

Proposed District Plan Change 25

Introduction of a Tertiary Education Precinct

Decision

Commissioners' Recommendation

PLAN CHANGE 25

Introduction of a Tertiary Education Precinct



**Report and Recommendation of the Hearing Panel appointed by
the Hutt City Council pursuant to Section 34 of the Resource
Management Act 1991**

28 June 2013

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Hutt City Council Report of the Hearing Committee

Proposal Description:

Proposed Change 25 to the City of Lower Hutt District Plan – Introduction of a Tertiary Education Precinct

Committee Members:

David McMahon (Commissioner, Chair), Gary Clark (Commissioner)

Date of Hearing:

2-3, 8-9 April 2013 and 13 May 2013

1.0 INTRODUCTION

Context

- 1.1 We were appointed by the Hutt City Council (“**the Council**” or “**HCC**”) to hear submissions to, and to consider and make a recommendation on, Proposed Plan Change 25 (“**PC25**” or “**the Plan Change**”). PC25 seeks the introduction of a new Tertiary Education Precinct which would apply to Wellington Institute of Technology’s (“**WelTec**”) existing campus in Petone for the purpose of providing for on-going use and development of the campus to meet future tertiary education needs, whilst also providing greater certainty for the community.
- 1.2 The Plan Change has an extensive background, which we will canvas in due course, and has been the subject of a Council “section 32” report, consultation with land owners, and of course the public notification and hearing, culminating in this report.
- 1.3 Before discussing the details of the Plan Change and the submissions to it, there are some procedural issues that we will address, beginning with our role as Commissioners.

Role of Commissioners and Report Outline

- 1.4 We firstly note that our role is limited to that of providing a recommendation to the Council as to whether or not the Plan Change should be accepted (including any amendments we deem necessary) or rejected. The final decision-making power rests with the Council, and in the event that the Council adopts our recommendations, then this report will become the Council Decision.
- 1.5 In terms of the above, having familiarised ourselves with the proposed Plan Change and the background material, read all submissions and evidence, conducted the hearing and heard from the submitters and the appointed Council advisors, as well as having visited the locality on several separate occasions, we hereby record our recommendations.

1.6 In this respect, and in addition to this introduction, this report is generally divided into the following parts:

(a) Factual Background & Plan Change Outline:

This part (comprising report Sections 2 and 3) is largely factual and includes an outline of the background to the Plan Change, including the sequence of events leading to this report. It also outlines the main components of the Plan Change including an overview of the locality. This background section provides a relevant context to considering the issues raised in submissions on PC25. Here, we also record the various submissions received, provide a brief outline of the concerns raised by the submitters to the Plan Change, and provide an account of the hearing process itself.

(b) Evaluation of Key Issues:

The second part (comprising report Sections 4-6) contains an assessment of the main issues raised in submissions to PC25, and where relevant, amplification of the evidence/statements presented at the hearing (in Section 4). We conclude with a summary of our recommendations on each relief point sought (in Section 6), having had regard to the necessary statutory considerations that underpin our considerations (in Section 5). This part of the report is evaluative, and records the results of our deliberations.

Preliminary Comments

1.7 In advance of setting out the background and proposal outline, we would like to make some preliminary comments. Namely, we wish to record our appreciation at the manner in which the hearing was conducted by all the parties taking part. It was clear to us prior to the hearing that there was considerable background to this proposal, involving a variety of matters. In these respects, we would like to acknowledge the following endeavours:

- the constructive input provided by all submitters appearing before us;
- the role of Council administrative support; notably that of Judy Randall and Heather Clegg;
- the comprehensive nature of the s 42A report from the Council's Planners;
- the technical advice provided on behalf of the submitters; notably Mr Chris Hansen (including the additional input from him in response to questions raised of him in absentia), Ms Deyana Popova, and Ms Laura Skilton;
- the additional efforts of the Council and Mr Warwick Walbran, Transport Advisor for HCC in response to our request for information following the hearing adjournment; and
- the assistance of our Hearing Advisor, Mr Jason Jones.

1.8 The above actions promoted a much-focused proceeding that has greatly assisted us in assessing and determining the issues, and in delivering our recommendation.

1.9 These initial thoughts established, we now set out the factual background to the Plan Change.

2.0 BACKGROUND

Pre-Plan Change Initiatives and Sequence

Context

- 2.1 WelTec has been established as a tertiary education provider in Petone for over 100 years. The initial Petone Technical School was established at the Buick Street entrance to the Petone Recreation Ground in 1904. Located between Kensington Avenue and the Petone Recreation Ground, this is the core of the current campus today.
- 2.2 The Institute has expanded its operations over the ensuing period (both in terms of curriculum and the spatial extent of its campus), and in 2001 the Wellington Institute of Technology (WelTec) amalgamated with the Central Institute of Technology. Whilst other WelTec campuses operate in Wellington City, Auckland and Christchurch, the Petone site and associated facilities continue as the primary campus.

Designations

- 2.3 The earliest records available to us show that the Borough of Petone Town Planning Scheme 1947 (produced under the former Town and Country Planning Act 1926) made provision for a "*Tech School*" on the central part of the existing campus. It is not clear whether this was a designation or a gazette reference. There was also provision in the Scheme's ordinance for "*educational institutions*" as a "permitted use".
- 2.4 We were advised that prior to the introduction of the Resource Management Act 1991, the majority of the Campus was designated as early as the mid-1960s and possibly prior to then) under the following documents:
 - Designated as "*Hutt Valley Technical College*" under the Petone Borough District Scheme 1965 (Former Town and Country Planning Act 1953)
 - Designated as "*Petone Technical Institute*" in the Petone Borough District Scheme (Former Town and Country Planning Act 1977)
- 2.5 The designation continued in the City of Lower Hutt Transitional District Plan until 2003, when the first Hutt City District Plan produced under the RMA became operative.
- 2.6 Since the expiration of the designation in 2003, the various components of the Petone campus have been zoned either General Residential or General Business. K Block, zoned General Recreation, is located away from the main campus and leased from the Department of Conservation.

Resource Consents

- 2.7 The information available to us shows that the development of WelTec (particularly outside of the designated part of the campus) over the past two

decades was a result of numerous applications for resource consent. Between 1995 and 2003 resource consent applications were lodged on 5 occasions for sites outside the area subject to the Designation. Since the lapse of the Designation in 2003, WelTec has applied for a further 9 consents relating to the Petone Camps.¹¹

- 2.8 Of the consents issued during the 1993–2003 period, it is clear to us that the most significant development occurred in 2001. A resource consent (RM 20-C54-51-57) was granted by the Council for the removal of buildings, and relocation of a prefabricated building for use as a crèche on 9 & 11 Elizabeth Street, the construction of a public walkway between Elizabeth Street and Petone Recreation Ground and the development of a car parking area on part of the site now referred to as ‘O Block.’ Additionally, the development and use of 24-28 Kensington Avenues for staff car parking, student health services, horticultural training and associated pedestrian connections and landscaping were processed as a notified consent.
- 2.9 In the post designation period (2003-current), consenting primarily revolved around ‘N Block’ on Cuba Street. In 2009, an application was lodged for consent for a 900m² extension to the existing N Block. We were advised that this application was withdrawn in order for WelTec to consider addressing the issues raised by a large number of submitters in opposition to the development.
- 2.10 A new resource consent application for N Block was lodged in September 2010 which sought to address residents’ concerns. The consent included the incorporation of a campus-wide parking strategy. Parking was a key issue covered in the hearing into the resource consent, with the consent being approved by the Hearing Commissioner. This consent has not been implemented to date.

Council Policy Documents

- 2.11 Reference was made by many persons appearing before us to the Council having released several policy documents regarding the future development of the Petone area. The principal documents are as follows:
- The Petone Vision Statement, published in 2009 by HCC acknowledges the importance of WelTec as an Educational Institution and key employer in Petone. The statement provides recognition and support of life long educational opportunities in Petone. The current version of this document followed public consultation in 2006 and 2007.
 - Following the Petone Vision Statement, Council released a District Plan Review discussion document in 2009. This document raised for discussion purposes, the idea of establishing a Special Activity Area for WelTec through a Plan Change. The document suggested that specific objectives, policies and rules for the area would assist in providing for the current and future development of WelTec. Some of the issues identified in the document include parking, height and bulk of buildings, site boundaries and design guidelines.

¹¹ From the evidence of Mr Chris Hansen, paragraph 54

- 2.12 The most recent consenting process, as well as the development of the Petone Vision Statement and the 2009 District Plan Review discussion document prompted the development of the Plan Change before us.

Plan Change 25 – timeline of key dates

- 2.13 PC25 was originally lodged with the Council in November 2011 as a private plan change request to the District Plan from WelTec . HCC agreed to adopt the private plan change on 13 December 2011. For completeness, we note that in adopting the plan change, it became a change made by the local authority itself.
- 2.14 PC25 was publicly notified on 27 March 2012, with the period for receiving submissions closing on 27 April 2012. A summary of those submissions was publicly notified on 19 June 2012 with the period for further submissions closing on 03 July 2012.

The Plan Change

- 2.15 We set out below the key components of the plan change in a purely factual sense. We draw on this information in our evaluation in Section 4 of this report without having to repeat the provisions verbatim.
- 2.16 PC25 seeks to amend the relevant activity areas of the District Plan to specifically provide for the on-going use and development of WelTec’s tertiary education facilities within the existing campus.
- 2.17 The primary method to achieve the aims of PC25 is the introduction of a Tertiary Education Precinct which retains the majority of the underlying zoning provisions. Specific additional controls are provided for in the Tertiary Education Precinct, where the precinct boundary abuts residential activities within the General Residential Activity Area. In addition, related changes to Chapter 14A (iii) (Car and Cycle Parking) and Chapter 14B (Signs) of the District Plan are proposed to manage on-site carparking and signage requirements.
- 2.18 The Plan Change covers most of the existing WelTec Petone campus, which is predominantly located in central Petone, north of Jackson Street and comprises both the ‘Main Petone Campus’ as well as a ‘satellite property’ at Bracken Street.
- 2.19 The land subject to the Plan Change comprises the following zones under the District Plan:

General Residential Activity Area

- Kensington Avenue (West) - Main Campus;
- Kensington Avenue (East) - P Block and Carpark;
- Elizabeth Street - O Block, M Block and Carpark; and
- Udy Street and Britannia Street - Udy Street Carpark.

General Business Activity Area

- Cuba Street - N Block and Wormald Building.

General Recreation Activity Area

- Bracken Street - K Block.

2.20 There are no other overlays or annotations in the District Plan which relate to the WelTec campus, except for the former Petone Courthouse at 15 Elizabeth Street which is a listed Heritage Building in both the District Plan and in the Historic Places Trust Register.



Figure 1: WelTec's Petone Campus and Proposed Tertiary Education Precinct (Officers Report)

2.21 The following are the main changes proposed by PC25 (as notified) to specific area provisions:

- General Residential Activity Area - changes to maximum building height, minimum yards, recession planes and maximum site coverage;
- General Business Activity Area - introduction of Tertiary Education Precinct as a concept, no condition changes proposed;
- General Recreation Activity Area - changes to site coverage and maximum floor areas;
- Parking – introduction of new requirement calculation; and
- Signs – increase of maximum face area

2.22 In addition to the above methods, PC25 introduced certain new policy provisions as follows:

- the addition of Policy 4A 1.1.4 (d) for the Residential area, and additional policy explanations and reasons for the establishment of the Precinct. Proposed Policy 4A 1.1.4 (d) states;

To recognise and provide for tertiary education activities in Petone within a defined Precinct, while avoiding, remedying or mitigating the adverse effects on the environment, particularly the character and amenity values of the neighbourhood.

- the addition of Policy 6A 1.1.1(d), which applies to the General Business Activity Area and accommodates tertiary education activities within the Precinct.
- amendment to Policy 7A.1.1.4 be through the addition of point (b), to provide for tertiary education activities within Recreation Activity Areas.
- The introduction in Chapter 14A Transport of Policy 14A(ii) 1.2.1 (b) as follows:

That adequate on-site parking be provided within the Tertiary Education Precinct which applies as campus wide approach and seeks the efficient use of on-site and on-street carpark spaces and the land resource, while not detracting from the amenity values and character of the area as a result of the development of large on-site parking area, recognising the existing nature, level and extent of carparking in and around precinct.

- 2.23 The plan change proposed no change to the settled Objectives framework proposed by PC25.

Notification and submissions

- 2.24 As noted above, the Plan Change was publicly notified on 27 March 2012, with the period for receiving submissions closing on 27 April 2012 and further submissions closing on 03 July 2012.
- 2.25 A total of 157 original submissions, 1 late submission and 6 further submissions were received on PC25. The submissions received sought a range of outcomes, from the adoption of the proposed change, through to its withdrawal. Many submissions sought amendments to the content of the provisions within the District Plan (See Appendix 1 for a full description of relief sought).

Pre-Hearing Procedural Matters

- 2.26 On 25 October 2012, Council notified submitters of its intention to proceed with the hearing of PC25 during the first week of December. This initial timeframe was met with requests by some submitters to delay the hearing due to the limited availability of consultants and expert witnesses during the months of December and January. On 16 November 2012, Council wrote to all submitters to inform them that the hearing had been postponed until 2013, on a date yet to be decided.
- 2.27 We issued **Minute 1** which was published by the Council on 14 January 2013 (See Appendix 2 for copies of all minutes issued in respect of the plan change). This minute advised that the Council was likely to commence the hearing on 2 April 2013, to be confirmed by Council in writing to submitters. The scope of the minute was primarily to outline procedural matters. It included instructions regarding the provision and circulation of evidence, the hearing process and described the site and locality visits undertaken by us at that point (between 7.30am and 4.30pm on Wednesday 7 November). Additionally, the subject of pre-hearing meetings and expert conferencing was introduced and encouraged.

- 2.28 We issued a second minute (**Minute 2**) on 11 February 2013, confirming that pre-hearing conferencing between technical experts would be offered on traffic, built form/urban design and planning. A pre-hearing meeting for all interested parties was also proposed for early March. Confirmation of dates for the distribution of the Officers report and the lodgement of evidence/statements in support of submissions to HCC was also provided. Furthermore, Minute 2 addressed the arrangements to be made should witnesses not be available to present their evidence in person during the hearing.
- 2.29 A pre-hearing meeting was facilitated by Ms Sue Piper at the Petone Baptist Church on Monday 4 March, 2013 at 6pm. The meeting was attended by the representatives of 17 submissions and issues raised in the submissions were discussed. These issues included, but were not limited to, increased traffic generation, car parking, built form and the necessity of the plan change.
- 2.30 A Pre-Hearing Conference on Parking and Traffic issues was held on 1 March 2013. The meeting was attended by representatives of the Council, and of WelTec. No other submitters (or their expert representatives) attended. This resulted in a Joint Statement of Traffic Engineers listing the areas of agreement between parties being issued by the following attendees:
- Mr Wayne King, Senior Traffic Engineer Hutt City Council
 - Mr Zackary Moodie, Traffic Engineer Hutt City Council
 - Mr Tim Kelly, Transportation Planning Consultant for WelTec (plan change proponent and submitter)
 - Mr Warwick Walbran, Traffic Engineering Reviewer for Hutt City Council
 - Ms Corinna Tessoroff, Senior Environmental Policy Adviser for Hutt City Council
 - Mr Lindsay Daysh, Planning Consultant for Hutt City Council
- 2.31 Prior to the commencement of the hearing, much communication occurred between representatives on behalf of submitters and ourselves. This communication was generally in respect to requests for the rescheduling of the hearing due to the unavailability of a key witness. Counsel for some submitters expressed concerns that their clients would be prejudiced unless a further delay was granted.
- 2.32 The below response regarding the issue of prejudice was provided to the submitters concerned:

We wish to signal that we do not take lightly the suggestion that any party will be unduly prejudiced by these proceedings. To this end, we reiterate that is precisely why we carefully constructed and gave ample notice of a programme of evidence pre-circulation, pre-hearing meeting(s), expert conferencing and draft s42A reporting at the beginning of this year. We believe that package of prehearing 'forums', which has been participated in by the Council and other parties to these proceedings, provided a generous and valuable opportunity for all

parties to have their say and participate in this part of the First Schedule process before the commencement of the hearing.^[2]

- 2.33 On 13 March 2013, the Council sent letters to submitters confirming that the Hearing would commence on Tuesday 02 April 2013 at 9:30am at the Hutt City Council Chambers.
- 2.34 We remain firmly of the view that all parties have had fair and equal opportunity to have their say, including through the representation of legal counsel and expert witnesses in some instances.

^[2] Letter from the Commissioners to Mr McClelland for PUEA et al, dated 22 March 2013

3.0 THE HEARING

3.1 We convened the hearing at 9.30am on Tuesday 2 April 2013 in the Council Chambers at the Council's main offices. The hearing continued on Wednesday 3 April, Monday 8 April and Tuesday 9 April 2013 during which period we heard from the following people:

Council Advisors

- Ms Corinna Tessendorf, Senior Environmental Policy Planner, HCC
- Mr Lindsay Daysh, Consultant Planner at Incite, on behalf of HCC
- Mr Warwick Walbran, Traffic Engineer Reviewer for HCC

Plan Change Proponent^[3] - Wellington Institute of Technology

- Dr Linda Sissons, WelTec Chief Executive
- Mr Michael Hesp, WelTec Director of Special Projects
- Mr Tim Kelly, Director Tim Kelly Transportation Planning Ltd, on behalf of WelTec
- Mr Robert Schofield, Senior Environmental Planner of Boffa Miskell Ltd, on behalf of WelTec

Submitters

- Mr Kevin Moar, resident of Buick Street
- Mr Ian Hawij, resident of Buick Street
- Mr & Ms Albert and Geraldine Wayers, residents of Petone
- Mr Terence Broad, resident of Petone
- Mr Gerald Davidson (Petone Community Board or "PCB")
- Mr Peter Pritchard, property owner, Buick Street, Tenanted
- Mr Craig McKirdy, resident of Kensington Avenue
- Ms Ruth Burton, resident of Huia Street
- Mr Menno van der Laan, resident of Kensington Avenue
- Mr Patrick Williams resident of Kensington Avenue
- Ms Lorraine Williams resident of Kensington Avenue
- Ms Pam Hanna (Petone Planning Action Group or "PPAG")
- Ms Tui Lewis, resident of Petone
- Mr Merran Bakker, resident of Britannia Street
- Ms Marja Verkerk, resident of Atiawa Street
- Mr Roger Thackerey, resident of Petone
- Mr & Ms Mark and Anne Godfrey, residents of Petone
- Ms Faith Lawson, resident of Bracken Street
- Mr David Tripp and Mr Frank Sviatko, High Street residents
- Mr Nick Miller, resident of Udy Street
- Ms Phernne Tancock, Barrister on behalf of PUEA, J & K Yardley and Nelson St Trust (henceforth "PUEA et al")
- Mr Matthew McClelland, Barrister and Solicitor on behalf of PUEA et al
- Mr John Yardley, resident of Kensington Avenue
- Mr Carl Bakker, Chairman of PUEA
- Ms Laura Skilton, Senior Transport Planner on behalf of PUEA et al
- Ms Deanna Popova, Urban Designer on behalf of PUEA et al
- Mr Chris Hansen, Planning expert on behalf of PUEA et al

^[3] We also note that WelTec was a submitter on the Plan Change.

