)



**Figure 2.2: Proposed Plan Change Area (Aerial)**  
(Source: HCC MapViewer. Boundaries shown are approximate.)

### 3 Plan Change 29 Proposal

This section summarises the key changes proposed by PC29 of relevance to the operation of the transportation network.

#### 3.1 Objectives

The general objectives of PC29 are to transform the area into a mixed-use environment, providing for a greater range of activities including residential, visitor accommodation and retail. The resulting population and employment growth is expected to lead to a general improvement in the longer term vitality of the area.

#### 3.2 Re-Zoning

The principal components of PC29 are:

- a) re-zoning of land currently zoned GBAA and incorporation into an enlarged PCAA2 zone;
- b) changes to the rules applicable to the PCAA2 zone; and
- c) re-zoning of three properties on the eastern side of Victoria Street and south of Campbell Terrace from GBAA to Petone Commercial Activity Area – Area 1.

Component (c) will have minimal implications for the operation of the transportation network and is not considered further by this assessment.

#### 3.3 Changes of Relevance to Transportation Issues

##### Retail Activity

Retail activity would be permitted throughout the entire area up to a maximum of 10,000m<sup>2</sup> GFA for an 'integrated retail development' and with no limit for independent retail outlets. All retail activity would be subject to compliance with permitted activity conditions.

An 'integrated retail development' is defined as either a single retail outlet or a collection of retail activities that are developed and operate as a coherent entity, for example sharing servicing/loading facilities, vehicular/pedestrian access, parking or public spaces. Trade supply, wholesaling, yard-based or building improvement retail activities are excluded.

Retail development above the 10,000m<sup>2</sup> GFA threshold would be a discretionary activity, with assessment criteria requiring a review of effects upon the transportation network.

All retail activity would be subject to the existing tiered parking requirements applicable to the PCAA2 zone.

##### Residential Activity

PC29 seeks to encourage residential development in the area, particularly in close proximity to the rail and bus networks.

The uptake of public transportation is to be encouraged by a reduced minimum parking requirement of one space per two dwelling units (compared to the existing residential requirements of 1 space/existing dwelling or 2 spaces/new dwelling). This parking standard is consistent with that currently applied in the Inner Central Area Parking District, but less than that applied in the Outer Central Area Parking District (1 space / unit).

### Commercial Activity

Commercial activity has the same permitted activity status as the GBAA and PCAA2 zones (although a minimum threshold of 500m<sup>2</sup> for a permitted activity in the PCAA2 zone is removed).

The current parking requirement adopted in the GBAA zone is for 2 spaces/100m<sup>2</sup> GFA for offices with an additional 8 spaces/100m<sup>2</sup> GFA for public space in financial institutions. In the PCAA2 the current requirement is the same tiered structure applicable to retail activities.

This means that smaller commercial activities in the PCAA2 (<1,500m<sup>2</sup> GFA) will have an increased requirement whilst larger commercial activities (>3,000m<sup>2</sup> GFA) will have a reduced requirement.

### Industrial Activity

Industrial activities will have discretionary status in the PC29 area (currently permitted in the GBAA zone and non-complying in the PCAA2 zone). The only relevant assessment criteria relate to the degree of compliance or non-compliance with any relevant permitted or restricted discretionary activity conditions.

Smaller (service or cottage) industrial activities will have permitted activity status.

### Warehousing

Warehousing retains its permitted activity status in the proposed zone. The requirement for the provision of a minimum of 1.5 parking spaces / staff member is retained.

### Service Stations

Service stations are currently permitted activities in both the GBAA and PCAA2 zones, except for sites with a frontage to The Esplanade (non-complying), SH2 (restricted discretionary) and the Hutt Road (restricted discretionary). PC29 will give service stations permitted activity status, except on sites having a frontage to The Esplanade, Hutt Road or Jackson Street, which will have discretionary activity status.

Activity	Existing		Proposed (as notified)
	General Business	Petone Commercial Area 2	
Retail	D	500 – 3,000m <sup>2</sup> P < 500m <sup>2</sup> Non-conforming use > 3,000m <sup>2</sup> RD (assessment criteria include effects on transport network)	P except integrated retail developments >10,000m <sup>2</sup> D integrated retail developments >10,000m <sup>2</sup> (assessment criteria includes effects on traffic and transport network) D car sales yards
Commercial <sup>2</sup>	P	<500m <sup>2</sup> D > 500m <sup>2</sup> P	P
Residential	D	NC	P (except ground floor on Jackson St - D)
Commercial Garages <sup>3</sup>	P (unless abutting residential, in which case RD)	NC	P
Licensed Premises	P	NC	P
Places of Assembly	P	NC	P
Visitor Accommodation <sup>4</sup>	D (except in Esplanade West area)	NC	P
Service Industry <sup>5</sup>	P	NC	P
Cottage Industry <sup>6</sup>	P	NC	P
Industrial	P	NC	D
Service Stations	P (except for sites with frontage to the Esplanade which are NC and sites with frontage to SH2 and the Hutt Rd which are RD)	P	P (except on sites with road frontage to The Esplanade, Hutt Road or Jackson St - D)
Warehouses	P	P	P
Garden Centres	P	P	P
P = permitted, C = controlled, RD = restricted discretionary, D = discretionary, NC = non-complying			

**TABLE 3.1: Existing & Proposed Activity Status**

<sup>2</sup> office, financial, business services, theatre, cinema, video, showrooms, parking buildings, vets etc (excludes retail, service stations, sales yards, etc)

<sup>3</sup> vehicle storage, vehicle repairs, panel beating etc

<sup>4</sup> includes motels, tourist houses, backpackers, hostels (but excludes campgrounds, motor camps)

<sup>5</sup> small scale activities serving local needs

<sup>6</sup> production of light goods ... using hand tools or machinery of a light nature and includes the sale of goods produced on the premises but not the sale of any other goods