- 3.2 On Day 1 of the hearing, we heard from the Council officers and WelTec (both as plan change proponent and a submitter). In the morning session, WelTec representatives were called by the HCC to provide a factual explanation of the background to the plan change and the operation of the campus. In the afternoon session, WelTec spoke to their submission and addressed the HCC 42A report.
- 3.3 The evidence of other submitters was largely heard on Day 2 of the hearing, and upon reconvening on Day 3 (postponed until Monday 8 April, 2013). We record that the adjournment of the hearing between Day 2 and Day 3 was to allow for the appearance of experts not available to appear on days consecutive to Day 2.

Initial Legal Advice

- 3.4 During the first two days of the hearing we raised a number of issues for Council to address. As a matter of courtesy and due to the large number, and complex nature, of questions, we provided a written list of 35 questions which were circulated to the Council planners and WelTec for response. Those responses were provided in writing over the final three hearing days (Days 3, 4 and 5).
- 3.5 Some of our questions required legal advice, which was sought before the commencement of the hearing on Day 3. Advice was sought in respect to the following:
- *A response to the claim by the residents of High Street that a failure by the Council to undertake pre-notification consultation mean that the adoption by the Council of Plan Change 25 was illegal;*
 - *Confirmation of the inter-relationship between previous resource consents issued by the Council and Plan Change 25; and*
 - *Confirmation as to the relevance of existing use rights in the Commissioners' assessment and recommendation on Plan Change 25*
- 3.6 A response was provided on 9 April 2013 by DLA Philips Fox lawyers. An outline of this advice follows:

Illegal Adoption of Plan Change

In response to the issue of the purported illegal adoption of the plan change, we were advised that the RMA does not provide for the declaration by Commissioners of an illegal Plan Change based on the adequacy of consultation. The advice was that we cannot determine procedural allegations but rather our role is primarily "*to determine submissions and make recommendations on the plan change*".^[4]

Previous Resource Consents

The advice we received in respect the relationship between previous resource consent and the proposed plan change is the existing resource consents cannot be overridden or influenced by a plan change as a matter of law.

[4] Legal advice provided by LDA Phillips Fox to Hutt City Council

Existing Use Rights

Some submitters suggested it was imperative that we ascertain what existing use rights prevail (and what compliance there is with existing resource consents) before we deliberated on the merits of the plan change. The legal advice we received was that, as the delegated authority, the Council may issue a certificate of existing use under section 139A of the RMA. However there is no application before us, and this is not a prerequisite to the plan change. Additionally, the role of monitoring, compliance and enforcement are all functions of the Council under the RMA. Any questions of compliance with previously-issued resource consents are at the Council's discretion, over which we, as Commissioners, have no delegated authority. The legal advice was that our recommendations on the appropriateness of the plan change is not dictated by the existing environment, this is merely a starting point to provide context for the assessment of effects arising for the plan change.

- 3.7 Having satisfied ourselves of our jurisdiction and role and responsibilities we reconvened the hearing.

Continuation of Hearing: Session 2

- 3.8 Day 3 of the hearing proceeded on Monday 8 April, 2013. On this day, further evidence of submitters was heard. Day 4 of the hearing consisted of evidence from experts and rights of reply. The hearing was then adjourned to allow for the gathering of information requested during the previous days (and as described above) and to allow us to hear from Mr Hansen, the planning expert on behalf of PUEA et al.
- 3.9 On 10 April 2013 following the initial adjournment of the hearing, we issued our third minute (**Minute 3**). The Minute formalised the matters of additional information to be provided by multiple parties (the 35 questions) including factual and evaluative information from WelTec, parking survey information from the Council and a response from Mr Hansen to specific questions we posed in relation to his evidence in chief. The full text of the Minute is provided in Appendix 2.
- 3.10 The purpose of the parking survey was to address gaps in information collected previously. The further survey was required by us to be undertaken at 2am mid-week. It was requested that this new survey information, and previous survey information provided by Mr Kelly, Ms Skilton and WelTec, be tabulated by street following the template established in the WelTec Petone Parking Assessment dated September 2011. Additionally, as indicated verbally during Day 4, Mr Walbran was asked to address the following:

- (a) *Whether or not the existing carparking situation is acceptable;*
- (b) *The amount of acceptable kerbside parking allocation for Weltec's use;*
- (c) *An updated inventory of all available parking supply as a result of different information provided. This updated inventory needs to state whether it is on WelTec land, HCC off-street of HCC on-street;*

(d) An assessment of the two parking requirements formulae provided over the course of the hearing; and

(e) Whether or not the proposed formula approach is workable, and what impact (if any) it will have on the current situation (i.e. worse, better, no change).

- 3.11 Additionally, Mr Walbran was to consider Ms Skilton and Mr Kelly's assumptions, methods and numbers as presented over the course of the hearing.
- 3.12 As Mr Hansen was unavailable during the above hearing days, Minute 3 also requested he provide a response in writing to the Commissioners to questions posed by Friday 3 May. Additionally Mr Hansen was requested to consider how the 'sunset' clause proposed by Ms Skilton (in relation to car parking) could be incorporated into the Plan.
- 3.13 Further, we reiterated in the minute that there may have been some benefit of conferencing on issues of Urban Design. It was considered the witness for submitters' PUEA et al, Ms Popova, and Ms Black for the council may be able to come to an agreement over how to manage built form. The two expert opinions expressed favoured alternative approaches in this regard. One favoured a permitted 'appropriate' bulk and location for buildings, with consent required for proposals that exceeded these provisions. The second view favoured a consent requirement for any future building, regardless of compliance. Assessment would be against design and appearance controls, guide or criteria. We discuss the merits of this difference in opinion in Section 4 below, but record this factual summary here.
- 3.14 Counsel for PUEA et al indicated that his clients were happy to make their witness available, however the associated cost would need to be borne by the Council and/or WelTec. In reference to this we expressed that we had no ability to direct such an arrangement.
- 3.15 Our **Minute 4**, published by Council on May 7 2013, covered the additional information received post-adjournment, the reconvening of the hearing and parties to be heard, and the site visit arrangements.
- 3.16 The reconvened date was confirmed for Monday 13 May at 9.00am. Mr Hansen, Weltec and Council representatives (in reply) were to be in attendance at this hearing. All other parties were invited to attend, though it was noted that only the listed parties would be called for questioning.
- 3.17 This minute also contained a list of properties that were to be visited following the hearing proceedings on the same day. Approval for the visit was to be provided to Ms Randall at the Council by landholders prior to the recommencement of the hearing.

Reconvened Hearing: Session 3

- 3.18 The Hearing was reconvened on Monday 13 May at 9:00 am in the Council Chambers at Hutt City Council's main offices. During the day we heard from:

Submitters

- PUEA et al - Mr Hansen

Plan Change Proponent - WelTec

- Mr Hesp
- Mr Kelly
- Mr Schofield.

Council Advisors

- Mr Walbran
- Ms Tessendorf
- Mr Daysh

3.19 On this day we:

- questioned Mr Hansen and had a useful dialogue with him on a range of planning issues we had signalled in pre-circulated questions to him. We note our appreciation for the willingness of Mr Hansen to enter into such dialogue, and to his clients for making him available;
- heard from Mr Hesp and Mr Schofield on the remaining questions that they had not previously answered on Days 3 and 4. These responses were important in completing our understanding of the WelTec position and aspects of the Plan change nomenclature;
- heard from Mr Walbran in respect to the parking questions we raised - including his outline of the parking survey results and his response to the issues we raised; and
- received supplementary reports from Ms Tessendorf and Mr Daysh in respect to a range of planning matters that emerged during the course of the hearing. Both planners took the opportunity to update their recommendations on submissions and provided us with a final (revised) version of the plan change provisions.

3.20 This largely concluded the hearing and (with the exception of limited matters) marked the completion of the receipt of information we required to undertake our deliberations.

Hearing Adjournment

3.21 The hearing was formally adjourned at 3pm on Monday 13 May for three purposes:

- firstly, to enable us to undertake site visits;
- secondly, to enable a limited (and specified) amount of further information to be provided by the Council Officers; and
- thirdly, to allow some legal advice to be provided on a distinct issue associated with the proposed parking formula.

- 3.22 Following the adjournment of formal proceedings site visits were conducted at the following properties:
- 48 Buick Street, Rosy and Kevin Moar
 - 50 Buick Street, Peter and Nicola Prichard, Tenanted
 - 13B Huia Street, Ruth Burton
 - 57 Britannia Street, Merran Bakker
 - 14 Kensington Avenue, John and Kathleen Yardley
 - 16 Kensington Avenue, Craig McKirdy
 - 22 Kensington Avenue, Patrick Williams
 - 32 Kensington Avenue, Lesley Kennedy and Menno van der Laan
- 3.23 **Minute 5** was published subsequent to the adjournment and recorded the further information to be provided by Mr Walbran and Ms Tessendorf. This further information related to the definition of “frontage” and application of sunlight access planes on road boundaries as they occur in the District Plan.
- 3.24 Additionally, confirmation on the number and location of disability car parking and time restricted carparking were confirmed and provided to us on May 15, 2013. This further information was subsequently made available to all parties via the Council webpage. The final point addressed in this minute was the matter of legal advice, which is further detailed below.

Additional Legal Advice

- 3.25 Following the adjournment of the hearing, we required legal advice regarding the parking standards proposed as part of the plan change. This advice was sought to determine whether the plan change would be *vires* in the notified form or the alternative recommended by Mr Walbran in his statement. Clarification was sought on the following;
- (a) That components of both the notified version and the ‘Walbran version’ of the standard contain variables that will change over time;*
 - (b) The potential lack of certainty for plan users attributed to the annual change in those variables;*
 - (c) The implications this on-going variation in parking ‘requirements’ may have on the plan change proponent’s ability to rely on existing use rights (under s10(1)(a) and/or (b)); and*
 - (d) That effective implementation of the standard requires regular monitoring, review and (in effect) revision, independent of the 1st schedule or resource consent processes.*
- 3.26 In addition we posed questions regarding the on-going monitoring of the permitted standards, and the proposition of a Memorandum of Understanding (“**MOU**”) as indicated by Council Officers and WelTec representatives. These were not considered legal issues, however required deliberation.
- 3.27 The legal opinion was dated 23 May 2013. It highlighted the requirement for plan users to be able to determine the requirement for a constant based ‘on the face of the plan’. Additionally, it advised that “*the rules... must not be vague and*

should not reserve unfettered discretion to the consenting authority... [though] 'scientific or mathematical certainty' is not required". Though we consider the advice in context in our evaluation below, in summary the findings were as follows:

Notified Version

The notified version of the parking standard is clear in the determination of all figures and variables. These are based on objective, identifiable numbers that could be calculated on any given day.

'Walbran' Version

Alternatively, the 'Walbran' version of the standard contains uncertainty, as numbers are less measurable. On-going survey information would be required to determine that parking requirement on any given day, though the standard contained no mechanism to require the information to be gathered. This was considered beyond what could be a permitted activity standard.

Existing Use Rights

Provided WelTec operates within the scope of its established use, the proposed standard would not alter current existing use rights. However the need to establish certainty in the proposed standard is required to determine the scope of future existing use rights.

Implementation of the Standard

The matter of implementation and enforcement was a matter for the Council in the future. The use of an MOU could not override the statutory duty to enforce the district plan, or to fetter Council discretion for the choice of breach enforcement. Therefore an MOU is of limited usefulness. District Plan provisions and RMA Provisions should stand on their own.

- 3.28 The above advice concluded all the additional information we requested.

Hearing Closure

- 3.29 We issued **Minute 6** on May 30. It confirmed the receipt of all responses required to complete deliberations. At our request, these responses were made available on the council website.
- 3.30 Through the Minute, the hearing was officially declared closed. Deliberations had already commenced at this stage, the result of which are set out below.

Late Submission

- 3.31 As a final procedural matter we address before undertaking our evaluation of the key issues in contention, we note that one late submission (Carolyn Nimmo – submission 161) was received in respect of PC25.
- 3.32 Section 37 of the RMA sets out that the Council *may* either extend a time period specified in the Act (in this case the time period for receiving submissions on a

proposed plan) or to grant a waiver for failure to comply with such timeframes. Section 37A then sets out the requirements for waivers and extensions if they are to be granted – in this instance, under s37A(1) and (2), which state:

[1] *A consent authority or local authority must not extend a time limit or waive compliance with a time limit, a method of service, or the service of a document in accordance with [section 37](#) unless it has taken into account—*

(a) the interests of any person who, in its opinion, may be directly affected by the extension or waiver; and

(b) the interests of the community in achieving adequate assessment of the effects of a proposal, policy statement, or plan; and

(c) its duty under section 21 to avoid unreasonable delay.

[2] *A time period may be extended under section 37 for—*

(a) a time not exceeding twice the maximum time period specified in this Act; or

(b) a time exceeding twice the maximum time period specified in this Act if the applicant or requiring authority requests or agrees.

3.33 With respect to the late submission, we are satisfied that no party will be directly affected by waiving the time limit to receive the submission, the interests of the community in achieving an adequate assessment of effects will be improved and unreasonable delay is avoided by allowing the submission to be received. Moreover, as noted in the s42A report, the submission was received late on the final day for receiving further submissions, and so Clause [2] is met. We therefore adopt the recommendation that a waiver be granted for the submission.

RECOMMENDATION [R1]

We recommend that a waiver be granted, pursuant to s37 of the RMA, for the submission from Carolyn Nimmo.

4.0 EVALUATION OF ISSUES

Overview

- 4.1 While we found the s42A report to be comprehensive and well set out, we have elected to adopt a slightly different format in our own reporting. Specifically, we have grouped our discussion of the submissions (and the reasons for accepting, rejecting, or accepting them in part) by the *matters* to which they relate^[5].
- 4.2 This approach is not to downplay the importance of the input from submitters – to the contrary, their input has been invaluable in shaping our collective view. However, we consider it will be to everyone’s benefit for our recommendation to be as tightly focused on the key issues as possible. For those parties who are only interested in a given matter as it pertains to their submission(s) specifically, we have provided a submitter-by-submitter summary of decisions requested in Appendix 1, which includes our recommendation on each decision. Those specific recommendations have been derived from our issues assessment.
- 4.3 We also record that many of the submitters we heard from (and some we did not hear from, presumably) are affiliated with one or more of the many community groups/organisations^[6] based in Petone. These groups have also been particularly helpful for us in terms of issue identification, and accordingly, we have comfort that wider community views as well as those expressed by specific members of the community on specific matters will be well canvassed through our issues-based approach.
- 4.4 In the interests of promoting economy in reporting, and notwithstanding the numerous and interrelated amendments proposed in the plan change, we have distilled our discussion into five key issues:

Issue 1: The ‘need’ for the plan change

Issue 2: The precinct approach

Issue 3: Building design, bulk and location

Issue 4: Transportation issues

Issue 5: Other Matters

- 4.5 We now address each of these matters in turn, referring (where appropriate) to information provided in submissions and at the formal hearing proceedings.

Evaluation Preamble

- 4.6 As a precursor to our detailed evaluation of the key issues, we wish to signal a few key matters that have underpinned our discussion below, and which we have kept very much at the ‘front of mind’ throughout the hearing.

^[5] Clause 10(2)(a) of Schedule 1, RMA sets out that a plan change decision may address submissions by grouping them according to either the provisions of the plan change to which they relate, *or* to the matters to which they relate.

^[6] Including Petone Urban Environmental Association (PUEA), Petone Planning Action Group (PPAG), the High Street Residents Association, and the Petone Community Board (PCB)

- 4.7 Firstly, we have been very cognisant of the two roles that WelTec has played in the plan change process. As the plan change proponent, WelTec has established a factual background on which all parties – including ourselves – have relied upon in forming a view on the plan change. However, WelTec is also a submitter on the plan change, and (in effect) an advocate for the adoption of the proposal. This separation of roles is something that we endeavoured to manage with some transparency at the hearing, and certainly is a matter which we are fully aware of.
- 4.8 Perhaps the most ever-present term that has permeated our consideration of each issue below is ‘certainty.’ At its core, we consider that the plan change is *attempting* to provide improved certainty for both WelTec and its neighbouring community – how well the proposal achieves more certainty, and for whom, have been key tests for us in reaching resolution of each issue.
- 4.9 And finally, we note that the requirements of the Act which underpin our role have been a continual reference point in our reporting. We provide a summary of these statutory considerations at the close of this report, and our discussion of issues is essentially a running commentary of our examination of the plan change within that statutory context. In brief, however, we signal that these questions include whether or not the proposed plan change:
- has been designed to accord with, and assist the territorial authority to carry out its functions so as to achieve the purpose of the Act;
 - gives effect to any relevant national policy statements (“**NPS**”) and the New Zealand Coastal Policy Statement (“**NZCPS**”);
 - gives effect to the regional policy statement (“**RPS**”);
 - is consistent with any regional plans;
 - has had regard to any relevant management plans and strategies under other Acts;
 - has not had regard to trade competition;
 - policies implement the Plan’s objectives, and the proposed rules implement the policies;
 - policies or methods (including each rule), having regard to their efficiency and effectiveness, are the most appropriate method for achieving the objectives of the district plan taking into account: a) the benefits and costs of the proposed policies and methods (including rules); and b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods; and
 - rules will result in any actual or potential effect of activities on the environment.
- 4.10 With these thoughts established, we now turn to the first issue of our evaluation – the need for the plan change.

Issue 1: The Need for the Plan Change

- 4.11 The stated purpose of the plan change is to provide a “*new Tertiary Education Precinct which would apply to the existing WelTec campus in Petone for the purpose of providing for on-going use and development of the campus to meet future tertiary education needs whilst also providing greater certainty for the community.*”^[7] We consider it is important to note that many of the parties we heard from that were generally *opposed* to some or all of the plan change provisions, including Mr McClelland^[8] (for his clients), expressed *support* for this purpose – and particularly for the concept of providing greater certainty to the community.
- 4.12 We also note Mr Schofield’s practical interpretation of the plan change’s purpose, which applies increased certainty for WelTec about future development of its campus. Specifically, his interpretation was that the intent of the plan change was to enable “*an appropriate envelope of development opportunities to provide for a degree of flexibility in the future use of the campus, while promoting the efficient use of existing resources.*”^[9]
- 4.13 Adding to the ‘needs case,’ both WelTec and Council representatives also indicated to us that, since the transitional designation lapsed in 2003 (when the District Plan was made operative), a gap has existed in the District Plan in relation to the comprehensive management of WelTec’s campus. This, of course, is implied in the plan change documentation itself which introduces new policies, rules and other methods to (in effect) fill this gap. We note and accept that in the absence of such a change, the District Plan is relatively silent on the role WelTec has played and (based on what we heard) will continue to play into the future. Moreover, the planning regime that has applied since the designation lapsed has resulted in most of WelTec’s activities and development requiring resource consent due to the zoning of the campus and despite the institution’s long standing history.
- 4.14 There was some disquiet expressed to us by submitters in relation to the notification (or lack thereof) of applications for resource consent at WelTec that have occurred over the last decade or so under the operative District Plan. On the one hand, we were advised that the on-going public uncertainty around WelTec’s development plans, in combination with the applications that were publicly notified, has led to unease for many. On the other, submitters also expressed their opinion that there were instances in which some applications which were *not* notified should have been. Indeed it was a recurring message from submitters that (from their point of view) on-going public involvement in the Campus’ future development is desirable.
- 4.15 We heard from Mr Hansen that the status quo in the operative District Plan has also led to an adverse effect he described as “*planning creep,*” though we ascertained through questioning that this was actually his description of an accumulation of numerous effects associated with the expansion of WelTec’s campus into adjoining areas. In Mr Hansen’s view, these effects associated with creep include:
- “*residential dwellings being used for non-residential activities...;*

^[7] Plan Change 25, page 3, Part 1 ,paragraph 1.

^[8] Legal Submissions on behalf of PUEA et al, paragraph 5

^[9] Supplementary evidence of Robert Schofield (2 April 2013), paragraph 22.

- *residential dwellings being vacant at night and weekends meaning residential amenity is reduced and security risks may arise;*
- *areas of the sites being sealed for carparking with visual effects and loss of residential amenity;*
- *residential dwellings being demolished and either left vacant or sealed, but ultimately used for car parking;*
- *several properties adjacent to each other being used for non-residential activities creating a cumulative effect of loss of residential amenity; and*
- *remaining residential homes becoming ‘islands’ within the tertiary education activity.^[10]*

4.16 We also heard from a number of submitters that the status quo has resulted in adverse effects on residential amenity, most notably (but not limited to) in relation to vehicle movements and parking in residential areas adjoining the campus. Compounding this, the dynamic nature of WelTec’s operation and the spatial arrangement of its campus and facilities has given the institution cause to adopt a ‘campus-wide’ approach to on-site provision of carparks. To date, this has resulted in relatively poor overall uptake of on-site parking, an outcome WelTec advised it was attempting to improve through the plan change. We will return to this matter in depth under our discussion of Issue 4 (transportation issues) below, but record here that the matter is relevant to our consideration of the need for the plan change.

4.17 Despite the fact that many of the submitters we heard from were dissatisfied with the status quo, we also heard that (in most instances) the status quo was *preferred* to the plan change in its proposed form. Notwithstanding this, the majority of parties who presented to us also indicated that a revised version of the plan change would achieve an optimum result. This was epitomised by Mr Hansen’s answers to questioning on his supplementary statement, where he indicated preference for this very hierarchical order. Determining if there is an ‘optimum version’ of the plan change at all and what form that would take is an exercise we undertake shortly – however, we note here that there was a general sentiment amongst the parties that improvements could certainly be made to the operative planning framework.

4.18 In considering the above matters, we agree with the general sentiment that it is not desirable – nor in the best interest of WelTec or its neighbours – that the status quo is retained. We further agree with and adopt the position of WelTec and the Council that there is a gap in the District Plan in relation to the role WelTec plays and that there is a need to apply more appropriate policies, rules and methods to best enable the sustainable management of the institution’s future use and development.

4.19 Based on the evidence we heard, it is also apparent to us that the status quo has failed to meet the District Plan’s settled Objectives and the purpose of the Act, particularly in regard to the maintenance and enhancement of amenity values^[11],

^[10] Supplementary evidence of Chris Hansen (6 May 2013), paragraph 77.

^[11] s7(c), RMA.

and the avoidance, remediation or mitigation of adverse effects^[12]. Likewise, we do not consider that the status quo best enables WelTec or its neighbours to provide for their social, cultural and economic well-being or their health and safety^[13]. In our collective view, we consider that the *purpose* of the plan change is well founded – and that achievement of that purpose will better equip the District Plan to realise its Objectives and (in turn) the Act’s purpose.

- 4.20 From this conceptual basis, we now consider the policies and methods proposed by the plan change and evaluate the extent to which they achieve the purpose of the plan change.

RECOMMENDATION [R2]

We recommend that the submissions seeking retention of the status quo be rejected. Those submissions supporting the plan change (in whole or in part) should be accepted to the extent that they accord with the revised version included in Appendix 3.

Issue 2: The precinct approach

Support for the precinct approach

- 4.21 As noted above, the primary method underpinning the plan change approach is a new tertiary education precinct. The precinct overlays the existing land use zone,^[14] meaning that no change is proposed to the spatial extent of any of the District Plan’s General Activity Areas.
- 4.22 In questioning, Mr Schofield advised us that a main reason for adopting the precinct approach versus a new (or revised) spot zone approach was to enable a reversion to the underlying land use in the event that WelTec vacates all or part of its campus in the future. He also noted that the maintenance of the underlying zoning will enable activities anticipated by the zone – for example, dwellings in the Residential Activity Area or commercial premises in the Business Activity Area – to be permitted subject to meeting various performance standards. In his view, the precinct approach is optimal as it will ensure *“that the values associated with the underlying zone continue to be recognised, to underscore the broader environmental context in decision-making.”*^[15]
- 4.23 Ms Tessendorf and Mr Daysh^[16] also supported the precinct approach, noting that it enables the introduction of policies, rules and other methods to cater specifically to tertiary education activities (and the management of associated ancillary activities), whilst protecting the amenity of the surrounding residential areas.

^[12] s5(2)(c), RMA.

^[13] s5(2), RMA.

^[14] in the case of the Hutt City Plan, land use zones are labelled as ‘General Activity Areas’ – for brevity’s sake we largely adopt the term ‘zone’ or ‘zoning’ in our discussion.

^[15] Evidence of Robert Schofield, paragraph 4.12.

^[16] s42A report, page 4.

- 4.24 Mr Hansen provided his expert opinion that the use of a precinct approach for management of facilities previously managed by way of designation is an appropriate tool, though he expressed a number of reservations about the specific precinct model and associated provisions proposed in the plan change^[17].
- 4.25 In his submissions, Mr McClelland^[18] similarly supported the precinct concept on the Community's behalf, but expressed the view that the associated provisions are underwhelming and fail to achieve the plan change's intent. Likewise, Messrs van der Laan and Moar separately indicated to us in questioning that they support the precinct concept but wanted to see stricter controls applied to development at the campus where it has the potential to directly affect their nearby properties.
- 4.26 On behalf of the PCB, Mr Davidson^[19] reminded us that precincts are a common RMA planning tool used in New Zealand (and indeed throughout the Wellington Region) to manage institutions such as universities and hospitals. In his view, the precinct approach gives *added* certainty to residents as it ensures that any expansion is appropriately evaluated and considered^[20]. For completeness, we note that Mr Broad expressed a similar support for the precinct approach, specifically noting his experience with the Victoria University precinct in Kelburn, Wellington.

Amendments to the precinct?

- 4.27 Several submissions sought that the precinct be amended – both in terms of its spatial extent, and in terms of its associated strategic role within the context of the District Plan.
- 4.28 The inclusion of land which is leased (and not owned) by WelTec within the precinct was opposed in some submissions. In particular, this included land at Bracken Street ('K Block') and at the northern and southern ends of Cuba Street (71/71A and 53 [in part] respectively). Several parties also opposed the inclusion of the WelTec land at Elizabeth Street and Udy Street within the precinct. Others sought that the southernmost portions of the campus located on the west side of Kensington Avenue ('R Block') be removed from the precinct. A full list of these amendments sought is recorded in Appendix 1.
- 4.29 We also heard from some parties, including Mr and Mrs Williams, which were completely opposed to the precinct, seeking that it be removed.
- 4.30 As noted above, Mr Hansen supported the precinct approach *in principle*; however, his view was that the overarching aims which the precinct is meant to implement were not appropriately founded in the plan change. In his evidence in chief, Mr Hansen^[21] advised that we should adopt the 3 Objectives from the Wellington City District Plan that apply to Institutional Precincts, being to:
- recognise and permit existing uses to continue;

^[17] Evidence of Chris Hansen, paragraphs 43-49.

^[18] Legal Submissions on behalf of PUEA et al, paragraph 6

^[19] Speech Notes of Gerald Davidson for the Plan Change 25 hearing (3 April, 2013), page 5

^[20] Speech Notes of Gerald Davidson for the Plan Change 25 hearing (3 April, 2013), page 6

^[21] Evidence of Chris Hansen, paragraph 39.

- establish boundaries to contain expansion into residential areas; and
 - use design controls to better integrate new development with residential areas;
- 4.31 In his view^[22], PC25 only implements the first of these Objectives, and is distinctly lacking in respect of containment and design guidance.

Evaluation of the Precinct Approach

- 4.32 From the evidence we heard, we fully support the use of a precinct to manage WelTec's campus. We agree with Mr Hansen that a precinct is an effective surrogate for the former designation that applied to the campus, and find the retention of the underlying zone-based amenity provisions to be a well-conceived method to balance the campus' future development against the underlying amenity values for the various areas adjoining the campus.
- 4.33 We also consider that the precinct is an excellent option as it relates to the idea of campus containment. Again, we heard from a number of parties that the uncertainty surrounding WelTec's future outward expansion was a major concern. This concern has relevance to the evidence of Mr Hansen regarding planning creep, and his desire that containment be an express focus of the precinct.
- 4.34 Though the plan change does not overtly include provisions to the extent desired by Mr Hansen, we believe it will improve containment of the campus for the following reasons:
- proposed Policy 4A1.1.4(d) "recognises and provides for tertiary education activities **within the boundaries of the Precinct**, while **avoiding, remedying or mitigating the adverse effects on the residential environment...**" (our **emphasis**);
 - we have adopted a modified version of the additional explanatory text proposed by Ms Tessorf and Mr Daysh to be added to the explanation and reasons to Policy 4A1.1.4, which states, "**It is expected that the Precinct will function as a boundary for the containment of tertiary education activities to protect the residential neighbourhood from encroachment of non-residential development. Future expansion of the Precinct is not prohibited, but any extension would require a change to the District Plan.**" and
 - tertiary education activities are *permitted* inside the precinct but require resource consent as a Discretionary Activity outside the precinct where located within the General Residential Activity Area;
- 4.35 We note that we considered additional methods for addressing the issue of containment, including:
- an objective, per Mr Hansen's suggestion;

^[22] Evidence of Chris Hansen, paragraph 40.

- a standalone policy; and
 - adjustment of activity status to better incentivise tertiary education activities within the precinct and dis-incentivise them outside the precinct.
- 4.36 We admit that Mr Hansen’s reference to the Wellington District Plan ‘objectives’ for institutional precincts caused us some confusion. We learned through questioning that these were not objectives in a formal RMA sense, but ‘outcomes’ that Mr Hansen thought should be achieved through the precinct approach. In his supplementary statement, he indicated^[23] that he found the Wellington Plan objectives to be more appropriate than the Hutt City objectives in relation to a tertiary education precinct. We consider that this is beyond the scope of what we can consider on the matter before us. The plan change introduced no new objectives, and so the test for us is to determine the most appropriate policies and methods to achieve the *settled* objectives of the operative Hutt City Plan (not the Wellington Plan).
- 4.37 We opted not to alter the activity status approach to the management of tertiary education activities primarily for two reasons:
- we did not consider it appropriate to elevate tertiary education activities outside the Precinct to a non-complying activity as this would have District-wide implications for such activities throughout the General Residential Activity Area (not just immediately adjacent to the proposed Precinct); and
 - we considered that elevation of tertiary education activities within the precinct to a higher activity status would potentially ‘level the playing field’ with areas outside of the precinct, thereby undermining the intent of the precinct to contain the activities.
- 4.38 Ultimately, we discounted these additional options in favour of the approach proposed by the plan change (albeit with the amendment to the policy explanation described above). In our view, this approach will lead to increased certainty for both WelTec (in terms of the activities it can undertake as of right) and the wider community (in being able to rely on the Precinct as a boundary to future outward expansion of the campus).
- 4.39 We note that there was unanimous support from all parties we heard from for the removal of Bracken Street and the two Cuba Street properties from the precinct area. On that basis, we formally record the preliminary view we expressed during proceedings that those amendments should be made.

Why not a ‘Masterplan’?

- 4.40 Several submitters suggested that greater certainty for both WelTec and the Community could be afforded through the use of a masterplan or outline development plan as an additional or alternative District Plan method for the Precinct.

^[23] Supplementary statement of Chris Hansen (6 May 2013), page 10, paragraph 39.

- 4.41 When we explored this suggestion with both WelTec and the Council Officers through questioning, they gave no objection that a masterplan could improve certainty and effectiveness as a general tool; however, they provided several reasons why it was not an appropriate tool *in this case*.
- 4.42 We were reminded that WelTec's operations and development are largely affected by Central Government funding and policy. On this basis, the institution is subject to significant strategic change every three years (or as required by the government of the day). We were further told that it would be inefficient to 'lock in' a masterplan in the District Plan, which could essentially be made obsolete within a matter of years. Under such an arrangement, either the District Plan would have to be amended to alter the masterplan, or resource consent would (most likely) be required where future development was not in accordance with an approved masterplan.
- 4.43 On balance, we agree that the tool is not appropriate as a District Plan method in this case. If WelTec was fully self-funded and its long-term planning a matter of its own control, we perhaps would consider otherwise. As this is not the case, we have discounted it as a statutory method.
- 4.44 We do, however, consider that a conceptual masterplan could be a useful non-statutory tool for WelTec to generate and revise over time in collaboration with its Site Residents Committee and/or other Community Groups. It may well be something WelTec should consider in its future discussions with its neighbours as a way of involving them in the institution's strategic planning.
- 4.45 We heard from Mr Hesp and a number of current and former members (including Mr Prichard and Mr Thackery) of the Site Residents Committee that the committee's primary role was to consider operational matters, rather than strategic planning matters. Mr Thackery was particularly dissatisfied that the committee did not have a wider strategic role, informing us that was the basis for his resignation from the committee following the N-Block hearing.
- 4.46 While we are unable to mandate that WelTec revise the role of its neighbourhood Committee(s), we do see merit in some revision to the way it engages with its neighbours on strategic matters. This is not to suggest that we fail to recognise the efforts of WelTec in being a good neighbour (which are considerable); however, based on what we heard, strategic engagement seems to be an area where improvement could be warranted.

Legal issues

- 4.47 As mentioned above, one of the procedural matters that arose during the hearing related to the legal relationship between the proposed Precinct and the existing authorised uses, resource consents and associated conditions. In short, we wanted to be certain that the introduction of the precinct would not override existing resource consents for the campus, and we wanted to address suggestions made by some parties that WelTec's operation is currently unlawful.
- 4.48 Firstly, the advice we received from Mr Quinn – Counsel for Hutt City Council – was that *“as a matter of law, a plan change cannot override or influence any existing resource consents. Those existing resource consents will continue*

unaffected by the plan change process. ^[24] As this pertains to N-Block, if WelTec gives effect to its 2011 consent, then the conditions of that application shall apply; however, WelTec may also choose not to give effect to that consent if it prefers to rely on the provisions of the District Plan, which may ultimately be amended by PC25.

4.49 Mr Quinn^[25] also cautioned us in making a determination on existing use rights – an issue of concern raised by several parties (Mr Hansen and Mr McClelland in particular). We accept Mr Quinn’s advice that it is beyond our jurisdiction to consider whether or not WelTec is operating in accordance with existing use rights established through previous authorisation. This is a matter for the Council in its compliance and enforcement capacity, if indeed allegations that WelTec is not lawfully operating are accurate.

4.50 For completeness, we note that our intention in gathering existing consent information was not concerned with determination of compliance with authorised uses. Rather, our aim was to better understand:

- the nature of the existing environment for the purposes of determining actual and potential effects associated with the introduction of the rules and methods in the plan change;
- the specific activities that required resource consent under the operative District Plan as a means of gauging the need for the plan change discussed under Issue 1 above; and
- the history of the site’s development for our own contextual purposes.

4.51 On the above basis we are satisfied that that legal relationship between the proposed Precinct and the existing authorised uses, resource consents and associated conditions is not something that needs to weigh highly on our deliberations on the plan change. At the same time we take comfort that, whatever our recommendation, there will be no conflict between the resultant District Plan provisions and the historical consent framework that WelTec operates under.