Activity	Existing		Proposed (as notified)
	General Business	Petone Commercial Area 2	
Retail	<ul style="list-style-type: none"> <li>• general retail: 5/100m<sup>2</sup></li> <li>• drive-through: greater of 1/service booth, 5/100m<sup>2</sup>, 1/staff</li> <li>• garden centre: 5/100m<sup>2</sup> public area</li> <li>• vehicle sales: greater of 3/100m<sup>2</sup> or 1/100m<sup>2</sup> site area</li> <li>• restaurants etc: greater of 0.2/occupant/seats or 5/100m<sup>2</sup></li> <li>• auctions: greater of 0.2/occupant/seats or 5/100m<sup>2</sup></li> <li>• trading warehouse: 3/100m<sup>2</sup></li> </ul>	<ul style="list-style-type: none"> <li>• &lt;500m<sup>2</sup>: none</li> <li>• 500 – 1,500m<sup>2</sup>: 1 space/100m<sup>2</sup></li> <li>• 1,500 – 3,000m<sup>2</sup>: 2 spaces/100m<sup>2</sup></li> <li>• 3,000 – 5,000m<sup>2</sup>: 3 spaces/100m<sup>2</sup></li> <li>• &gt;5,000m<sup>2</sup>: 5 spaces/100m<sup>2</sup></li> </ul>	<ul style="list-style-type: none"> <li>• &lt;500m<sup>2</sup>: none</li> <li>• 500 – 1,500m<sup>2</sup>: 1 space/100m<sup>2</sup></li> <li>• 1,500 – 3,000m<sup>2</sup>: 2 spaces/100m<sup>2</sup></li> <li>• 3,000 – 5,000m<sup>2</sup>: 3 spaces/100m<sup>2</sup></li> <li>• &gt;5,000m<sup>2</sup>: 5 spaces/100m<sup>2</sup></li> </ul>
Commercial	<ul style="list-style-type: none"> <li>• offices: 2/100m<sup>2</sup></li> <li>• financial: 8/100m<sup>2</sup> public space + 2/100m<sup>2</sup> other GFA</li> </ul>	<ul style="list-style-type: none"> <li>• as for retail above</li> </ul>	<ul style="list-style-type: none"> <li>• as existing for general business</li> </ul>
Residential	<ul style="list-style-type: none"> <li>• existing single unit: 1/dwelling</li> <li>• new single unit: 2/dwelling</li> </ul>		<ul style="list-style-type: none"> <li>• 1/two residential units</li> </ul>
Commercial Garages	<ul style="list-style-type: none"> <li>• greater of 4/service bay or 2/staff</li> </ul>		<ul style="list-style-type: none"> <li>• as existing</li> </ul>
Licensed Premises	<ul style="list-style-type: none"> <li>• (as restaurant above)</li> </ul>	<ul style="list-style-type: none"> <li>• as for retail above</li> </ul>	<ul style="list-style-type: none"> <li>• as for retail above</li> </ul>
Places of Assembly	<ul style="list-style-type: none"> <li>• 0.2/spectator + 1 staff or participant</li> </ul>		<ul style="list-style-type: none"> <li>• as existing</li> </ul>
Visitor Accommodation	<ul style="list-style-type: none"> <li>• greater of 1/unit or 0.2/occupant</li> </ul>		<ul style="list-style-type: none"> <li>• as existing</li> </ul>
Service Industry	<ul style="list-style-type: none"> <li>• greater of 1/staff or 1/100m<sup>2</sup></li> </ul>		<ul style="list-style-type: none"> <li>• as existing</li> </ul>
Cottage Industry	<ul style="list-style-type: none"> <li>• greater of 1/staff or 1/100m<sup>2</sup></li> </ul>		<ul style="list-style-type: none"> <li>• as existing</li> </ul>
Industrial	<ul style="list-style-type: none"> <li>• greater of 1/staff or 1/100m<sup>2</sup></li> </ul>		<ul style="list-style-type: none"> <li>• as existing</li> </ul>
Warehouse	<ul style="list-style-type: none"> <li>• 1.5 / staff member</li> </ul>		<ul style="list-style-type: none"> <li>• as existing</li> </ul>

**TABLE 3.2: Existing & Proposed Parking Requirements**

## 4 Submissions

A large number of submissions have been on the proposals for PC29. The principal issues these raise in relation to transportation matters are summarised below. The numbers [in brackets] refer to the submission number.

### 4.1 General Matters

- [55, 122, 151, 154, 163] support for the principle of enabling high density development in an area well serviced by the rail and bus networks, as a means of reducing overall levels of transportation demand and discouraging use of the private car;
- [123] identify a contradiction between objectives / policies and rules relating to controls upon retail activity;
- [55 114, 121, 132,151, 157, 159, 163, 183, 199] state opposition to enabling an Integrated Retail Development of up to 10,000m<sup>2</sup> GFA, concern with inadequate ability to review traffic effects of larger developments;
- [163] the permissive environment would provide no opportunity to seek financial contributions towards costs of infrastructure provision;
- [151, 163] likely to be inconsistent with the Regional Policy Statement, policy 56(a);
- [151, 163] concern with potential effects upon operation of SH2 as regionally significant infrastructure;
- [151] potential traffic effects on local road network need to take account of existing pressures, including demand / growth from Seaview/Gracefield;
- [151] parking standards should reflect the likelihood of higher density developments and close proximity to the public transportation network;
- [98, 109, 123, 151, 163, 169, 176] PC29 will increase strain on The Esplanade, especially at weekends;
- [98, 152, 163] need for the potential traffic effects of PC29 to be explored;
- [101] Council needs be able to demonstrate that the current supply of car-parking within Petone will not be adversely affected by PC29; and
- [157, 208] oppose proposed residential parking requirement on the basis that apartment owners will still wish to operate a car and that there will be increased pressure upon kerbside parking provision.

### 4.2 Petone Commercial Activity Area Amendments 4 - 43

#### Amendment 4

- [55, 163, 199] policies (especially 5B 1.1.2(f)) and the supporting explanation and reasons appear to acknowledge the need to manage vehicle-orientated activities and in doing so are contradicted by allowing large retail developments without any opportunity to review effects.



Amendment 8

- [132] should encourage provision of under-ground or discretely accessed off-street parking areas. Residential dwellings should have access to off-street parking areas; and
- [163] policy should provide for a maximum parking regime to recognise the high standard of available public transportation, existing pressures on the road network and reduce reliance upon the use of the private car.