RECOMMENDATION [R3]

We recommend that the submissions seeking deletion of the Proposed Tertiary Education Precinct be rejected. Those submissions seeking amendment to the precinct should be accepted in part to the extent that the accord with the discussion above and the proposed changes indicated in Appendix 3.

Issue 3: Building design, bulk and location

4.52 Apart from the issue of vehicle parking, the consideration of built form was the most heavily discussed issue in submissions and evidence. While we heard

^[24] Letter from S. Quinn to C. Tessendorf (9 April 2013), paragraph 14. Tabled 9 April 2013.

^[25] Letter from S. Quinn to C. Tessendorf (9 April 2013), paragraph 19. Tabled 9 April 2013.

individual concerns from neighbours about the impact of buildings on their own amenity values, there was an overarching philosophical matter that dominated the discussion of built form amongst the experts. For our discussion of this issue, we have firstly focussed on this 'big picture' debate before moving to the site-specific matters.

Permissive framework or Design-led approach?

- 4.53 Generally, the experts we heard from were split into one of two camps with respect to the preferred method(s) for managing built form in the Precinct.
- 4.54 On the one hand, Ms Tessendorf, Mr Daysh, Ms Black and Mr Schofield all accepted that there should be some level of built development permitted within the precinct, subject to compliance with performance standards for bulk and location. Where any future proposal exceeds those permitted standards, these experts agreed that consent should be required as a Restricted Discretionary activity or Discretionary Activity^[26], with consideration given to (among other things) the design, external appearance and siting of the building in question.
- 4.55 On the other hand, Mr Hansen and Ms Popova held a different view on the matter, though we note Mr Hansen's advice evolved over the course of the hearing. In his evidence in chief, Mr Hansen considered^[27] that the best course of action was to permit buildings within the precinct where they were developed in accordance with an Urban Design Guide. His initial view^[28] was also that any proposal that failed to meet the Design Guide should then default to Non-Complying Activity status.
- 4.56 In questioning, we signalled to Mr Hansen that we were not familiar with any District Plan that uses a design guide as a permitted activity standard, and we asked him how a guide could be considered as a standard when the outcomes enabled by the guide were not necessarily certain or measurable. He conceded that there was likely to be some difficulty in using that approach, and revised his view on the best model to use. In short, he ultimately considered that minor additions and alterations that did not add height or change the appearance of existing buildings could be considered as permitted – whereas all other buildings should be considered as restricted discretionary activities, subject to compliance with performance standards and assessment against a design guide.
- 4.57 Ms Popova supported this revised view of Mr Hansen in her evidence and in questioning. In her view^[29], design guidelines are necessary to achieve positive built outcomes in the Precinct, and the permitted bulk and location provisions proposed in the plan change are insufficient. In questioning, she advised that development built to the maximum permitted standards proposed in the plan change could lead to adverse character and amenity outcomes on the surrounding environment.
- 4.58 In evaluating this difference in opinion between the experts, we again turned to the intent of the plan change and to the matter of certainty. The notion of requiring a restricted discretionary resources consent assessed against a design

^[26] Depending on the area in question.

^[27] Evidence of Chris Hansen (13 March 2013), page 46, paragraph 153

^[28] Evidence of Chris Hansen (13 March 2013), page 48, paragraph 161

^[29] Evidence of Deyana Popova: Summary (April 2013), page 6, paragraph 32

guide, in our view, provides relatively low certainty (for WelTec and the Community) and is contrary to the enabling component of the plan change's intent. Indeed such an approach is not materially different to the current path WelTec must follow to further develop its facilities under the District Plan.

- 4.59 On the other hand, by setting a permitted envelope of development, both WelTec and the Community would be aware of the potential scale of development that could be anticipated in the Precinct without need for consent. This is the manner in which *most* built development is managed in the District Plan^[30], and we acknowledge that it is predicated on the notion that the baseline standards which define the permitted envelope are robust and well-founded. The standards must be set at a level such that the effects associated with development undertaken in accordance with them will be of an appropriate nature, scale and intensity.
- 4.60 On balance, we find with considerable belief that there *is* a level of built development that can be supported as a permitted activity within the Precinct. We are not convinced that the nature of the campus and the development potentially anticipated there is such that it *requires* resource consent for built form no matter how small. At the very least, we would anticipate that WelTec should be able to develop to the level anticipated by the underlying zone for any dwelling or other permitted activity. Based on the evidence we heard, we have no reason to consider otherwise – and we further suggest that denying WelTec at least the same level of built development afforded to other land owners in the residential and/or commercial zones raises questions of fairness and reasonableness.
- 4.61 To be clear, our conclusion on this issue is focussed wholly upon built form. It does not consider traffic, noise, signage or any other resource management issue attributable to the land use(s) associated with built form within the Precinct which might otherwise require resource consent. These matters are controlled via other standards, and we consider that to be appropriate.
- 4.62 We do, however, consider that it is appropriate to consider design and appearance matters where future buildings exceed permitted standards for bulk and location. We record that all planning and urban design experts we heard from supported this outcome (though, we acknowledge that Mr Hansen and Ms Popova considered this should be the case for *all* buildings, regardless of size).
- 4.63 We also note the difference of opinion amongst the experts as to the manner in which design guidance should be set out in the District Plan. As noted above, Mr Hansen and Ms Popova favoured the creation of a detailed design guide. The Council Officers, Ms Black and Mr Schofield all preferred the use of design criteria as matters of restricted discretion for non-permitted buildings, rather than via detailed guidelines.
- 4.64 We agree with the sentiment expressed by the PUEA (et al) planning and urban design witnesses that a stand-alone design guide *could* enable a more focussed consideration of urban design matters than generic criteria; however, we are not convinced that a method of such detail is *necessary* in order to achieve the operative and proposed Policies in the District Plan. In our view, the criteria proposed by the Council – particularly when considered in tandem with the

^[30] with some exceptions

other matters of restricted discretion proposed – will provide sufficient scope to consider the more detailed matters that *might* otherwise be identified by a guide.

4.65 We also do not favour the introduction of a design guide for several practical reasons, most notably:

- in our understanding, design guides are only used in the Central Business Activity Area as a means to implement the complex policy outcomes sought for that area – the majority of built development in the District is managed by methods similar to that proposed by the plan change; and
- more substantially, we were not presented with a practical representation of any specific design guide from which to assess effectiveness against the settled and proposed Policies of the Plan – only the *notion* of a guide. We were not compelled to direct that such a guide be prepared, when sufficient consideration is (in our view) enabled by the assessment criteria proposed.

4.66 Having adopted the proposed plan change approach, being to allow for some degree of permitted built development, we now turn our focus to the standards themselves.

Udy Street, Elizabeth Street and Kensington Avenue (East)

4.67 Rather than examine the standards by criteria (i.e. height, yards, etc), we have considered each of these criteria as they apply to the various spatial components of the proposed Precinct. The first of these we consider are the areas at Udy Street, Elizabeth Street and the east side of Kensington Avenue.

4.68 At Udy Street, the proposed plan change introduced a 3 metre yard setback from the southern boundary, with permitted building height graduating from 4 metres to 12 metres as follows (figure not to scale):

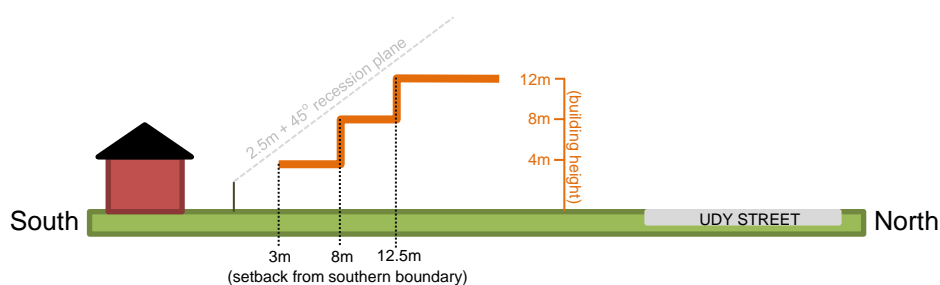


Figure 2: proposed graduated height limit at Udy Street (as notified)

4.69 This is in contrast to Elizabeth Street, where the maximum proposed height was 12 metres, and at Kensington East, where the general residential height limit of 8 metres applied in combination with a less generous recession plane (2.5m +37.5°).

4.70 A number of submissions were received – including from PUEA et al, Mr & Mrs Bakker, Mr Hawij, Mr Thackery, PPAG and PCB, who we heard from in detail – in relation to the proposed bulk and location controls for the above sites, and as a

result, the Officers recommended several changes to the standards. For example, at both Udy and Elizabeth Streets the Officers recommended a reduction in height to the permitted 8 metre height limit of the underlying zone. These amendments were generally welcomed by almost all parties we heard from, though we reiterate Mr Hansen's preference that the height limits be set as a restricted discretionary activity standard, rather than permitted.

- 4.71 Mr Schofield also expressed^[31] some displeasure at the reduction in height at Elizabeth Street, as he felt more efficient use could be made of the site (without adversely affecting neighbouring amenity) by allowing a higher building on at least part of the site. Similarly, he disagreed^[32] with the Officers' rationale for the reduction in height at Udy Street, considering that a 3-4 storey building could be more appropriate at the site given its corner location in a mixed-use area.
- 4.72 Based on the evidence we heard, we agree that the underlying *permitted* height of 8 metres is an appropriate standard to apply to these three sites, and we also consider that buildings in excess of this height limit should be considered as a restricted discretionary activity as proposed.
- 4.73 That said, we have concerns about this being the *upper limit* for consideration of *all* buildings on these sites. This rule structure would treat a 40 metre-high building in the same way that it would treat an 8.2 metre-high building: restricted discretionary and (as proposed) precluded from public notification. We acknowledge that limited notification *may* be enabled by the restricted discretionary rule (as notified) and there are also provisions in the RMA for enabling notification where special circumstances exist; however, we believe there is justification for a more explicit (and broader) consideration of effects and wider community involvement at some point above the permitted height limit.
- 4.74 Moreover, the proposed restricted discretionary approach is *inconsistent* with the activity default for other sites in the underlying zone and for the approach adopted in Kensington Avenue (West). That is, any building in the General Residential Activity Area or Kensington Avenue (West) Area which does not meet the permitted conditions under Rule 4A 2.1, is considered a fully Discretionary Activity under Rule 4A 2.4. We consider it is appropriate to better align the plan change provisions for the management of building height on these sites with this approach used for the remainder of the underlying zone and the Precinct. To implement this amendment, we have determined a need to introduce a secondary height threshold for the Udy, Elizabeth and Kensington (East) sites.
- 4.75 Based on the evidence we heard, the secondary height must be 12 metres. Not only does this align with the management of height at Kensington Avenue (West), but it also is reflected as appropriate in the views of the various planning and urban design experts we heard from. While Mr Schofield was the only expert who indicated a tolerance for a 12 metre *permitted* height limit for a portion of these 3 sites, Ms Popova, Ms Tessendorf and Mr Daysh indicated (in questioning) that consideration of up to 12 metres *could* be appropriate and/or considered through a restricted discretionary process.

^[31] Evidence of Robert Schofield (13 March 2013), page 17, paragraph 6.16

^[32] Evidence of Robert Schofield (13 March 2013), page 18, paragraph 6.23

- 4.76 We acknowledge that we did not test the consideration of higher or lower figures further with the witnesses; however, the general message that we distilled from the evidence and responses to questions was that a 12 metre height *may* be appropriate for *some* parts of these sites, subject to consideration of design, external appearance, bulk and location. The Udy Street site, for one, is a corner site opposite a mixed-use commercial area which permits 12 metre buildings. We consider that a building of up to 12 metres in height *could* be appropriate at Udy Street, subject to the manner in which the proposal achieves a successful design outcome which is sympathetic to its neighbours – this is exactly what the restricted discretionary rule is designed to achieve. From our perspective, the same applies at Elizabeth and Kensington (East).
- 4.77 On the above basis, we recommend a further change to the management of height at Udy, Elizabeth and Kensington (East) sites, such that the permitted height is set at 8 metres, the maximum height for consideration as a restricted discretionary activity is set at 12 metres, and any building above 12 metres is considered as a fully discretionary activity.
- 4.78 For completeness, and noting the exception of Mr Hansen’s suggestion that site coverage be a matter addressed through a design guide, all of the planning and urban design experts we heard from supported the proposed site coverage and yard setback provisions for these three sites. On the evidence we heard, we find no reason not to adopt these figures as proposed above.

Kensington Avenue (West)

- 4.79 The plan change (as notified) proposed a graduated height limit for the Kensington Avenue (West) site, similar to the proposal for Udy Street (see **Figure 3**). Submissions were received in opposition to this proposed height limit, including from Mr Moar and Mr Prichard, who we heard from in detail, and whose properties we specifically visited.
- 4.80 Messrs Moar and Prichard (respectively) own the two residential properties at the northern end of Buick Street, immediately southwest of the Kensington Avenue (West) area. Mr Moar sought that the southern portion of the site (a.k.a. R-Block) retain the existing height, bulk, footprint and design restrictions of the underlying residential zone, to act as a transition between WelTec’s large buildings and neighbouring residential properties. Similarly, Mr Prichard’s submission sought that R-Block be removed from the precinct (which would effectively achieve the same outcome to Mr Moar’s relief). The basis for their respective submissions was that the proposed plan change would adversely impact their sunlight access, and lead to potential adverse effects from building dominance within the Precinct.



Figure 3: graduated height limit at Kensington Ave (West). Indicative only, not to scale.

- 4.81 In numerical terms, the proposed plan change and underlying zone provisions for height compare as follows at this boundary:

Table 1: Comparison of District Plan and plan change permitted heights - Kensington (West)

Distance from 'southern boundary' (m)	District Plan max height (m)	Proposed plan change max height (m)
1	3.5	0
<3	<5.5	0
3-8	5.5-8	4
8-12.5	8	8
>12.5	8	12

- 4.82 As is evident from **Table 1** above, the underlying zone provisions allow for a *greater* permitted height *closer* to the southern boundary (up to a point 8 metres from the boundary, where the permitted height is equal). Moreover, the operative provisions allow for a maximum height which would otherwise be in excess of the sunlight access plane (in parts), whereas the PC25 height provisions will always be under the sunlight access plane. On this basis, we find that the proposed PC25 provisions will, if anything, permit a scale of development that has a *lesser* impact on sunlight access to these properties than the status quo.
- 4.83 In terms of dominance, we accept that a 12 metre-high building has a greater potential to dominate a residential environment than an 8 metre building. In addition to Messrs Moar and Prichard, Ms Popova also expressed the view that a 12 metre-high building could dominate the adjoining residential neighbourhood in this particular location.
- 4.84 Ms Black, Ms Tessendorf, Mr Daysh and Mr Schofield, on the other hand, considered that the height limit was appropriate given the generous setback applying from the southern boundary. As a matter of clarification, we note that the Council Officers recommended (in their s42A report) that the southern boundary be clearly defined to apply to the entire campus boundary between Buick Street and Kensington Avenue – from what we heard, this was supported by all parties.
- 4.85 On balance, we adopt the recommendations from the Council and WelTec that a 12 metre height limit is suitable, given the minimum 12.5 metre setback from the

site boundary at which this height would be permitted. We further note that this permitted height is considerably lower than the existing 7-storey tower block immediately north of R-Block. In our collective view, a 12 metre-high building (as permitted by the proposed standards) is an appropriate scale of development given the function of the campus, and given the actual and potential effects associated with such a building in this location. Any non-compliance with the height standard will default to a fully discretionary activity with no presumption for non-notification, and we consider that to be an appropriate outcome.

- 4.86 As with the site coverage for the three previous parts of the precinct we evaluated, there was general agreement amongst the experts that 60% site coverage for the Kensington (West) site is appropriate. We amplify the fact expressed to us by Ms Popova^[33] that this figure is, in fact, less than the existing coverage for the site, which she calculated at more than 75%. Based on the evidence we heard, we have no reason not to adopt the proposed 60% coverage for this portion of the precinct.

Landscaping

- 4.87 In her evidence in chief, Ms Popova indicated (in several instances) that she considered the plan change provisions were lacking with respect to landscaping requirements. In particular, she suggested that we should recommend a 3 metre-wide landscape strip at the road frontage and along other boundaries be required as a permitted activity standard for buildings at Udy Street, Elizabeth Street, and Kensington Avenue (East). Her view was that such a method would soften the potential bulk of buildings anticipated by the other permitted standards.
- 4.88 Ms Black and Ms Tessendorf agreed with Ms Popova that landscaping *could* be an effective tool to positively integrate new buildings into the streetscape for these sites; however, they disagreed with Ms Popova's suggestion that landscaping should be required by a generic permitted standard. Ms Black, in particular, considered^[34] that the ability of a planting strip to provide screening was questionable as they are often poorly maintained and/or established. In her view, a well-designed building would be more likely to make a positive contribution to the neighbourhood in these locations.
- 4.89 Ms Tessendorf also reminded us in questioning that the consideration of landscaping and screening was an additional matter of restricted discretion proposed in the s42A report for buildings that exceeded permitted standards at these sites.
- 4.90 On the evidence we heard, we agree with Ms Black's view that the landscape strip requirement proposed by Ms Popova is not necessary – particularly for the Udy Street site, a prominent corner site. We agree that landscaping could be *one* of many elements of building design that ultimately make for a successful outcome with respect to streetscape and neighbouring amenity; however, we do not think that a rigid permitted standard is the most effective way to deliver *effective* landscaping in this case.

^[33] Evidence of Deyana Popova (March 2013), page 11, paragraph 54

^[34] Evidence Jane Black (26 April 2013)

4.91 Moreover, we are not persuaded that landscaping would *necessarily* achieve a better outcome – particularly with respect to streetscape – than a building at these sites. Ms Tessendorf and Ms Black suggested that a more appropriate standard to apply should be in relation to active built frontages, rather than via landscaping. On balance, we agree with that suggestion, and in particular that the standard should:

- ensure that new buildings front onto the road with an appropriate setback (within a distance between 3 and 5.5 metres from the road boundary); and
- avoid blank facades adjacent to the street; and
- give special consideration to corner sites.

4.92 However, we consider that the wording of the standards proposed by Ms Black and Ms Tessendorf should be refined for clarity, alignment with other terms used in the District Plan, and effectiveness. In particular, we recommend the proposed standards (under Rule 4A2.1.1(z)(v)) should be amended to read (our changes in **bold**):

(v) For all areas in the Tertiary Education Precinct -

(1) Building Frontages

- (a) The **ground level road** frontage of all buildings **shall will** be **located** within **a distance no closer than 3 metres and no further than 5.5 metres** of the **road street**-boundary **at ground floor level**, and **shall** provide at least one pedestrian entrance **to at the road street**.
- (b) No building shall create a featureless façade or blank wall **wider than 3 metres** at the ground level **road street** frontage **wider than 3 metres**. A featureless façade or blank wall is a flat or curved wall surface without any openings or glazing.

(2) Corner Sites

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

4.93 In our view, the amendments above will manage, to an appropriate level, the streetscape effects of future permitted buildings within the Precinct that front onto road. We also adopt Ms Tessendorf's recommendation that an associated explanation and reason should be included to reflect this change under 4A 1.2.1 (i), and that streetscape effects become a matter of discretion for buildings that exceed one or more of the permitted standards. For completeness, we record that this only applies to those portions of the Precinct in the General Residential Activity Area.

Notification matters

4.94 We have briefly considered matters in relation to the notification of future applications for resource consent for new buildings on the campus above, and touch on notification issues in respect of transport matters in the following section of the report. However, we note that our overall evaluation of the

'global' approach to notification proposed by the plan change is set out under Issue 5.

RECOMMENDATION [R4]

We recommend that the submissions seeking that the plan change be amended to achieve lower permitted building heights within the precinct be accepted in part to the extent that they accord with the revised provisions proposed in Appendix 3.

We recommend that the submissions seeking that the plan change be amended to consider matters of landscaping and building design, bulk and location within the Precinct be accepted in part to the extent that they accord with the revised provisions proposed in Appendix 3.

We recommend that the submissions seeking that all future built development within the Precinct be required to obtain resource consent be rejected.

Issue 4: Transport issues*Vehicle Parking - Introduction*

- 4.95 Almost without exception, transport issues were raised by each party we heard from, and in particular, parking issues. We canvass all traffic matters in turn, but it is fair to say that our primary evaluative focus is on parking.
- 4.96 We firstly record that the parking issue is not only one of significant complexity, but one that has major implications for both WelTec and the wider community. To this end, it was the issue that commanded the lion's share of our attention in the lead up to the hearing, at the hearing itself and in our deliberations.
- 4.97 In evaluating the evidence we heard, we again drew on the recurring theme of certainty and on the purpose of the plan change (which we have already canvassed and supported above). It is largely within the ambit of that purpose and the consideration of methods available to implement the higher order provisions of the District Plan (and in turn the RMA), that we have determined what we consider to be the most appropriate means of managing vehicle parking through the plan change.

Submissions, conferencing and evidence - background

- 4.98 While we certainly value the submissions and evidence provided by local residents on parking issues, we record that the general thrust of that information (by and large) was focussed more on the *identification of the scale and nature of existing adverse effects*, more than on any practical solution for resolving those issues. That said, we acknowledge the point made by some parties that we have the option of limiting future development at WelTec that would exacerbate this existing effect, including through a mandatory requirement that any future

development at WelTec obtain resource consent to consider traffic and parking effects (as a minimum). However, as we have already canvassed under the Issues above, we do not consider such an approach is warranted in this case.

- 4.99 In the interests of reaching a resolution on the issue, and notwithstanding the valuable information provided to us by non-experts, we acknowledge that we have largely focussed (and relied) on the evidence from the transport experts – Mr Kelly, Ms Skilton, Mr King and Mr Walbran – that we heard from over the course of the hearing.
- 4.100 Before we set out our evaluation of that evidence, however, we wish to record our disappointment that *all* expert transport witnesses were unable to conference prior to the hearing commencing. As outlined in our first Minute, we specifically established a conferencing process to distil the key areas of agreement and disagreement between experts for the purposes of achieving a more focussed, speedy and effective hearing process for *all* parties.
- 4.101 Mr McClelland explained to us that his clients were unable to commit their witness to conferencing as their available funding was otherwise exhausted^[35]. We have sympathy for his clients and all other parties who have donated their time and resources in support of their respective views on this project – and we respect each party’s ability to commit their resources in the way they consider best suited to their resources and abilities. However, we record that the very reason why we requested conferencing in the first place was to save time and money for all parties (through a more efficient hearing process). In absence of a joint witness statement from *all* experts, it was left to us to determine the key areas of agreement and disagreement through a broader and more circuitous analysis of evidence, questioning, the issuing of minutes and directions to parties, commissioning of further surveys and legal advice.
- 4.102 It was particularly disappointing to us that we could not at least be provided with a statement that established agreed (and disagreed) matters of *fact*. In our view, some preliminary dialogue on the parking issues would have been invaluable in “trimming the fat” of information that was ultimately *not* useful to us, and in weeding out the extensive “he said, she said” commentary in the various briefs of expert evidence we were presented with by all parties. We are not convinced that the process that resulted would have provided much (if any) savings to any party, versus the process we expressed a preference for.
- 4.103 Despite our disappointment with this less-than-ideal process outcome, we assure all parties that our findings on the matter of parking have been based on the *merits* of the respective expert viewpoints^[36] we heard. It will be evident from the discussion below that we found no single expert view to be universally acceptable, and have relied upon a combination of inputs to reach our ultimately preferred solution.
- 4.104 This background established, we now commence our evaluation with a snapshot of the current parking situation.

^[35]Legal Submissions on behalf of PUEA et al, paragraph 37

^[36]in addition to the other matters raised in submissions and the s42A report which we have relied upon

Current parking situation

- 4.105 As Ms Tessendorf and Mr Daysh^[37] identified, it is evident from submissions that on-street carparking associated with the current WelTec activities have been a concern for residents in this part of Petone for some time.
- 4.106 We valued the précis from Mr Kelly in his evidence in chief as to the genesis of this tension. He explained^[38] that *“WelTec generates a significant demand for parking during weekday and term-time periods... [and whilst] off-street parking is provided, this is insufficient to meet the demands generated by WelTec.”* He further noted^[39] that there have been very few limitations imposed on the use of kerbside parking in the vicinity of the campus – and as a consequence, WelTec students and staff also use kerbside parking located on the adjacent network of (primarily) residential streets. As a further result of this convenient access to kerbside parking, Mr Kelly considered^[40] that there has been little incentive for WelTec students and staff to use the available off-street parking, some of which is noticeably underutilised. We understand that the demands for kerbside parking are greatest around the main campus and ‘N Block.’
- 4.107 Ms Skilton helpfully summarised some specific concerns experienced by residents as a result of the situation outlined by Mr Kelly, including:
- *“inability to access residents properties, or for residents and visitors to their properties to obtain an on-street park close to their residence;*
 - *heightened competition for on-street car parks between Weltec users/ those seeking to access community facilities and residents;*
 - *access to driveways being blocked/impeded as a result of poor /opportunistic parking;*
 - *use of public street for disabled car parks;*
 - *additional traffic resulting from vehicles circulating to look for a car park as there is a lack of specific Weltec parking areas; and*
 - *driver behaviour of people looking for a car park.”* ^[41]
- 4.108 These issues were not disputed by WelTec or HCC witnesses.
- 4.109 For completeness – and in fairness to WelTec – we understand that the current kerbside parking demand is not generated by WelTec alone. This was highlighted in the parking surveys undertaken during term breaks, which illustrated demand from other established sources in the locality.
- 4.110 Notwithstanding this, and as we briefly discussed under Issue 1 above, it is clear to us – based on the evidence and submissions we heard – that the current parking situation (both the physical situation on the ground and the current

^[37]s42A report, page 5

^[38]Evidence of Tim Kelly (13 March 2013), page 4, paragraph 13

^[39]Evidence of Tim Kelly (13 March 2013), page 4, paragraphs 13 & 14

^[40]Evidence of Tim Kelly (13 March 2013), page 4, paragraph 16

^[41]Evidence of Laura Skilton (14 March 2013), page 7, paragraph 30

District Plan method for managing parking – which we discuss below) is not acceptable. We consider it important to note that this conclusion was universally agreed amongst the parties in relation to the current parking situation.

- 4.111 We also record that our factual understanding of parking supply has been based upon a number of different parking surveys carried out at various times by the various experts. The first of these surveys was carried out by Mr Kelly in October 2010, with the most recent undertaken by Mr Walbran in May 2013.
- 4.112 In general, the different results observed between Mr Kelly and Ms Skilton are not too dissimilar, with a main difference in interpretation relating to the definition of a ‘legitimate’ parking space. Another key difference we note is that kerbside markings, which provide a clearer definition of the parking supply, were painted between the survey periods for Mr Kelly and Ms Skilton.
- 4.113 The most recent survey^[42] carried out in response to our questions was undertaken by Mr Walbran. This survey showed a noticeably lower number of on street spaces. This was the result of a different interpretation of what was an “available” parking space. Mr Walbran considered, for example, that some of the kerbside spaces (such as disabled parks), and off-street parks (including the WelTec fleet vehicle parks at Kensington Avenue) should not be deemed to be available. Such spaces are available to Weltec staff and students albeit in a limited manner.

A campus-wide approach to parking?

- 4.114 Mr Schofield explained to us that one of the existing shortcomings of the District Plan (as it relates to WelTec) is that it “*requires on-site parking for each of the activities that occur on each of the properties that comprise the Campus.*”^[43] He further described this trait as an “*anomaly in that a large physical resource [WelTec], which has its own use and development characteristics and requirements, is not recognised or separately provided for under the District Plan.*”^[44]
- 4.115 WelTec’s proposed response to this ‘glitch’ in the District Plan is to introduce a whole-of-campus approach to the provision of on-street parking. Through the course of the hearing, we heard a number of reasons why this approach is superior to the status quo, including that it:
- provides WelTec with some flexibility to make changes, while recognising that increased student/staff numbers and their associated effects upon parking demand may be countered by initiatives to reduce car use and improve the utilisation of the off-street parking resource^[45];
 - recognises that students and staff may spend time at multiple locations throughout the campus during a typical day and that the number of students and staff on-site at any one time and their location within the campus is dynamic;

^[42]for completeness, we note that this should not be confused with the 2am survey we describe elsewhere

^[43]Evidence of Robert Schofield (13 March 2013), page 7, paragraph 3.15

^[44]Evidence of Robert Schofield (13 March 2013), page 7, paragraph 3.16

^[45]Evidence of Tim Kelly (13 March 2013), page 6, paragraph 26

- accepts that some degree of kerbside parking should be available for use by WelTec as a means of meeting parking requirements;
- allows for improved efficiency in that the status quo could lead to an overprovision of spaces which are never fully utilised – overprovision would likewise be contrary to the aspirations for decreased private vehicle use and increased public and active transport modes;
- ensures the land resource is used efficiently; and
- continues to provide for and encourage the involvement of the community through a consent requirement if and when the net effect would be likely to result in any increase in the expected extent of kerbside use^[46];

4.116 Mr Kelly, Ms Skilton and Mr Walbran also illustrated that there were *disadvantages* to the proposed campus-wide approach. The most significant of these relates to the spatial distribution of off-street parking provided in relation to the buildings they are intended to service.

4.117 Indeed it was agreed amongst the experts that the Udy Street carpark was case-in-point to this issue. The carpark is relatively isolated from the general campus area and has low utilisation rates as a result. In principle, the carpark is available to students and staff, and should therefore be considered as a component of the overall whole-of-campus parking *supply*. In practice, however, its location and poor utilisation indicate that it is doing little to alleviate the whole-of-campus *demand* for kerbside parking located closer to the facilities students and staff want to access.

4.118 Ms Skilton^[47] captured this nicely in her evidence in chief, noting that car parks will not be used if they are located too far from the point of demand (a conclusion shared by the other experts and Council Planners). She further suggested to us that the District Plan should ensure that the location of new parking is logical, functional and that any new parking needs to be included in the Precinct area and close to the tertiary activity that it relates to. Her view was that this could only be achieved by incorporating a distance requirement in the plan change, being the provision of adequate parking within 100 metres of the proposed activity.

4.119 Mr Kelly^[48] considered a 100 metre requirement to be unrealistic and inappropriate. His view was that – if a spatial constraint is to be applied – the figure should be more in the order of 400 metres.

4.120 This difference in opinion left us with a need to consider *potential* refinements to the campus-wide approach (including the car parking formula itself), which we address in detail shortly. However, we record at this stage that we find the *overall campus-wide approach* to be appropriate.

^[46]Evidence of Tim Kelly (13 March 2013), page 6, paragraph 26

^[47]Evidence of Laura Skilton (14 March 2013), page 49, paragraph 242

^[48]Evidence of Tim Kelly (13 March 2013), page 19, paragraph 111 and Supplementary Evidence of Tim Kelly (2 April 2013), page 11, paragraph 64

One formula to rule them all

- 4.121 Having adopted the campus-wide approach in principle, the key method remaining for us to evaluate is the permitted activity standard to be applied across the precinct for future parking requirements. The operative District Plan^[49] relies on a formula to calculate off-street parking requirements for tertiary education activities, requiring one space per staff member plus one per three students (calculated according to the maximum number of students on site at any point in time). While it was universally accepted between Mr Kelly, Ms Skilton and Mr Walbran that *this* formula is not the optimal standard, each expert had his/her own view as to the model (and its component parts) that should be preferred.
- 4.122 Mr Kelly's original assessment accompanying the plan change request proposed the following formula ("**the Kelly formula**"):

$$\frac{[(x\% * \text{student numbers}) + (y\% * \text{staff numbers})] - \text{AKP}}{(\% \text{ utilisation} / 100)}$$

where:

x = the percentage of students recorded as bringing cars to the campus;

y = the percentage of staff recorded as bringing cars to the campus;

AKP = Acceptable level of Kerbside Parking; and

% utilisation relates to the use of the off-street parking resource.

- 4.123 Prior to lodgement of the plan change, this formula was simplified and eventually became Amendment 35 ("**the plan change formula**"), altering the table in Chapter 14 Appendix Transport 3 as follows:

$$\frac{[(1 \text{ space per } 1.33 \text{ staff members}) + (1 \text{ space per } 2.5 \text{ students})] - 300}{0.85}$$

- 4.124 As we understand it, the 'numerator' figures in the above iteration of the formula were derived from survey data compiled by Mr Kelly in 2011, and the 85% utilisation rate was considered by Mr Kelly to be a "realistic and achievable" figure. However, recent survey data provided by Mr Kelly indicated utilisation varied from 69% (on the low end) to a maximum observed figure of 76%.^[50]
- 4.125 Ms Skilton^[51] recommended the introduction of a graduated parking requirement based on full time equivalent ("FTE") staff and FTE enrolled students. Her view was that this method would provide for more accurate and measurable staff and student numbers, as these figures are reported to the Ministry of Education and are available in Weltec's Campus Plans. She considered that use of a number based on student/staff timetable values would always result in inaccuracies in the data. Ms Skilton preferred the graduated parking requirement as it would (in her view) ensure that the parking overspill on surrounding streets would reduce as student numbers increase. Her recommended formula ("**the Skilton formula**") was as follows:

^[49]Rule 14A(iii)2.1 & Appendix Transport 3

^[50]Evidence of Warwick Walbran (13 May 2013), page 8, paragraph 18

^[51]Evidence of Laura Skilton (13 May 2013), page 62, paragraphs 307 - 309

PARKS	UNIT
0.80	per FTE staff member, and
0.10	per FTE enrolled student for the first 2000 enrolled students; and
0.20	per FTE enrolled student for the next 300 enrolled students; and
0.40	per FTE enrolled student for any additional enrolled students.

- 4.126 We note that Ms Skilton's formula did not incorporate an AKP component, which the plan change and Kelly formulae had set at 300 kerbside spaces. To achieve some long term reduction in kerbside parking reliance for students and staff, Ms Skilton recommended a 'sunset' clause be implemented. In effect, this clause seeks to diminish the 'AKP' figure over time to a figure of 63 kerbside parks for WelTec's use.
- 4.127 We note here that the difference of opinion between Mr Kelly and Ms Skilton created some difficulty for us, and to resolve this, we openly sought guidance^[52] from Mr Walbran (as a component of his reporting to us) as to his own:
- assessment of whether or not the existing carparking situation is acceptable;
 - view of the acceptable amount of kerbside parking for WelTec's use;
 - updated inventory of *all* available parking supply as a result of different information provided, indicating clearly the number of spaces on WelTec land, HCC off-street or HCC on-street;
 - assessment of the parking formulae provided by the other experts; and
 - view as to whether or not the proposed formula *approach* is workable, and what impact (if any) it will have on the current situation (i.e. worse, better, no change).
- 4.128 In providing us with a response to these matters, we further requested^[53] that Mr Walbran specifically consider the methods, assumptions and numbers that Ms Skilton and Mr Kelly relied upon, including any alterations they signalled over the course of the hearing.
- 4.129 Mr Walbran's reply to our request was thorough and well set out. In a comparative sense, Mr Walbran *generally* preferred the approach adopted in the **Kelly formula** over **the plan change formula**; significantly, however, he also considered some amendments were required. In particular, his view was that annual monitoring should be undertaken to determine each of the variables contained in **the Kelly formula**. Without retaining the variable element of these figures, Mr Walbran's view^[54] was that there would be no incentive within the formula for WelTec to *increase utilisation of off-street parking* or to encourage *non-private vehicle commuting behaviour* for staff and students.

^[52] Minute 3 of Commissioners (10 April 2013), paragraph 18

^[53] Minute 3 of Commissioners (10 April 2013), paragraph 19

^[54] Evidence of Warwick Walbran (13 May 2013), page 22, paragraph 76

4.130 Having identified Mr Walbran's rationale for preferring **the Kelly formula**, we consider it relevant to also summarise his reasons for disapproving of **the plan change and Skilton formulas**. Specifically, he expressed the view that:

- the 85% utilisation rate in **the plan change formula** (although aspirational) was too high and that the rate should be based upon actual observed rates determined by annual surveys^[55];
- the 'x' and 'y' figures in **the plan change formula** should likewise be based upon actual observed data and would need to be revised annually for accuracy;
- **the Skilton formula** is suboptimal as it:
 - is not related to actual car usage rates;
 - does not accurately predict current travel patterns;
 - lacks flexibility to adjust to changing travel patterns;
 - does not calculate the required number of off-street carparks based on any survey data;
 - does not relate the formula to car parking effects; and
 - takes no account of utilisation of kerbside and off-street parks^[56].