Amendment 10

- [55, 101, 121, 122, 132, 163, 199] permits retail development up to 10,000m<sup>2</sup> GFA if 'integrated' and does not set any limit for independent developments – these are high thresholds which provide no opportunity to review effects when associated levels of traffic activity may be significant. Application of the current threshold of 3,000m<sup>2</sup> GFA is suggested;
- [55] object to service stations not being a permitted activity on The Esplanade or Hutt Road. If not to be permitted, these should at least have restricted discretionary status to enable their location subject to a review of traffic effects. Concern that rules could encourage service stations to locate on local roads with impacts upon their viability; and
- [135] supports proposed changes to service stations to exclude these from gateway routes.

Amendment 19

- [122] oppose removal of restricted discretionary activity status for retail development >3,000m<sup>2</sup> and ability to review effects upon transportation network.

Amendment 21

- [163] the restricted discretionary assessment criteria should specifically require an assessment of the level and type of traffic generated.

Amendment 24

[163] require that restricted discretionary activities should be subject to at least limited notification to include the NZTA (which has an interest not only in terms of SH2 but also in terms of financially supporting local authority roading works).

#### 4.3 General Business Activity Area Amendments 44 - 54

Amendment 31

- [55, 138, 190] the proposed threshold triggering discretionary activity status for integrated retail developments is too high, should be 3,000m<sup>2</sup> GFA; and
- [199] proposed threshold should be 6,000m<sup>2</sup> GFA.

#### 4.4 Transport Rules Amendments 55 – 58

##### Amendment 56

- [122] too much focus on the provision of car parking instead of encouraging access by other modes of transport – quotes Pak 'n Save design as an example of development dominated by parking with little consideration to pedestrian accessibility.

##### Amendment 57

- [55, 190] object to proposed minimum residential parking requirement of 1 space/2 units, on basis that this will intensify existing problems of parking availability, suggest this should be 1 space per unit;
- [55] agree with a zero parking requirement for retail activities <500m<sup>2</sup> GFA;
- [55] object to proposed tiered parking requirement and suggest requirement should be that defined in Appendix Transport 3 (of a minimum of 5 parks/100m<sup>2</sup> GFA);
- [57] should focus on provision for alternative modes of transportation rather than parking provision;
- [163] should set maximum parking standards for residential activities; and
- [163] should set the maximum number of parking spaces at 70 per site or integrated retail development, with assessment criteria for sites exceeding this to include impacts of traffic on the safe and efficient operation of the road network and measures proposed to reduce vehicle movements.

## 5 Issues Identified

This section identifies and assesses the issues associated with the operation of the proposed PC29 provisions in the context of the operation of the transportation network.

### 5.1 General

Any assessment of the potential effects of PC29 upon the operation of the transportation network is complicated by a number of factors:

- with little vacant land in the area, it could be many years before changes in the pattern, intensity and types of development enabled by PC29 actually occur;
- by definition, enabling a wide variety of possible activity types means that the final mix achieved in the longer term is uncertain; and
- the baseline or existing situation in terms of the level of transportation demand generated by the area affected by PC29 is unknown.

For these reasons, it is not possible to quantify the likely incremental effects of PC29 relative to the existing volume and patterns of transportation demand associated with this area.

### 5.2 Retail Activity

*Issue: Reduced opportunity to review traffic effects*

PC29 promotes a more permissive environment with retail development enabled over a wider area and with a much increased permitted activity threshold of 10,000m<sup>2</sup> GFA applicable to 'integrated retail developments'. Whilst no limit is defined for single retail units, the likelihood of such an activity being in excess of 10,000m<sup>2</sup> GFA is low but nonetheless possible (some have been constructed in Australia, for example a 12,000m<sup>2</sup> GFA Bunnings store and a 14,800m<sup>2</sup> GFA Harvey Norman store).

This means that the quantum of retail development which could take place without an opportunity to review transportation effects would be greatly increased.

With most Large Format Retail (LFR) outlets being more than 3,000m<sup>2</sup> GFA but less than 10,000m<sup>2</sup> GFA, a number of such activities could establish without any ability to review their individual or cumulative impact upon the transportation network, unless they were part of an integrated retail development having a combined floor area of more than 10,000m<sup>2</sup> GFA.

With food-retailing already well provided for in Petone, the likelihood is that larger scale retail activity would be in the form of furniture / whiteware / electrical stores (such as Harvey Norman, Noel Leeming etc), home improvement warehouses (such as Bunnings) or motor parts (such as Supercheap, Repco). Such stores vary widely in their associated levels of traffic activity, generating 2 - 10 vehicle trips/hour per 100m<sup>2</sup> GFA in a peak period. Therefore, a typical stand-alone store of 6,000m<sup>2</sup> GFA would generate 120 - 600 vehicle movements in a peak hour.

In the context of a road network which is currently subject to peak period congestion and where key intersections are operating close to capacity, traffic generation even at the lower end of this range would justify a review of the operation of the immediate access arrangements upon adjacent streets. Higher volumes and the cumulative impacts of several such stores, would justify a more wide-ranging review of impacts upon the road network, including such aspects as intersection capacities. Importantly, such information could provide a justification for HCC requiring upgrades to the roading network (or financial contributions towards upgrade works) which are necessitated as a result of the development.

Although many larger retailers may voluntarily prepare staff travel plans, without a trigger for a consent, there would be no opportunity to require and review such plans. This would remove an opportunity to work with such retailers to not only encourage reduced car use by staff but also to ensure the physical integration of on-site pedestrian and cycle facilities with wider planning for these modes across the area.

In practice, a LFR development would be unlikely to meet the permitted activity requirement for off-street parking provision. This is because the tiered parking rules require activities over 5,000m<sup>2</sup> GFA to provide a minimum of 5 spaces/100m<sup>2</sup> GFA, a level which would be well in excess of typical parking demands associated with such non-food retail activities (2-3 spaces/100m<sup>2</sup> GFA).

As a result, this would trigger consideration as a discretionary activity under the Chapter 14A(iii) car-parking rules. The scope of any review would be focused upon the issue of off-street parking provision, which would be addressed by reference to empirical information for other stores of a similar type. The wider issues of traffic impacts associated with the activity, the need for specific financial contributions or travel plans would not be subject to review or assessment.

The possibility of an additional large food-retailing store is not totally precluded by the presence of the two main supermarket organisations in Petone. In other areas (for example, Porirua) a New World operates in close proximity to a Pak 'n Save. The rules proposed under PC29 would allow a supermarket to locate in this area as a permitted activity with the provision of at least 5 parking spaces/100m<sup>2</sup> GFA. The traffic effects would be much greater than those associated with a LFR development. For example, a 5,000 – 6,000m<sup>2</sup> GFA supermarket could be expected to generate 750 – 1,000 vehicle movements in a peak hour, with a much more significant impact upon the operation of the local and wider road network.

Issue: Insufficiency of Parking Provision

PC29 would change the activity status of small retail units (under 500m<sup>2</sup> GFA) from non-complying in the PCAA2 to permitted. At the same time, the tiered parking requirement would mean that such activities would not be required to provide any off-street parking, with low requirements for activities up to 3,000m<sup>2</sup> GFA in size.

If the eventual pattern of development is predominantly towards smaller retail units, there is a possibility that when aggregated over the area as a whole, the number of off-street parking spaces could be insufficient to meet demand, with a heavy reliance upon the use of kerbside parking. Countering this, developers might wish to provide more than the minimum parking requirement in order to avoid customers being deterred by a lack of available parking.

Nonetheless, HCC should be aware of a potential need to acquire and reserve land for the purposes of providing areas of public parking (similar to those currently provided in areas behind the eastern part of Jackson Street) to ensure the vitality of the area and avoid adverse effects arising from excessive levels of kerbside parking demand.

### 5.3 Residential Activity

#### *Issue: Parking Provision*

Areas of higher-density residential development in urban areas offer benefits associated with accessibility to public transportation, employment and retail opportunities. These factors reduce overall levels of travel demand and specifically the need to use private vehicles. Whilst this results in typically lower levels of vehicle ownership, most apartment occupants still wish to own and operate a vehicle. Accordingly, for such accommodation to be attractive, some provision needs to be made for the secure off-street parking of vehicles.

The application of the existing district plan residential parking requirement (a minimum of 2 spaces/dwelling for new units) is inappropriate in the context of such higher density development. Over recent years a number of applications for residential development in the Petone area have been granted consent for these reasons despite providing less than the required number of off-street parking spaces.<sup>7</sup>

The issue is then to what extent the achievement of this objective may be affected by the provision of off-street parking for residential developments.

Three main options are available for the applications of parking controls, a minimum requirement, a maximum requirement, or no requirement. The merits of each are examined below in the context of two development scenarios.

- a) A developer wishes to construct an apartment building having 50 units with 1 or 2 bedrooms and 10 units with 3 or 4 bedrooms. The intention is to provide 70 off-street parking spaces in a basement area, one allocated to each of the 1/2 bedroom units and two allocated to each of the 3/4 bedroom units.
  - minimum parking requirement – either 1 space per 2 units (as proposed) or 1 space/unit. This requires a minimum of 30 or 60 spaces. In both cases the minimum is exceeded and hence a requirement for a consent would not be triggered. The

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<sup>7</sup> For example: 38-40 Bay Street (7 apartments, 7 parking spaces), Cuba/Jackson Street corner (1-bedroom apartments with 1 parking space each, 2-bedroom apartments with 2 parking spaces each), 224 Jackson Street (11 apartments, 15 parking spaces).

developer is unlikely to want to provide less parking as this could make the apartments less attractive to potential purchasers who desire off-street parking. A package of kerbside parking controls (time limits / charges) may be required to deter its use by residents or their visitors. The developer is unlikely to provide a greater number of parking spaces as the costs of provision (especially where this is above ground floors or underground excavation is required) are high. Importantly, some flexibility is provided for the provision of additional spaces for larger apartments where required.

- maximum parking requirement – for example, 1 space/unit. In this case, the development would trigger a requirement for a consent, which might act as a deterrent to this type of development. The underlying issue is that the setting of a maximum requirement makes a presumption around the type of accommodation to be provided and would result in less flexibility to provide larger apartments.
  - no parking requirement – this would leave the developer free to identify and provide an appropriate level of parking to meet the needs of the development. This appears to have worked well in the Wellington Central Area, where apartment complexes have typically provided 1 space for each smaller unit with some larger units having 2 spaces. However, this needs to be reinforced with the application of a package of controls (time limits / charging) to discourage any reliance upon the use of kerbside parking.
- b) The owner of an existing ground floor retail outlet wishes to convert an upper level into three one-bedroom flats with no off-street parking available.
- minimum parking requirement – the proposal would not comply and a requirement for a consent would be triggered. This would then require an examination of the available kerbside parking in the area and the likelihood of its use.
  - maximum parking requirement – the proposal would be compliant and no consent requirement would be triggered. However if the apartment dwellers operated vehicles and sought to park these on the adjacent street, potential effects would be created upon other activities in the area.
  - no parking requirement – comments as for the maximum parking requirement apply.

This indicates that a minimum parking requirement is preferable because it provides more flexibility to allow a range of accommodation types, but triggers a consent requirement where under-provision might result in potential adverse effects upon other activities.

Across the area as a whole, the cumulative effect of a maximum parking standard could be to create some additional demand for kerbside parking, which may conflict with existing demands, unless additional areas of publicly accessible parking were made available. This also stresses the importance of a complementary package of kerbside parking controls.

It is likely that the travel behaviour of residents is more likely to be affected by the proximity and quality of public transport provision than measures to constrain the

availability of parking – which may have the unintended side effect of deterring residential development where this would be reliant upon a mixture of accommodation sizes and types.

For these reasons, the proposed minimum parking requirement of 1 space per two dwellings is supported, but should be complemented by a package of kerbside parking controls in the area to protect against a possible increase in demand for this resource.

*Issue: Traffic Generation*

Whilst residential activities have a potential to generate vehicular activity during peak periods, this is not expected to be a significant issue as the attraction of living in this area would be its close proximity to facilities (employment, retail, recreational) and public transport services.

The introduction of residential activity has a potential to increase overall levels of travel demand associated with the PC29 area. However with minimal vacant land available, residential activity would replace existing activities and their associated travel demands. Also, if the new residents previously travelled to Petone to access any of the facilities described above, then their requirements for travel may be reduced. For these reasons it is not possible to quantify the net effects upon travel demands likely to be associated with residential activity.