4.131 Though Mr Walbran's supplementary statement was invaluable in some ways, his suggestion that the formula components be annually derived (and therefore forever variable) gave us cause to seek legal advice^[57] as to whether or not such a model (as a permitted activity standard) was *vires*. The advice we received confirmed our concerns, noting that such an approach would be a 'bridge too far' to meet the appropriate legal tests as a permitted activity. Accordingly, we have discounted Mr Walbran's preferred formula on that basis. On that same basis, we do not consider that **the Kelly formula** is sufficient or certain enough to be supported.

4.132 We also found **the Skilton formula** to be lacking in several ways. Firstly, we found that it lacked sufficient rationale behind the ratios used for setting parking demand. This was in contrast to the Kelly and plan change formulae, which were based on clearer survey data. There was a deal of criticism in Ms Skilton's evidence as to Mr Kelly's calculation of off-street parking requirements. However, we found Mr Kelly's methods to be robust and well-linked directly back to his survey data provided.

4.133 Ms Skilton's preference for limiting kerbside parking through a sunset clause is not desirable in our collective view. Irrespective of the *merits* of such an approach, we were not presented (either by Ms Skilton or Mr Hansen – the latter of whom we specifically requested a response from on this matter) with a version of the standard that we would be comfortable including as a permitted activity standard in the District Plan. Specifically, the reliance on annual survey data to determine compliance with the diminishing AKP figure is not appropriate. We struggled to accept the consequences that such a standard would have in terms of compliance enforcement, and the effect this would have on the amount of off-street parking required to be provided. We preferred the

^[55] Evidence of Warwick Walbran (13 May 2013), page 13, paragraph 39

^[56] Evidence of Warwick Walbran (13 May 2013), pages 14-15, paragraph 43

^[57] Minute 3 of Commissioners (10 April 2013), paragraph 19

simplicity of utilising a fixed AKP figure as part of the overall parking calculation requirements.

- 4.134 Putting this ‘mechanical’ shortcoming of the sunset clause to one side, we also note that we do not support the approach on its merits when compared to the approach in **the Kelly and plan change formulae**. We consider that Ms Skilton’s preferred option would result in an overprovision of off-street parking within the precinct. We agree with Mr Kelly that this is disadvantageous in terms of land use efficiency and the desire to encourage modes of transport other than private vehicle use.
- 4.135 Moreover, we find that **the Skilton formula** is overly limiting with respect to AKP for WelTec staff and students, particularly in light of the survey data we were presented with. We do not agree with Ms Skilton that the ultimate target figure of AKP spaces set by the sunset clause should be limited to the kerbside parks immediately adjacent to the campus boundaries. Such an arrangement would make inefficient use of the available parking resource and does not align with the results of the survey data. We discuss this in further detail shortly.
- 4.136 Based on the above and all of the evidence we have heard and considered, we find that **the plan change formula** is the best option to adopt initially. Our focus for the remainder of the discussion on this topic is to consider the most appropriate *components* to comprise the formula.

AKP, utilisation and spaces per staff/student

- 4.137 In considering the appropriate ‘inputs’ to apply to our preferred formula approach, our initial focus is on determining **the ‘correct’ AKP figure**. We record that all experts agreed that at least *some* level of kerbside parking should be available to WelTec staff/students; however, we reiterate that Mr Kelly and Ms Skilton differed on this figure by a considerable margin – 300 versus 63 spaces (respectively). We also record that Mr Walbran’s view was that the 300 figure proposed by Mr Kelly was appropriate, and that such an amount could be accommodated on the street network without undue adverse effects on residents^[58].
- 4.138 Mr Kelly’s rationale^[59] for the 300 AKP figure was derived from his observations in 2010. He identified the maximum estimated kerbside demand generated by WelTec at 480 spaces, of which 180 spaces were deemed to be the ‘excess demand’ leading to the observed adverse effect. He concluded that the total demand minus the excess demand – or 300 spaces – would be an appropriate AKP figure, and noted that this would leave roughly 480 spaces in the vicinity for residents’ use.
- 4.139 Both Ms Skilton and Mr Walbran derived different kerbside space counts in their own observations. Helpfully, Mr Walbran^[60] provided us with a comparative table showing the difference between the three experts, based on their various reports / briefs of evidence. The bottom line figures for that comparison of available kerbside parking spaces were as follows:

^[58] Evidence of Warwick Walbran (13 May 2013), page 12, paragraph 34

^[59] Evidence of Tim Kelly (13 March 2013), page 9, paragraph 46

^[60] Evidence of Warwick Walbran (13 May 2013), page 6, paragraph 13

- Kelly – 694^[61] spaces;
- Skilton – 668 spaces; and
- Walbran – 619 spaces.

4.140 Rather than try to reconcile these figures, we have (for the time being anyway) accepted that they are close enough for our purposes here. We note, however, that even if Mr Walbran's lower figure of 619 spaces is used, this still allocates 319 spaces to non-WelTec users if an AKP figure of 300 is applied, or 556 spaces if the sunset clause target is applied.

4.141 As noted above, however, we consider the 63 (sunset clause) spaces suggested by Ms Skilton to be unrealistic and lacking any acknowledgement of the surveyed utilisation of kerbside parking by actual users. The approach assumes that all vehicles associated with Weltec should park along the adjacent property boundaries, while this is not the case in practice.

4.142 Ms Skilton's approach also does not consider the observed resident demands or the efficient utilisation of kerbside parking by other activities other than for residents.

4.143 In interpreting the disparate views of the experts on the AKP figure, we recognised that there was (in effect) an information gap to be addressed. To resolve this, we requested^[62] that a night time survey be undertaken to obtain a better understanding of the actual kerbside demands created by residents in the suburban area adjacent to WelTec. The survey was carried out early in the morning (2am) on Wednesday 17 April 2013 to assess actual parking demand generated by residents without competing demand from WelTec or other activities.

4.144 A number of surveys had also already been conducted during the day, some of which had been undertaken during school term and others outside term. Collectively, the results of the various surveys provided a clear understanding of the different parking demands generated by Weltec, other businesses and residents in the area. We were able to compare the different survey data against the night time survey, which clearly showed the available car parks in the different streets surveyed.

4.145 By way of an example, 7 vehicles were recorded along Kensington Avenue at night, which can accommodate 101 vehicles in total based on Mr Walbran's data. This 'excess' of 94 spaces *alone* is well above the sunset clause AKP figure of 63 suggested by Ms Skilton, without considering any other areas available for kerbside parking.

4.146 Looking at the night time survey results in the parking catchment 'holistically,' 147 kerbside spaces were observed as occupied^[63]. Even if the lowest available figure of total available kerbside spaces is applied – being Mr Walbran's 619

^[61] this is clearly different to the 780 figure listed previously. This (as we understand) is due to a different selection of streets being analysed between exercises.

^[62] Minute 3 of Commissioners (10 April 2013), paragraph 16

^[63] The total observed uptake was 165 spaces; however, this considered a wider catchment than the comparative pool identified by Mr Walbran. 147 spaces were utilised in the catchment used for that comparative assessment.

spaces – this leaves 472 spaces available for non-resident use. Furthermore, if the 300 AKP figure is removed from that 472 space excess, there are an additional 172 spaces available to visitors and other road users.

- 4.147 Based on the above, the results of all the relevant survey data and all of the evidence we heard, we consider that the 300 space AKP figure proposed by the plan change is appropriate.
- 4.148 Turning to the **utilisation figure**, we agree with Mr Kelly that 85% is possible, and in some ways desirable. However, based on what we have heard and on the implications associated with the ultimate setting of the utilisation rate, we consider that figure to be too high to use for this permitted activity standard through this process. In our collective view, the utilisation rate should be set no higher than the highest observed figure – being 76%. In other words, based on the evidence before us, it would be a leap too far to adopt a utilisation figure that has never been achieved in the past. We do acknowledge that it is not impossible, based on higher recorded utilisation, that a figure of 85% could be used in the future; however, we also accept this would require a change to the District Plan to affect that.
- 4.149 We recognise that applying 76% means that WelTec will ultimately need to provide more off-street car parking than under the 85% scenario; however, we consider it more appropriate that the figure reflect observed data, and not an aspirational goal. In absence of the ability to calculate the *actual observed* utilisation rate on a regular basis (as Mr Walbran advised we should), we consider the maximum observed rate of 76% is the most appropriate *fixed* figure to apply based on the evidence we heard.
- 4.150 We amplify Mr Kelly’s response to our questioning where he expressed that WelTec would be well served by increasing on-site utilisation. Further to the suggestion of Ms Skilton, we considered the use of spatial constraints to locate off-street parking supply close to its source of demand as a means of stimulating better utilisation. Ultimately, though we considered that such a provision would undermine the flexibility afforded by the campus-wide approach, which we have already adopted as appropriate. In our view, the reduced AKP figure introduced by the plan change formula and our preferred (reduced) utilisation figure are considered to be the optimum components to manage the effects on kerbside demand adjacent to the campus.
- 4.151 As an aside, we understand that WelTec has at its disposal (in Udy Street particularly) an available and underutilised resource. Moreover, WelTec has means unto itself (for example, through requiring staff to use Udy Street) to improve utilisation without the need for any RMA intervention. In this respect, and whilst we are unable and unwilling to direct it in the plan change rules, we take considerable comfort from Ms Sissons’ indication that WelTec will give serious consideration to directing that staff use the Udy Street car park. We strongly encourage that course of action and would be disappointed if it is not pursued. In ‘sustainable management’ terms, WelTec would certainly enhance its stewardship by making better use of its existing resource in our view.
- 4.152 As a “belts and braces” method to ensure that the formula is achieving its intended aims, we also consider it appropriate that regular monitoring be undertaken. We heard from several parties during the hearing that the Council and WelTec would support a partnership approach to monitoring the kerbside

parking situation, including consideration of non-statutory methods for improving outcomes (residents parking schemes, travel demand management strategies for WelTec, etc). While we took heart at such a suggestion, we are unable through this process to rely on potential methods that may or may not be used in the future.

- 4.153 Given the proclaimed importance of this partnership, we asked WelTec and the Council to consider some amendment to the policy framework to make reference to it. Ms Tessendorf and Mr Daysh^[64] originally advised against such an amendment, preferring the use of a side agreement between the parties. They considered that the use of a policy to dictate the functions of a party that has its own operational requirements under different legislation to be *ultra vires*. However, in their right of reply, they appeared to reconsider this initial view, recommending that the explanation to Policy 14A(iii)(1.2.1(b)) require WelTec to provide an annual monitoring report.
- 4.154 Mr Schofield similarly considered that some reference to a specific monitoring arrangement would be appropriate in the explanation to proposed Policy 14A(iii)(1.2.1(b)). His suggested wording was “*The City Council will work collaboratively with WelTec (or any successor) to monitor parking demand in the area to determine the efficacy of the parking requirements for the Campus.*”
- 4.155 On balance, we prefer the *general sentiment* of Mr Schofield that the monitoring requirement should be of the Council as the administrator of the District Plan and as part of the Council’s duty^[65] to gather information, monitor and keep records of its Plan’s effectiveness. As WelTec will be instrumental in supplying the Council with accurate enrolment data (and potentially survey data) we also consider it appropriate to imply that collaboration will be necessary as part of the information-gathering process. Indeed the side agreement originally mooted by Council staff may prove useful in defining the data gathering requirements and the individual responsibilities that the Council and WelTec should have in compiling annual reports. We are not able to require such an agreement, and in any case consider it to be more a matter of ‘nice to have’ rather than ‘need to have.’
- 4.156 In terms of the detailed wording of the explanation, however, we prefer the specificity of the requirements established by the Council Officer’s proposed wording.
- 4.157 On this basis we have proposed the following amendment to the explanation of Policy 14A(iii)(1.2.1(b)) (see Appendix 3 for full context):

To establish the basis for assessing the effectiveness of this policy, and the rules and methods that implement the Policy, the Council will obtain data from the Tertiary Education Provider(s) on an annual basis, including:

- **the total number of students and staff enrolled/employed within the precinct;**
- **survey data of the manner in which students and staff travel to the precinct;**
- **the utilisation rates of off-street parking provided within the precinct; and**

^[64] Combined statement of evidence, Corinna Tessendorf & Lindsay Daysh (9 April 2013), page 3

^[65] under s35, RMA

- **the level of kerbside parking demand on streets nearby to the precinct associated with the operation of the Tertiary Education Facility(ies).**

- 4.158 We acknowledge with this approach that there is a risk that WelTec *may* be obstructive in providing the information required for the Council to complete the annual assessment we have suggested. However, based on what we have heard, we consider this risk to be very low, and are comfortable with the outcomes we anticipate by the plan change provisions proposed *on their own merits*.
- 4.159 That said, it is our *strong* desire (and we note that our overall recommendations in this report include a non-statutory recommendation to this extent) that Council and WelTec secure an agreement to establish a collaborative approach to the implementation of the above monitoring provisions and to consider other non-statutory methods (in collaboration with the wider community where possible) to improve environmental outcomes even further. For completeness, we record that all experts present at conferencing supported^[66] this approach.
- 4.160 The final input into the proposed parking formula that we need to consider is the **space allocation rates for students and staff** – or the ‘x’ and ‘y’ figures from the Kelly formula.
- 4.161 As per the AKP and utilisation figures, our preferred approach is to rely on the observed data that has been derived from recent surveys; however, once again, there was a difference in the opinion of, and facts relied upon by, the experts we heard from.
- 4.162 We firstly note that the experts present at conferencing agreed with Mr Kelly’s surveyed figures regarding the student and staff numbers present and the percentage of them using vehicles to travel to/from the campus. With respect to the percentage using private vehicles, the most recent survey indicated a rate of 43% for students and 74% for staff. In our understanding, these figures are the genesis^[67] for 1 space/1.33 staff and 1 space/2.5 students in the proposed plan change formula.
- 4.163 As noted above, Ms Skilton’s preference was to establish a graduated scale of carpark requirements based on overall student and staff numbers. While we did not favour that approach in general due to its lack of direct association with AKP, we are yet to comment on the appropriateness of the figures derived for the different graduations she proposed.
- 4.164 The major shortcoming that we have identified with Ms Skilton’s proposal is that it is based upon the overall number of staff *employed* and students *enrolled* at a given time – *not* on the maximum number of staff and students *physically anticipated on the campus* at a given time. Such an approach does not, in our view, recognise the dynamic nature of the activity, where people arrive and depart at irregular intervals over any given day, week, month, semester, trimester and so on. We appreciate Ms Skilton’s rationale, and understand that her intent is to achieve a net reduction in kerbside parking reliance with increased student numbers; however, we prefer a more direct means of addressing the source of the effect – being the total number of people requiring car parking at the campus at any given time.

^[66]Expert Conferencing Joint Report on Parking & Traffic Issues (1 March 2013), page 6, paragraph 25

^[67] For completeness, the quotient of 1/1.33 is 0.75 (or 75%) and 1/2.5 is 0.4 (or 40%)

- 4.165 Based on the evidence we heard, we find that the figures proposed in the plan change formula for “per staff” and “per student” parking allocations are the most appropriate to apply.

A note on footnotes

- 4.166 The Officers recommended^[68] that we include footnotes in the parking formula to acknowledge that the staff numbers include a 50% allowance for part time staff and that the students numbers include a 10% allowance for absenteeism. Their rationale for this amendment is to provided added clarity as to the generation of the figures.
- 4.167 On reflection, we do not consider that the formula will be improved through the addition of the footnotes. The figures we have adopted are fixed numbers that have been derived from observed survey data. In our view, it is no more necessary to delineate how those numbers were derived than any other permitted activity standard in the plan. We prefer to rely on the formula as notified, albeit with the revised figure for off-street utilisation proposed above.

Summary of parking formula

- 4.168 In summary, we consider that the proposed plan change formula with the following modifications is the most appropriate method to apply:

$$\frac{[(1 \text{ space per } 1.33 \text{ staff members}) + (1 \text{ space per } 2.5 \text{ students})] - 300}{0.76}$$

General traffic safety

- 4.169 We note that a number of submissions were received which raised the issue of general traffic safety. Apart from a brief paragraph in each of Mr Kelly’s evidence and Mr Walbran’s report accompanying the s42A report – which both indicated that general traffic impacts would not materially be affected by the plan change – we received no written expert evidence that traffic safety was a matter that required specific attention in respect of the plan change.
- 4.170 On two occasions, we were told by submitters that they were aware of at least two fatal traffic incidents in the vicinity of the campus. While we certainly have sympathy for parties affected by these incidents and recognise the tragic nature of such an outcome, we were not presented with any evidence to suggest that the proposed plan change would, in of itself, increase the risk of adverse traffic safety effects arising in the area. On that basis, we have not recommended any alterations to the plan change to address those potential effects, nor do we consider it to be a reason to recommend that the plan change be declined.

^[68]s42A report, page 142

RECOMMENDATION [R5]

We recommend that the submissions seeking amendment to the proposed plan change provisions relating to the provision of car parking within the precinct be accepted in part insofar as they accord with the amendments outlined above and contained in Appendix 3.

Issue 5: Other matters

4.171 In addition to the 4 main issues we have addressed above, there are a small number of additional miscellaneous issues that require our evaluation. These final matters are set out in this section of the report, and include:

- principal versus ancillary tertiary education activities;
- consultation and notification issues;
- signage; and
- s32 evaluation;

4.172 We now address each of these issues in turn, starting with an evaluation of the various activities anticipated within the Precinct;

Tertiary education activities – principal versus ancillary

4.173 The notified plan change allowed for a relatively broad range of activities to be considered as ‘tertiary education activities.’ The matter of ancillary uses was raised in submissions due to this broad interpretation, including that such uses as retail activities and student accommodation could be considered as tertiary education activities.