#### **5.4 Commercial Activity**

*Issue: Parking Provision*

The application of a fixed minimum rate of parking provision is more logical than a tiered structure which requires more spaces per unit size for larger developments.

With offices and financial institutions employing significant numbers of staff, the consequences of under-provision for parking are potentially significant and the ability to provide larger areas of public parking in Petone are limited. For this reason, the proposed minimum standard of 2 spaces/100m<sup>2</sup> GFA is reasonable.

*Issue: Potential Traffic Impact*

A larger commercial activity (which could include offices, business services or even a parking building) could be responsible for a significant number of vehicle movements.

For this reason, it is considered that a size threshold should apply to the permitted activity status, perhaps 3,000m<sup>2</sup> GFA. This should trigger a review of transportation impacts as a restricted discretionary activity.

#### **5.5 Warehousing Activity**

*Issue: Potential Traffic Impact*

Warehouses can vary widely in their associated levels of traffic activity, between longer term storage (low traffic activity) and distribution depots (high).

Good accessibility, especially with the longer term prospect of the Petone-to-Grenada link road, could result in this area becoming attractive as a distribution hub for the Wellington region, resulting in a high demand for this type of activity, especially with a permissive district plan regime.

A single larger distribution centre could generate as many vehicle trips as a LFR activity, with most also being commercial vehicles having a disproportionate effect upon road network conditions.

For this reason, it is considered that a size threshold should apply to the permitted activity status, perhaps the same 3,000m<sup>2</sup> GFA threshold recommended for retail activities. This should trigger a review of transportation impacts as a restricted discretionary activity.

## 5.6 Service Stations

### Issue: Intended Level of Provision

Service stations are currently located adjacent to the Hutt Road / Jackson Street and Jackson Street / Gear Street intersections. The significant investment now required for service station developments means that these will only locate on routes offering acceptable financial returns. This is where the passing volumes of traffic are highest, being the Esplanade, Hutt Road or Jackson Street.

The corollary is that service stations are unlikely to be attracted to the only locations where they would have permitted activity status, adjacent to minor roads with lower volumes of passing traffic. Indeed, with such routes typically being of a low standard in Petone, their location on such routes would be likely to bring detrimental effects in terms of traffic pressures and difficulties associated with tanker deliveries.

It is understood that service stations are a discretionary activity on the main (higher volume) roads to assess both the associated traffic and urban design effects.

As a result, whilst it is not the intention of PC29 to discourage further service station development, the structure of the proposed rules appears to have this effect. There is a need to resolve and clarify this apparent contradiction.

## 5.7 Cycle Parking

### Issue: Low Requirement

PC29 would not change the district-wide requirement of the district plan for the provision of cycle parking. This requires, for each building where there are 10 or more employees, the provision of secure storage for cycles at the rate of 1 space for every 30 employees.

Although many building operators would voluntarily provide more cycle parking than this, the minimum requirement is low, even for the staff requirements associated with retail activities where customer use of cycles can be expected to be low. This appears to be inconsistent with an intention to promote alternatives to the private car in this area.



## 6 Conclusions & Recommendations

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### High Level Objectives

In general, there is support for the promotion of mixed-use activity in this part of Petone and an appreciation of the potential benefits this could bring in terms of vitality and economic impacts. However, there is significant concern that the manner in which some of the proposed rules have been structured is inconsistent with the intended outcomes as articulated by the proposed policies. As a result, there is a real risk of adverse effects associated with traffic activity and parking and missed opportunities to encourage alternative forms of travel to the private car.

### Overall Assessment of Transportation Impacts

A number of submissions request an overall assessment of the transportation impacts of PC29. As described above, the wide variety of activity types enabled by a mixed-use environment, together with a lack of information concerning the existing volumes of traffic associated with this area precludes any reliable and wider quantification of transportation impacts.

This emphasises a need to retain an ability to review the incremental and cumulative effects of development proposals with lower thresholds for permitted activities and assessment criteria which ensure that objectives around travel demand management are met.

### Retail Activity Control

The largest issue relates to the proposed permitted activity thresholds for retail activity, particularly in relation to potential traffic effects associated with larger developments and the lack of any mechanism by which the Council would be able to review impacts.

In the context of a road network which is currently subject to congestion at specific locations, especially at peak periods, an ability is required to not only review immediate access arrangements, but also how the associated traffic movements are to be accommodated on the wider network. Consistent with policies to encourage the uptake of modes of travel other than the private car, there is a need to ensure that provision for other modes has been made within each development, including physical measures and a requirement for staff travel plans. Also, an opportunity needs to be provided to identify whether a development triggers or brings forward the need for transport infrastructural improvements and hence the appropriateness of a contribution (physical works or financial) towards the necessary works.

The setting of the permitted activity threshold needs to balance the need to review the aspects described above with a need to avoid placing an unnecessary burden upon developers in terms of consent requirements. In this respect, the existing threshold of 3,000m<sup>2</sup> GFA is considered to be appropriate, coupled with specific assessment criteria for a restricted discretionary activity.

Reference	Recommendation
5B2.2.1(a) / Amd10	<ul style="list-style-type: none"> <li>• reduce threshold to 3,000m<sup>2</sup> GFA</li> </ul>
5B2.2.2.1 / Amd 23	<ul style="list-style-type: none"> <li>• criteria to specifically require an assessment of immediate and wider traffic effects (both the volume and type of traffic) and measures to promote uptake of alternative modes of transportation to the private car</li> </ul>

#### Other Land Use Activity Controls

It would be inconsistent to place a threshold upon retail activities on the basis of their potential traffic generation but not to do the same for other activities where these might be responsible for similar or greater levels of traffic activity.

Whilst warehouses, commercial offices, garden centres, places of assembly and even visitor accommodation have a potential to generate large volumes of traffic, the linkage to GFA is less reliable. For this reason, thresholds should be linked to potential effects.

One option to do this is through the number of off-street parking spaces provided (the NZTA submission suggested a threshold of 70 spaces). This is not recommended on the basis that it makes no allowance for the turnover of the spaces during a typical day and it may encourage developers to under-provide parking where requirements are close to the threshold.