4.174 The Council Officers acknowledged^[69] the concerns raised by submitters, recognising that there is uncertainty as to the effects of some activities on some parts of the site with such a broad definition. They considered it appropriate to narrow the scope of permitted tertiary education activities to those which are core functions that are provided to meet the needs of WelTec’s students and staff – or principal tertiary education activities.

4.175 They further recommended the introduction of a new term and definition for ‘ancillary’ activities. These include residential accommodation and carparking structures for students and staff, and any other non-educational facilities not provided *exclusively* to meet student and staff needs. The Officers recommended that any ancillary activity be considered as a restricted discretionary activity in both the residential and business activity areas.

4.176 Mr Schofield and Mr Hansen again had disparate views on the matter. While Mr Hansen^[70] supported the change, Mr Schofield^[71] urged caution in applying this status to *all* ancillary activities. In his view, consent should not be required for ancillary activities that are used exclusively by students and staff; though he accepted that the restricted discretionary approach could be appropriate where the general public was (at least in part) able to patronise a particular ancillary activity. He contended that no party produced any evidence to suggest that adverse effects associated with current ancillary activities and/or future such activities were such that they could not be appropriately managed by the permitted activity standards in Chapters 4, 6, and 14.

4.177 We accept Mr Schofield’s view that some ancillary activities should be permitted by the precinct provisions, provided that they are exclusively for the use of students and staff. In our view, this is enabled by the revised definitions of

^[69] s42A report, page 2

^[70] Evidence of Chris Hansen, page 42, paragraph 144

^[71] Response from WelTec to Commissioners Questions (19 April 2013), pages 6-7

principal and ancillary tertiary education activities proposed in the closing statement from Council Officers. Accordingly, we adopt that recommended change.

- 4.178 We note that the 'Other Matters' clause contained under Rule 4A 2.3.2 requires that buildings associated with ancillary activities must comply with the 8 metre height limit in the underlying zone in order to be considered as a restricted discretionary activity. Above that height, any ancillary activity building would be assessed as a fully discretionary activity under Rule 4A 2.4 (o).
- 4.179 We record that we considered allowing for the contemplation of such buildings up to 12 metres as a restricted discretionary activity, per our evaluation under Issue 3 above in relation to principal tertiary education buildings. However, based on the evidence we heard, we accept the view expressed by Officers (and supported by submitters) that the proposed approach of permitted to fully discretionary is suitable, given the potential nature of the ancillary activities which could be anticipated in the precinct.

Consultation issues

- 4.180 As foreshadowed in the factual introduction to this report, some submitters contended that the Council had not fulfilled its duties to consult as set out under the RMA. At the hearing, Mr McClelland^[72] and the High Street Residents^[73] (in particular) amplified this sentiment, with the latter expressly contending that the plan change was illegal.
- 4.181 We have already noted that the legal advice we received from counsel for the Council is that it is beyond our jurisdiction as Commissioners to determine the legality (or otherwise) of the plan change based on the Council's actions in respect of consultation. The jurisdiction for this matter rests with the Courts.
- 4.182 For completeness, and despite our not making a determination on this legal issue, we make the general comment that we were provided with evidence (both in writing and anecdotally) that indicated there has been several attempts by WelTec and the Council to consult with the community over the last few years with respect to:
- wider strategic planning issues in Petone;
 - kerbside parking issues in the vicinity of the WelTec campus; and
 - the proposed plan change.

Notification of future applications

- 4.183 In our evaluation under Issue 3 above, we indicated that we would comment on the global approach to notification of future resource consent applications here. It should be relatively clear from our evaluation under that issue and in Issue 4 that we largely adopt the approach proposed in the plan change (apart from some particular amendments for 'over height' buildings).

^[72] Legal submissions on behalf of PUEA et al, paragraph 35

^[73] Presentation by Residents of High Street (8 April 2013), page 6

- 4.184 Similar to Mr Hansen's view (which we canvassed in Issue 3), several submitters indicated a desire that all future development in the Precinct require full public notification. We heard from several parties that this would result in increased certainty for the community, given their ability to participate in the consent process.
- 4.185 For completeness, we record that the evidence we heard gave us cause to consider the following four options for the best approach to adopt for notification:
- Option 1 – no notification criteria (rely on s95, RMA);
 - Option 2 – notified version (limited and full notification precluded for restricted discretionary activities);
 - Option 3 – revised officer version (full notification precluded for restricted discretionary activities); and
 - Option 4 – mandatory notification for all applications (as per Mr Hansen's evidence)
- 4.186 Based on what we heard over the entire hearing, and on the findings we have made above, we consider that the revised Officer version (Option 3) will provide for the most appropriate notification regime. Under that option, both WelTec and the Community can be aware of the nature and scale of potential future development that can occur as of right within the precinct. Where development is proposed in excess of that anticipated nature and scale, there is potential for both limited notification (for restricted discretionary activities) and full notification (for discretionary activities^[74]).
- 4.187 Mandatory notification is (in our experience) a rare tool used in District Plans, whereas limited or non-notification clauses are frequently used throughout a number of District Plans across New Zealand. On balance, we do not consider mandatory notification is warranted as we are not convinced that all future development will *necessarily* result in significant adverse effects on the wider environment and/or on identified affected parties.
- 4.188 Generally, we consider s95 to be an effective framework in its own right for the determination of notification criteria. That said, we are also aware that the HCC District Plan – similar to many other District Plans in the Region/Country – expressly limits notification in certain circumstances, and we find merit in such an approach where consideration of technical issues (such as geotechnical engineering, building design and appearance, etc) are the subject of limited discretion.
- 4.189 On balance, we find that the proposed permitted activity standards, the notification criteria in the revised (Officer) plan change provisions and those in s95 of the Act will work collectively to ensure the appropriate parties are notified where the actual or potential adverse effects of future development within the Precinct warrants it.

^[74] though we also acknowledge that full notification could be undertaken if special circumstances exist, or if requested by the applicant.

Signage

- 4.190 Submissions were received in respect to signage, including: signage in relation to heritage buildings; signage and traffic safety; and signage and residential amenity. In respect of the first two of these matters, we have already discussed traffic safety matters under Issue 4 above, and we note that the advice from Officers in respect of signage and heritage buildings is beyond the scope of what we can consider for this plan change. Accordingly, we have not considered these two matters in any further detail.
- 4.191 With respect to signage and residential amenity, we received evidence from Mr Hansen^[75] that the underlying 1m² size requirements for the residential activity area should be applied to signage with the precinct. The Council Officers^[76] recommended that the 3m² permitted standard as contained in the notified plan change be retained, though they recommended that (in addition to the size requirement) a new standard be introduced to limit the content of the signage to those activities which are permitted in the precinct. Mr Schofield^[77] agreed with the Council Officers, but suggested the content standard be broadened slightly to also include any consented activities.
- 4.192 On balance, we were not persuaded by Mr Hansen's evidence that the general residential activity area standard should apply to the precinct. The permitted standards for built form and traffic generation recognise the unique nature of the land use within the Precinct, and we consider the same approach is appropriate for signage. In combination with the other permitted sign standards relating to location, maximum height, illumination and movement, we consider that 3m² as a maximum permitted face will enable WelTec to provide signage of a suitable scale that does not adversely affect residential amenity. We also agree with both the Officers and Mr Schofield's recommendations in respect of content, and recommend that the permitted standards for signage be amended accordingly.

s32 adequacy

- 4.193 Several submitters contended that the s32 report underpinning the plan change was insufficient and (in many cases) that the plan change should be placed on hold while a more robust analysis is undertaken. Mr Hansen, for example, concluded in his evidence that the "*... s.32 report that accompanies PPC25 is flawed in that it fails to demonstrate that the objectives are the most appropriate way to achieve the purpose of the RMA, the policies and rules are efficient and effective and most appropriate to achieve the objectives, and the benefits and costs of the policies and rules are warranted.*"^[78]
- 4.194 Though it may seem a matter of semantics, we firstly note that there is a discernible difference between a *s32 report* and a *s32 evaluation*. Whereas the evaluation can be a significant undertaking, with consideration of immense amount of social, economic, and/or environmental data, the report (as required by s32(5)) needs only be a summary of that evaluation exercise. To this end, it is

^[75] Evidence of Chris Hansen, page 77, paragraph 331

^[76] s42A report, page 146

^[77] Evidence of Robert Schofield, page 25, paragraph 6.57

^[78] Evidence of Chris Hansen, page 10, paragraph 33

(in our view) a different matter to criticise a s32 report than it is to criticise a s32 evaluation. We consider that it is difficult to conclude that a s32 report is 'flawed' as long the report itself is an accurate representation of the evaluation that transpired in the formulation of the plan change.

4.195 That said, the *evaluation* can certainly be flawed and/or lacking. In our experience, it could be said that virtually every s32 evaluation is (in one way or another) imperfect; and indeed any amendment that occurs to a plan change following notification is testament to that conclusion. This is not to suggest that this is necessarily a 'fatal' flaw, however. It is merely a reflection that the *initial* s32 evaluation is just that – initial. The submission, hearing, decision-making and (if necessary) appeal processes are all a continuation of the s32 evaluation.

4.196 Even if we do not agree with Mr Hansen (and others') contention that the s32 report is flawed, we fully agree that the submission and hearing process has enabled a more in-depth and robust examination of matters requiring evaluation under s32. It is the design of this process to build upon the experiential and evidential knowledge base from which the initial evaluation was made so as to consider how best (if at all):

- to amend the methods proposed to manage the actual and potential effects anticipated by the plan change; and
- to revise the policies required to implement the settled objectives of the plan and the rules and methods to implement the settled and proposed policies to achieve the most appropriate outcome.

4.197 We have read the original s32 evaluation and plan change documentation, reviewed the submissions and further submissions received, and heard evidence on an extensive range of resource management issues of relevance to the plan change. At the end of that exercise, we have found the basis of the plan change to be well-founded, though we have also found the need to revise certain provisions to better manage potential adverse effects, and to better align the objectives, policies and rules for effectiveness and efficiency.

4.198 Having considered all of the evidence and submissions before us, we find that the provisions (as amended in Appendix 3) are in order for approval.

RECOMMENDATION [R6]

We recommend that the submissions seeking amendment to the definitions, activity status and/or standards relating to principal tertiary education activities and ancillary tertiary education activities be accepted in part insofar as they accord with the amendments outlined above and contained in Appendix 3.

We recommend that submissions seeking amendment to the notification criteria for tertiary education activities (including associated buildings and structures) be accepted in part insofar as they accord with the amendments outlined above and contained in Appendix 3.

We recommend that submissions seeking amendment to the permitted size of signage within the precinct be rejected, and that submissions seeking amendment to the content of signage within the precinct be accepted in part insofar as they accord with the amendments outlined above and contained in Appendix 3.

5.0 STATUTORY CONSIDERATIONS

Assessment

- 5.1 In its *Long Bay* decision^[79], the Environment Court set out a summary framework for the matters to be evaluated in respect to a proposed plan change. For completeness, we recite that framework here and discuss the extent to which PC25 accords with the individual framework elements.

A district plan (change) should be designed to accord with, and assist the territorial authority to carry out its functions so as to achieve the purpose of the Act.

- 5.2 PC25 involves the establishment of policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of Hutt City (and in particular the area comprising, and in the vicinity of, the WelTec campus). Further, the plan change aims to control the actual or potential effects of the use, development, or protection of land.
- 5.3 Accordingly, we find that the plan change is designed to accord with and assist the Council to carry out its s31 functions.

When preparing its district plan (change) the territorial authority must give effect to any national policy statement (NPS) or New Zealand Coastal Policy Statement (NZCPS).

- 5.4 No NPS, nor the NZCPS, are relevant to the Plan Change.

When preparing its district plan (change) the territorial authority shall: a) have regard to any proposed regional policy statement; and b) give effect to any regional policy statement.

- 5.5 The Wellington RPS became operative on 24 April 2013. Though this RPS was only in a proposed state at the time PC25 was notified, the plan change was prepared to give effect to the RPS (both current and previous), and we consider it has achieved that aim. The submitted position of the GWRC generally supports this finding.

In relation to regional plans: a) the district plan (change) must not be inconsistent with a regional plan for any matter specified in section 30(1) [or a water conservation order]; and b) must have regard to any proposed regional plan on any matter of regional significance etc.

- 5.6 In our evaluation, the plan change is not inconsistent with any regional plan. There currently are no proposed regional plans that need to be considered.

^[79] Decision No. A078/2008, pp.29-31

When preparing its district plan (change) the territorial authority must also:
a) have regard to any relevant management plans and strategies under other Acts, and to any relevant entry in the Historic Places Register and to various fisheries regulations, and to consistency with plans and proposed plans of adjacent territorial local authorities; b) take into account any relevant planning document recognised by an iwi authority; and c) not have regard to trade competition

- 5.7 In relation to the above, the matters of most relevance include the Petone Vision Statement 2009 and the Council Long Term Community Plan (2009-2019), of which PC25 has demonstrated sufficient regard to.

The district plan (change) must be prepared in accordance with any regulation (there are none at present)

The formal requirement that a district plan (change) must also state its objectives, policies and rules (if any) and may state other matters.

- 5.8 This requirement is met in respect of PC25. The plan change includes new and/or revised policies, rules and other methods, and relies on the settled objectives of the District Plan.

Each proposed objective in a District Plan (change) is to be evaluated in terms of the extent to which it is the most appropriate way to achieve the purpose of the Act.

- 5.9 The plan change does not include any new objectives. The settled objectives of the operative District Plan have already been deemed to be the most appropriate way to achieve the purpose of the Act through prior First Schedule processes.

The policies are to implement the objectives, and the rules are to implement the policies.

- 5.10 We consider that the proposed rules implement the aim of the proposed policies to provide for tertiary education activities in a manner that avoids, remedies or mitigates the adverse effects of such activities on the character and amenity of the adjoining residential areas. In addition, we find that that the proposed policies (including amendments arising from the hearing of submissions) will implement the District Plan's objectives as they pertain to tertiary education facilities within the proposed Precinct.

Each proposed policy or method (including each rule) is to be examined, having regard to its efficiency and effectiveness, as to whether it is the most appropriate method for achieving the objectives of the district plan taking into account: a) the benefits and costs of the proposed policies and methods (including rules); and b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

- 5.11 This requirement has underpinned our evaluation of issues in section 4 above. We have signalled throughout that evaluation where we have identified and weighed the costs and benefits of options considered and the risks of acting where information gaps exist. Our evaluation represents a continuation of the original evaluation of these matters contained in the s32 report that

accompanied the notified plan change, with the broadening of issues and options introduced through the various submissions received.

- 5.12 We have concluded that the most efficient and effective means to achieve the proposed and settled objectives of the District Plan is through the adoption of PC25 with modifications as set out in Appendix 3.

In making a rule the territorial authority must have regard to the actual or potential effect of activities on the environment.

- 5.13 This is an additional consideration which underpinned our evaluation under section 4 above. As per our conclusion in relation to the efficiency and effectiveness of the proposed policies and methods, we have concluded that the proposed plan change as amended in Appendix 3, in tandem with the other applicable rules in the operative District Plan, will appropriately manage any actual and potential adverse effects of future development within the Precinct (including effects on neighbouring areas).

Finally, territorial authorities may be required to comply with other statutes

- 5.14 No other statutes are relevant in this case.

Summary

- 5.15 In summary, and based on our discussion of Issues 1-5 in Section 4 of this report, we conclude that when assessed against the relevant statutory framework and the individual elements produced under that framework, PC25 accords well in that:

- in terms of the proposed changes to the Policies of PC25, the plan change has given effect to the RPS;
- the proposed plan change as amended in Appendix 3, in tandem with the other applicable rules in the District Plan, will appropriately manage any actual and potential adverse effects of future development within the Precinct; and
- the most efficient and effective means to achieve the settled objectives of the District Plan (and in turn, the sustainable management purpose of the Act) is through the adoption of the proposed plan change with modifications as set out in Appendix 3.