An approach more directly linked to potential effects would be the use of thresholds based upon hourly and daily levels of traffic activity, although it is acknowledged that these would be reliant upon forecasts of activity levels provided by applicants. For this reason, rather than triggering a consent requirement, this could be the trigger for the requirement for a Transportation Impact Assessment (TIA) within a regime where all new buildings or significant building modifications trigger consideration as a restricted discretionary activity. Such a wider regime would be also be more compatible with that applied in the Central Area where the underlying issues in terms of potential traffic effects are similar.

The TIA should not only address immediate issues relating to access, parking and servicing but also wider issues relating to effects on the transportation network, staff travel planning and integration with local initiatives to promote alternative forms of travel.

Reference	Recommendation
5B2.2.1.1	<ul style="list-style-type: none"> <li>• requirement for a Transportation Impact Assessment where proposed development is expected to generate more than either 50 vehicle movements/hour or 200 vehicle movements/day</li> </ul>

#### Maximum Parking Regime

A rule with a maximum parking threshold has been proposed by the NZTA submission on the basis of a need to discourage car use in an environment where good public transportation is available and roads are already subject to congestion.

In assessing this request, the focus needs to be upon the intended outcomes in terms of travel behaviour and ensuring the self-sufficiency of developments with regard to parking provision. In this respect, whilst maximum parking standards have been applied in some locations, there is no evidence that intentionally constraining the supply of parking has the intended effect of discouraging car use, especially for retail customers. Instead, a risk exists either that developers would be deterred altogether or that developments take place but with regularly congested parking areas, resulting in customers going elsewhere and/or pressure upon kerbside or public off-street parking resources.

More scope exists for changing staff travel behaviour but this is best achieved through a requirement for travel plans (as suggested above) rather than through parking constraints.

For higher-density residential development, most developers would wish to provide 1 park/unit and hence there would be little difference between a proposed minimum standard of 1 park/2 units or a maximum standard of 1 park/unit. However, if developers are to be given the flexibility to provide larger accommodation units, then the minimum requirement is preferable. Again, the objective of discouraging car use is best achieved through the proximity and convenience of public transport services.

Reference	Recommendation
14A(ii)2.1(c)(ii) / Amd 57	<ul style="list-style-type: none"> <li>retain parking standards as proposed</li> </ul>

### Service Stations

There is a need to clarify the objectives with regard to the status of service stations within the PC29 area. By giving service stations discretionary status (subject to a review against the urban design guide) on the only frontages likely to be attractive for them indicates a desire to discourage any such developments in the area. Conversely, service stations are permitted on local streets where (in the unlikely event that they would wish to locate here) their effects would be potentially greatest in terms of traffic congestion.

From a purely transportation perspective, there is no reason why service stations could not locate on the Hutt Road, The Esplanade or Jackson Street subject to demonstrating that the associated effects upon the transportation network were acceptable. In this respect service stations could have restricted discretionary activity status with discretion restricted to traffic effects. However, it is acknowledged that the overall control will also be influenced by urban design objectives which are beyond the scope of this assessment.

Reference	Recommendation
5B 2.2.1(e) 5B 2.2.3(c)	<ul style="list-style-type: none"> <li>clarify wider objectives regarding the desirability of service stations within the PC29 area.</li> </ul>

### Cycle Parking

It is recommended that the standards for the provision of cycle parking are reviewed at a district-wide level as part of the next programmed review of Chapter 14A Transport.

**APPENDIX 9: CAPACITY INFRASTRUCTURE SERVICES – PETONE COMMERCIAL ACTIVITY  
AREA 2 – COMMENT ON RETICULATED SERVICES.**



15 March 2013

Bronwyn Little  
Divisional Manager, Environmental Policy  
Hutt City Council  
Private Bag 31912  
Lower Hutt

Our ref: 51/26888/

Your ref:

Dear Bronwyn,

## **Hutt City Council, Proposed District Plan Change 29, Petone West Area**

### **Petone Commercial Activity Area – Area 2**

#### **Comment on Reiculated Services**

Hutt City Council (HCC) has sought comment from Capacity<sup>1</sup> on the existing reticulated infrastructure services (water, wastewater and stormwater) in the Petone West area and the ability of the existing infrastructure services to cater for increased demand from new development. We understand this matter has been raised in submission on Proposed District Plan Change 29.

To assist in responding to this request, Capacity has engaged the services of the GHD Petone office to provide specific comments. Below are our comments on the existing reticulated infrastructure systems and possible impact of the plan change on these existing systems.

In overview the proposed plan change:

- is unlikely to change the stormwater runoff characteristics of the plan change area,
- the existing wastewater system would be able to cope with a substantial increase in discharged flows in the plan change area,
- the existing water supply system would be able to cope with a substantial increase in demand in the plan change area,

In reviewing the existing reticulated infrastructure systems, the limiting overall factor on development would be the capacity of the water supply system.

#### **Stormwater System.**

The stormwater system in the plan change area discharges to the Petone foreshore via a number of stormwater outlets which discharge by gravity directly to the beach.

The area under consideration is currently commercial/ industrial in use, with the ground surface area being mainly impervious with road surface, roof areas, carpark areas and sealed yard areas.

Changing the use of the plan change area to include residential type development and other forms of mixed use (e.g. commercial) is unlikely to change the current impervious nature of the ground surface. This would then result in no change to the current stormwater runoff characteristics of the area.

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<sup>1</sup> Capacity Infrastructures Services is a Council Controlled Trading Organisation owned by Wellington City Council and Hutt City Council and provides water, wastewater and stormwater services for the Hutt City area.

With the change in design standards over the years since the existing stormwater system was built, it is likely that many sections of the system would not meet current design standards. However, this existing situation is unlikely to be made worse by the proposed plan change and is not uncommon in other areas of Hutt City.

Historically there was flooding at the western end of the area during the severe rainfall event in 1976 in relation to the storm flow discharge from the Korokoro Stream. There has also been some localised flooding along the Esplanade probably related to blocked sumps or blocked discharge pipes to the beach with the build up of sand along the beach area.

Any proposed development would need to be assessed on an individual site basis to determine the actual level of risk for the site for the type of proposed development, to then determine appropriate minimum floor levels. While floor levels can be set above any expected flooding levels, consideration of access to the site in a flooding situation should still be considered. For example where there is commercial/ industrial development at ground level, any residential development at an above floor level would be unaffected by any likely ground surface flooding that may occur, but access may be affected.