6.0 OVERALL RECOMMENDATION

6.1 Based on our consideration of all the material before us, including the section 42A report from the Council advisors, submissions, further submissions, evidence presented at the hearing and following consideration of the requirements of Section 32 and other relevant statutory matters, we recommend to the Council that:

- (a) a waiver be granted, pursuant to s37 of the RMA, for receiving the submission from Carolyn Nimmo (see [R1] above);
- (b) **the plan change be accepted as amended in Appendix 3** and that all submissions on the plan change be accepted or rejected to the extent set out above (and summarised in Appendix 1);
- (c) pursuant to Clause 10 of the First Schedule of the Resource Management Act 1991, Council give notice of its decision on submissions to Plan Change 25; and
- (d) Council and the Plan Change proponent consider the recommendations made above in respect of matters beyond the scope of this plan change, including:
 - (i) that the Council and WelTec, as soon as practicable, establish a protocol for the gathering and reporting of information outlined in the proposed amendment to the explanation of Policy 14A(iii)(1.2.1(b)) set out in section 4 (and Appendix 3) of this report;
 - (ii) that WelTec contemplates revising the role of its Site Residents Committee to include consideration of strategic planning matters;
 - (iii) that WelTec, in collaboration with its Site Residents Committee and/or other neighbours, considers the production of a non-statutory Development Masterplan as an on-going reference document for WelTec and the Community;
 - (iv) that WelTec considers the use of non-statutory measures available to it to improve the utilisation rates of its existing (and any future) off-street parking resource

DATED AT WELLINGTON THIS 28th DAY OF June 2013



David McMahon
Commissioner (Chair)



Gary Clark
Commissioner

APPENDIX 1
Summary of recommendations on submissions

**Proposed District Plan Change 25
Introduction of a Tertiary Education Precinct**

Commissioners' recommended decisions by submitter

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PLAN CHANGE 25 – INTRODUCTION OF A TERTIARY EDUCATION PRECINCT

COMMISSIONERS' RECOMMENDATIONS ON DECISIONS SOUGHT AND FURTHER SUBMISSIONS

DPC25/1 Greater Wellington Regional Council					
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision	
1.1	Amendment 30 [14A (iii) 1.2.1 On-site Parking Provision for Activities – Policy]	Support	That Hutt City Council notes our support for these provisions.	Accept in part	
1.2	Amendment 31 [14A (iii) 1.2.1 On-site Parking Provision for Activities – Explanation]	Support		Accept in part	
Further Submissions					
Further Submitter		Sub. Ref.	Original Submission Reference	Support/ Oppose	Recommended Decision
DPC25/160 Wellington Institute of Technology		160.1	Entire Submission	Support	Accept
DPC25/162 Mr & Mrs Yardley		162.1	Entire Submission	Support in Part	Accept in part
DPC25/163 Nelson Street Trust		163.1	Entire Submission	Oppose in Part	Accept in part
				Support in Part	Accept in part
DPC25/164 Petone Urban Environmental Association Inc.		164.1	Entire Submission	Oppose in Part	Accept in part
				Support in Part	Accept in part
DPC25/2 Carolyn Wadsworth					
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision	
2.1	General	Oppose	That Hutt City Council adopt the amendments, additions, and deletions sought by the Petone Urban Environmental Association in its submission.	Accept in part	
DPC25/3 Hilda Burgess					
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision	
3.1	General	Oppose	Reject Plan Change 25 in its current form.	Accept in part	
			Remove outlying areas from a so-called Tertiary Education Precinct.	Accept in part	
			Adopt amendments and decisions sought by Petone Urban Environmental Association in its submission.	Accept in part	

DPC25/4 Janet Milne				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
4.1	General	Oppose	That Hutt City Council adopt the amendments, additions and deletions sought by Petone Urban Environment Association Incorporated in its submission.	Accept in part

DPC25/5 Phyllis & Paul Andersen				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
5.1	General	Oppose	That Hutt City Council adopt the amendments, additions and deletions sought by Petone Urban Environment Association Incorporated in its submission.	Accept in part
5.2	General – Height, setbacks, car parking, permitted activities, non-notification	Oppose		

DPC25/6 Dwight Christian Poutoa				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
6.1	General	Oppose	That the Hutt City Council adopt the amendments, additions and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/7 Deborah Michelle Poutoa				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
7.1	General	Oppose	That the Hutt City Council adopt the amendments, additions and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/8 Stephen Charles & Jane Frazes Parson				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
8.1	General	Oppose	That Hutt City Council adopts the amendments, additions and deletions sought by Petone Urban Environment Association Incorporated in its submission.	Accept in part

DPC25/9 Sarah Beth Antunovic				
Sub.	Amendment & Provision	Support/	Decision/Relief Sought	Recommended Decision

Ref.		Oppose		
9.1	General	Oppose	That the Hutt City Council adopt the amendments, additions and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/10 Tyrone Lee Phillips

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
10.1	General	Oppose	That the Hutt City Council adopt the amendments, additions and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/11 Robert Roy Carr

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
11.1	General	Oppose	That the Hutt City Council adopt the amendments, additions and deletions sought by Petone Urban Environmental Association in its submission.	Accept in part

DPC25/12 Denise Carr

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
12.1	General	Oppose	That the Hutt City Council adopt the amendments, additions and deletions sought by Petone Urban Environmental Association in its submission.	Accept in part

DPC25/13 Mr Baden Atkin

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
13.1	General	Oppose	That the Hutt City Council adopt the amendments, additions and deletions sought by Petone Urban Environmental Association in its submission.	Accept in part

DPC25/14 Leon & Ruth Cooke

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
14.1	General	Oppose	Reject PC25 in its current form.	Accept in part
			Remove the outlying areas from the so-called precinct.	Accept in part
			Adopt the amendments, additions and deletions sought by Petone Urban Environmental Association Incorporated in its submission.	Accept in part
			Make changes to respond to the submitter's submission points.	Accept in part

DPC25/15 Matthew Earles

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
15.1	General	Oppose	That Hutt City Council adopts the amendments, additions and deletions sought by Petone Urban Environment Association Incorporated in its submission.	Accept in part

DPC25/16 Roger Bagshaw

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
16.1	General	Oppose	Reject PC25 in its current form.	Accept in part
			Remove the outlying areas from the so-called precinct.	Accept in part
			Adopt the amendments, additions and deletions sought by Petone Urban Environmental Association Incorporated in its submission.	Accept in part
			Make changes to respond to the submitter's submission points.	Accept in part

DPC25/17 Lesley Dokter & Peter Wilson

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
17.1	General	Oppose	Reject PC25 in its current form.	Accept in part
			Remove the outlying areas from the so-called precinct.	Accept in part
			Adopt the amendments, additions and deletions sought by Petone Urban Environmental Association Incorporated in its submission.	Accept in part
			Make changes to respond to the submitter's submission points.	Accept in part

DPC25/18 Jo Raverty				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
18.1	General	Oppose	Reject PC25 in its current form.	Accept in part
			Remove the outlying areas from the so-called precinct.	Accept in part
			Adopt the amendments, additions and deletions sought by Petone Urban Environmental Association Incorporated in its submission.	Accept in part
			Make changes to respond to the submitter's submission points.	Accept in part

DPC25/19 Denis Lea				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
19.1	General	Oppose	Reject PC25 in its current form.	Accept in part
			Remove the outlying areas from the so-called precinct.	Accept in part
			Adopt the amendments, additions and deletions sought by Petone Urban Environmental Association Incorporated in its submission.	Accept in part
			Make changes to respond to the submitter's submission points.	Accept in part

DPC25/20 Khiem Trong Nguyen				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
20.1	General	Oppose	Reject PC25 in its current form.	Accept in part
			Remove the outlying areas from the so-called precinct.	Accept in part
			Adopt the amendments, additions and deletions sought by Petone Urban Environmental Association Incorporated in its submission.	Accept in part
			Make changes to respond to the submitter's submission points.	Accept in part

DPC25/21 Ruth Margaret Burton				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
21.1	General	Oppose	Reject PC25 in its current form.	Accept in Part
			Remove the outlying areas from the so-called precinct.	Accept in part

			Adopt the amendments, additions and deletions sought by Petone Urban Environmental Association Incorporated in its submission.	Accept in part
			Make changes to respond to the submitter's submission points.	Accept in part
21.2	Amendment 5 [4A 1.2.1 General Residential Activity Area Building Height, Scale, Intensity and Location – Policies]	Oppose	That any developments do not have deleterious effects on residents.	Accept in part
21.3	Amendment 21 [6A 2.2 General Business Activity Area (Controlled Activities)]	Oppose		Accept in part
21.4	Amendment 22 [6A 2.3 General Business Activity Area (Restricted Discretionary Activities)]	Oppose		Accept in part
21.5	Amendment 23 [6A 2.3.1 General Business Activity Area (Matters in which Council has restricted its Discretion and Standards and Terms)]	Oppose		Accept in part

DPC25/22 Alfred Memelink

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
22.1	General	Oppose	That the Hutt City Council adopt the amendments, additions and deletions sought by Petone Urban Environmental Association in its submission.	Accept in part

DPC25/23 Thomas Reedy

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
23.1	General	Oppose	That the Hutt City Council adopt the amendments, additions and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/24 Kathryn Mary Reedy

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
24.1	General	Oppose	That the Hutt City Council adopt the amendments, additions and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/25 Department of Conservation					
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision	
25.1	General – Bracken Street precinct	Oppose	No relief sought	Accept	
Further Submissions					
Further Submitter	Sub. Ref.	Original Submission Reference	Support/ Oppose	Recommended Decision	
DPC25/160 Wellington Institute of Technology	160.2	Entire Submission	Oppose	Reject	
DPC25/162 Mr & Mrs Yardley	162.11	Entire Submission	Support	Accept	
DPC25/163 Nelson Street Trust	163.11	Entire Submission	Support	Accept	
DPC25/164 Petone Urban Environmental Association Inc.	164.11	Entire Submission	Support	Accept	

DPC25/26 Michael Debney					
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision	
26.1	General	Oppose	That no change is made to the District Plan.	Reject	

DPC25/27 Angela Zhen Liu					
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision	
27.1	General	Support	No relief sought.	Accept in part	
Further Submissions					
Further Submitter	Sub. Ref.	Original Submission Reference	Support/ Oppose	Recommended Decision	
DPC25/162 Mr & Mrs Yardley	162.5	Entire Submission	Oppose	Reject	
DPC25/163 Nelson Street Trust	163.5	Entire Submission	Oppose	Reject	
DPC25/164 Petone Urban Environmental Association Inc.	164.5	Entire Submission	Oppose	Reject	

DPC25/28 Petone Community Board					
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision	
28.1	General	Support in part	Amend PC25 to reflect original Petone Community Board request in regards to building height in Udy Street carpark and	Accept in part	

			the O Block land.		
Further Submissions					
Further Submitter		Sub. Ref.	Original Submission Reference	Support/ Oppose	Recommended Decision
DPC25/159	Rosy and Kevin Moar	159.4	First submission (28.1)	Oppose	Reject
			Second submission (Amendments to initial submission, received via email and integrated in 28.1)	Not stated	
			Third submission (Petone Community Board resolution, quoted in summary for information)	Not stated	
DPC25/160	Wellington Institute of Technology	160.3	Entire Submission	Support in part	Accept in part
DPC25/162	Mr & Mrs Yardley	162.2	Entire Submission	Oppose	Reject
DPC25/163	Nelson Street Trust	163.2	Entire Submission	Oppose	Reject
DPC25/164	Petone Urban Environmental Association Inc.	164.2	Entire Submission	Oppose	Reject

DPC25/29 William D L Cooper

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
29.1	General	Oppose	That the Hutt City Council adopt the amendments, additions and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/30 Carla Richelle Cooper

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
30.1	General	Oppose	That the Hutt City Council adopt the amendments, additions and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/31 Cuong Ngoc Do and Hau Thi Lai

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
31.1	General	Oppose	Reject PC25 in its current form.	Accept in part
			Remove the outlying areas from the so-called precinct.	Accept in part
			Adopt the amendments, additions and deletions sought by Petone Urban Environmental Association Incorporated in its	Accept in part

			submission.	
			Make changes to respond to the submitter's submission points.	Accept in part

DPC25/32 Barry & Wendy Delwyn Rozenberg

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
32.1	General	Oppose	That the Hutt City Council adopt the amendments, additions and deletions sought by Petone Urban Environmental Association Incorporated in its submission.	Accept in part
32.2	General – Traffic	Oppose		Reject
32.3	General – building height and site coverage	Oppose		Accept in part

DPC25/33 Wellington Fish & Game Council

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision	
33.1	General – Bracken Street area	Oppose	That the application in its current form be declined.	Accept in part	
Further Submissions					
	Further Submitter	Sub. Ref.	Original Submission Reference	Support/ Oppose	Recommended Decision
	DPC25/160 Wellington Institute of Technology	160.4	Entire Submission	Oppose	Reject
	DPC25/162 Mr & Mrs Yardley	162.12	Entire Submission	Support	Accept
	DPC25/163 Nelson Street Trust	163.12	Entire Submission	Support	Accept
	DPC25/164 Petone Urban Environmental Association Inc.	164.12	Entire Submission	Support	Accept

DPC25/34 Lesley Kennedy & Menno van der Laan

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
34.1	General	Oppose	That the plan change be rejected and the status quo be maintained.	Reject
			If not rejected, that HCC make the amendments, insertions, deletions and additions sought by the Petone Planning Action Group as a minimum.	Accept in part
34.2	Amendments relating to height, recession planes, site coverage etc.	Oppose	That there should be design guidelines with regards to renovation or building of new structures.	Accept in part
34.3	Inclusion of Bracken Street in the Education Precinct	Oppose	That Bracken Street not be included as part of the precinct.	Accept
34.4	Amendments referring to General	Oppose	No relief sought	Accept in part

	Residential Activity Areas (Discretionary Activities)			
34.5	Inclusion of leased land or buildings in the precinct	Oppose	No relief sought	Accept in part
34.6	Amendments referring to the definition of Education Precinct	Oppose	Student accommodation, retail and social should be excluded from the definition.	Accept in part

DPC25/35 Merran Bakker

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
35.1	General	Oppose	That Hutt City Council adopts the amendments, additions and deletions sought by Petone Urban Environment Association Incorporated in its submission. That PC25 be heard by an independent commissioner or commissioners.	Accept in part
35.2	Amendment 1 [3 – Definitions]	Oppose	That any activity that operates outside normal business hours be precluded from the Udy Street site.	Accept in part
35.3	General – Maximum Building Height	Oppose	That the height limit for all buildings in the residential areas remains at 8 metres.	Accept in part
35.4	General – Design Guide	Oppose	That a design guide is included for any new buildings that gives protection to residential amenity (sunlight, building mass, views)	Reject
35.5	Amendment 12 [4A 2.3 General Residential Activity Area – Restricted Discretionary Activities]	Oppose	That the non-notification clause is removed.	Accept in part
35.6	General – Udy Street site	Oppose	That the Udy Street site be retained as a car park.	Reject
35.7	General – Heritage	Oppose	Any development on the Udy/Britannia Street site should be restricted to fit in with this special neighbourhood	Accept in part

DPC25/36 Josephine & John Jones

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
36.1	General	Oppose	That Hutt City Council adopts the amendments, additions and deletions sought by Petone Urban Environment Association in its submission.	Accept in part

DPC25/37 Ken & Val Fitzmaurice

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
37.1	General	Oppose	That Hutt City Council adopts the amendments, additions and	Accept in part

			deletions sought by Petone Urban Environment Association in its submission	
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DPC25/38 Alice Elizabeth Pollock

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
38.1	General	Oppose	That Hutt City Council adopts the amendments, additions and deletions sought by Petone Urban Environment Association in its submission.	Accept in part

DPC25/39 Dr Barnaby, C H May

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
39.1	General	Oppose	That Hutt City Council adopts the amendments, additions and deletions sought by Petone Urban Environment Association in its submission.	Accept in part

DPC25/40 Kathryn Joyce Vinten

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
40.1	General	Oppose	That Hutt City Council adopts the amendments, additions and deletions sought by Petone Urban Environment Association in its submission.	Accept in part

DPC25/41 Barbara Gibbs

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
41.1	General	Oppose	That Hutt City Council adopts the amendments, additions and deletions sought by Petone Urban Environment Association in its submission.	Accept in part

DPC25/42 Mrs Mavis Anne Rayner

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
42.1	General	Oppose	That Hutt City Council adopts the amendments, additions and deletions sought by Petone Urban Environment Association in its submission.	Accept in part
42.2	General – Britannia Street	Oppose	That Hutt City Council adopts the amendments, additions and deletions sought by Petone Urban Environment Association in its submission.	Accept in part

DPC25/43 Tui Kent				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
43.1	General	Oppose	Reject the plan change.	Reject
			Remove 71 Cuba Street totally.	Accept
			Make changes to respond to the submitter's submission points.	Accept in part
			Adopt the amendments, additions and deletions sought by Petone Urban Environmental Association Incorporated in its submission.	Accept in part

DPC25/44 Graeme Lyon				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
44.1	General	Oppose	That the Hutt City Council adopt the amendments, additions and deletions sought by Petone Urban Environmental Association in its submission.	Accept in part
			That a commissioner hears this plan change, preferably someone familiar with the local scene.	Accept
44.2	Amendment 1 [Chapter 3 – Definitions]	Oppose	Tighten the definition for tertiary education needs.	Accept in part
44.3	Amendment 3 [4A 1.1.4 General Residential Activity Area (Non-Residential Activities –Policies)]	Oppose	Make the following amendments to 4A1.1.4 (d) by deleting the words 'recognise and' and inserting the word 'residential' before 'environment': (d) To recognise and provide for tertiary education activities in Petone within a defined Precinct, while avoiding, remedying and mitigating the adverse effects on the <u>residential</u> environment, particularly on the character and amenity values of the neighbourhood.	Accept in part
44.4	Amendment 4 [4A 1.1.4 General Residential Activity Area (Non-Residential Activities – Explanation and Reasons)]	Oppose	Delete the properties listed as Bracken Street, Udy Street and Elizabeth Street.	Accept in part
44.5	Amendment 5 [4A 1.2.1 General Residential Activity Area (Building Height, Scale, Intensity and Location – Policies)]	Oppose	The underlying residential character of the suburb needs to be the standard for any new or redevelopment.	Accept in part
44.6	Amendment 9 [4A 1.2.1 General Residential Activity Area (Building Height, Scale, Intensity and Location – Explanation and Reasons)]	Oppose	The maximum height should be 8m. Especially, all properties in Udy Street, Elizabeth Street and Bracken Street must be restricted to preferably one, maybe two stories.	Accept in part

44.7	General – non-notification	Oppose	All amendments that provide for non-notification should be deleted.	Accept in part
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DPC25/45 Peter & Nicola Prichard

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision	
45.1	General	Oppose	That the Hutt City Council adopt the amendments, additions and deletions sought by Petone Urban Environmental Association in its submission.	Accept in part	
			That Council appoint an independent commissioner to hear this plan change who shall provide a level of continuity around WelTec resource consents and PC25.	Accept in part	
45.2	Amendment 1 [Chapter 3- Definitions]	Oppose	That the definition of Tertiary Education Activity be amended to that of the Education Act, and only reflect the activities already permitted on the Kensington Avenue campus.	Accept in part	
45.3	General – development controls	Oppose	That Design Guidelines are introduced with any such Plan Change associated with a WelTec precinct.	Reject	
			That shade modelling of adjoining properties is undertaken, particularly 50 Buick Street, to mitigate any adverse effects of any changes set out in Plan Change 25.	Accept in part	
			That any proposed plan change is amended so Council shall be required to appoint an independent compliance monitoring party of existing resource consents, rules, conditions and guidelines.	Reject	
45.4	General – extent of tertiary education precinct	Oppose	That Lot 5 8120 and Lot 5 8120 (diagram in full submission) be removed from the WelTec Precinct.	Reject	
45.5	General - Carparking	Oppose	No relief sought.	Reject	
Further Submissions					
	Further Submitter	Sub. Ref.	Original Submission Reference	Support/ Oppose	Recommended Decision
	DPC25/159 Rosy and Kevin Moar	159.1	Entire Submission	Support	Accept in part
	DPC25/160 Wellington Institute of Technology	160.5	Entire Submission	Support in part	Accept in part
				Oppose in part	Accept in part
	DPC25/162 Mr & Mrs Yardley	162.13	Entire Submission	Support	Accept in part
	DPC25/163 