In the new "Regional Standard for Water Services, Nov 2012" (RSWS) the general overall level of protection required for residential and commercial building floors is 1% (1 in 100 year event) with 500mm freeboard for residential and 200mm freeboard for commercial. For industrial building floors the requirements are 2% (1 in 50 year event) with 200mm freeboard. For reference in RSWS see Table 4.1 and Table 4.2 and Clause 4.2.8 on pages 15-17.

The above references also provide requirements for access on roads, which can have surface flooding but the road must be passable for light vehicles. See also RSWS Table 4.3 on page 16.

The assessment of 1 in 100 year event flood peak storm flow and total storm volume can be derived using the design methodology provided in the RSWS. Establishing the expected flood levels would generally not require a significant amount of work (cost) for the stormwater catchments within the local area, given the level of ground level topography data now available from the Hutt City Council aerial LIDAR information. Given the proximity of the area to the Wellington Harbour, the controlling factor for establishing flood levels could be the overall discharge level to the harbour. For reference design levels for the Wellington Harbour are provided in the RSWS, Table 4.6 on page 22.

With regard to climate change effects these have been included in the RSWS by adding 16% to current rainfall design intensities, and assumed design sea levels have been included. For reference in RSWS see Clause 4.3.1.1, Clause 4.3.2.5 and Table 4.6 on pages 19, 20 and 22.

With specific reference to the submission from the Greater Wellington Regional Council (GWRC) :  
Comment 16, page 3, regarding "residual flood risk from the Hutt River corridor in the case of overdesign events (greater than a 1 in 440 year flood with stopbank breaches..)". Adding the 1 in 440 design flood event with a stopbank breach at the same time would produce a very extreme design level compared to the RSWS design level of a 1 in 100 year flood event.

Comment 17, page 3, regarding climate change impacts, this would be addressed with the design requirements of the RSWS as referred to previously above.

Comment 18, page 4, regarding the setting of building floor levels above the 1 in 100 year flood event, this would be addressed with design requirements of the RSWS including freeboards as referred to previously above.

Comments 19 and 20, page 4, regarding flooding from Korokoro Stream. Since the 1976 flood event it is understood that debris arrestors were installed in the Korokoro Stream to minimise the risk of material being transported in the stream in a severe storm event and blocking the culverts in the Cornish St area,

which would then result in flooding of the area around Cornish St. The flooding in 1976 from the photograph in the GWRC submission on page 13 indicates flooding across the railway line and across to the then Odlins Timber Yard near Nevis St. It would appear that further investigation of flows in the Korokoro Stream system would be required to determine the extent of any flooding in a 100 year storm event. Given the size of the Korokoro Stream catchment detailed modelling analysis may be required which would require some specialist resource and associated cost. Floor levels to any proposed development would then be determined by the design requirements of the new RSWS. Comments 27, 28, 30, 32, pages 5 and 6, regarding sea level rise would be addressed with the design requirements of the RSWS as referred to previously above.

### **Sewer Reticulation System**

The existing sewerage reticulation system comprises a number of gravity branch lines, the majority of which are 150mm diameter. These branch lines discharge towards The Esplanade and are connected to gravity mains located along The Esplanade, which in turn discharge to two trunk pump stations, Esplanade West and Esplanade Central. The trunk pump stations then pump into a trunk pressure sewer (the Petone Collecting Sewer) located in The Esplanade which conveys the waste water to Seaview for treatment.

Historically the existing sewerage reticulation system has coped with the existing discharge from the commercial/ industrial area. This is assumed on the basis that historically there have been no complaints regarding the operation of the system in this area, apart from some localised complaints in the upper section of Nevis St, Hutt Rd and Petone Ave. These complaints were investigated and recorded as blockages from material build up in the lines, and the problems were remedied by carrying out localised maintenance.

The western side of the development area was the site of the now closed Gear Meat Company and the trunk system including the Esplanade West pump station was designed for those flows, consequently the Esplanade West pump station now has substantial spare pumping capacity. The rest of the trunk system was generally designed for light industry and the installed capacity is much closer to the current needs of the area.

Using a fairly simple development model, and giving consideration to the current installed pumping capacity at each of the two trunk waste water pump stations, it would appear that the western half of the plan change area will be able to accommodate a significant amount of mixed use development (including residential) within the existing trunk wastewater system, based on the capacity of the Esplanade West pump station.

The other half of the plan change area relies on the Esplanade Central pump station which has a lot less spare pumping capacity than Esplanade West. It is likely that an upgrade(s) to the pumping capacity at Esplanade Central would be required to allow more intensive mixed use development (particularly residential) in the eastern side of the proposed plan change area, however this would most likely have to be balanced with a reduction in the level of development in the western half of the plan change area, to ensure that the overall capacity of the trunk Petone Collecting Sewer further east along The Esplanade is not exceeded.

The current gradients of the internal reticulation pipelines are likely to be flat, given the flat nature of the valley floor surface, and it is unlikely that the internal existing sewer reticulation system, would be able to cope with the increased flows if the whole area was eventually developed. Initial isolated areas of development would not have a significant impact to the system as a whole, but may impact on the available capacity of the localised main servicing a particular site depending on the increased intensity of

the development. Therefore, localised upgrades to the internal reticulation pipelines may be required to service individual developments.

Individual developments should be considered on a case by case basis in terms of their particular servicing requirements, and their effect on the overall sewer reticulation system.

Information to determine the exact capacity of the existing internal sewer reticulation system is not available at present, and further field investigation is required to obtain this information.

### **Water Reticulation**

The water reticulation for the area under consideration is fed from the Rahui Reservoir in Korokoro, through a Pressure Reducing Valve (PRV) at Cornish Street and then into a ring main system around the flat area of Petone. The Rahui Reservoir supplies water to the properties in Korokoro and Petone. The majority of the properties within the Petone area are fed off the smaller diameter pipe network which is connected to the ring main system.

The current pressures in Petone are controlled by the setting of the Cornish St PRV outlet, and are appropriate for the current demand.

Without any change to the reticulation system, from a hydraulics perspective, an additional floor can be added to the proposed plan change area (i.e. two storey properties) and still meet the Council Code requirement of 30m of water head at a property boundary.

It may be possible to add a further level (three storey properties) provided the existing PRV in Cornish St is changed and the full reservoir pressure is made available when required. Even so, on the basis of this additional level of development, (three storey properties) there will be negative effects on the existing reticulation outside the proposed plan change area, and parts of the reticulation at the extremities of the overall Petone zone may fall below the 30m Council requirement. Any such negative effects on the overall Petone water reticulation would normally be the responsibility of the developers to mitigate.

We understand that the District Plan allows buildings up to 30m in height. The level of service for the water supply connection at a property boundary requires that the water supply pressures do not fall below 30m of water head. The current assessment of pressures within the water reticulation system have been limited to the existing ring main system. The pressures at an individual development will be dependent on the local reticulation off the ring main and also the reticulation within the proposed buildings themselves. Pressures within the proposed plan change area will normally be above the 30m requirement and certainly sufficient to allow filling trickle feed storage tanks in the buildings in periods of lower demand, and thereby allow a water supply at the upper levels of the building when pressure become marginal. An alternative to trickle feed tanks is to install pumps in the buildings to provide the required pressures.

Consideration has been given to the sizing of the trunk supply mains from the supply reservoir through to the valley floor and the ring main around the proposed plan change area. The pipe sizes appear sufficient to preclude them being a constraint on the development beyond that already noted above in relation to pressure issues.

In considering the available water storage volume, storage requirements are set out in the new "Regional Standard for Water Services, Nov 2012". The potable water to Petone is supplied from the Rahui Reservoir. The reservoir has more than sufficient capacity for the current population it serves of approx. 8000. The current capacity of the existing reservoir would allow an increase in building density equivalent to an increase in population of approx. a further 8000.



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Sincerely  
GHD Ltd



**David Crowther**

Manager, Roading & Traffic  
04 5700421

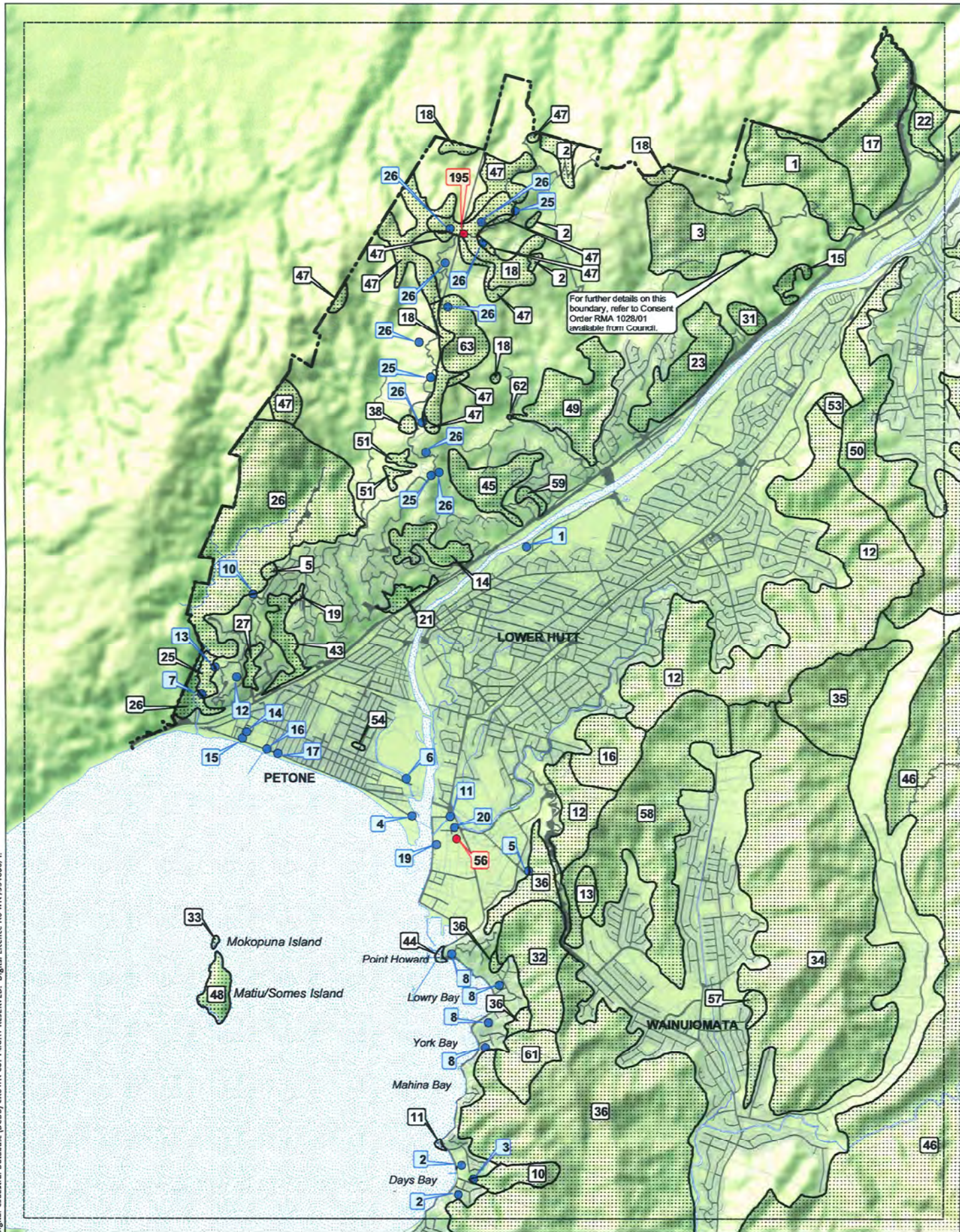
**APPENDIX 10: HERITAGE MAPS – INCLUDING OVERLAP OF PLAN CHANGE AREA SHOWING HISTORIC AREA, HISTORIC BUILDINGS AND SIGHTS OF SIGNIFICANT CULTURAL RESOURCES AND EXTRACT OF OPERATIVE DISTRICT PLAN SHOWING SITES OF SIGNIFICANT CULTURAL RESOURCES.**



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Updated 18 March 2004

# Significant Natural, Cultural and Archaeological Resources

Scale 1:50 000



- ANNOTATION**
- 39 Significant Natural Resource Site
  - 39 Significant Archaeological Resource Site
  - 39 Significant Cultural Resource Site

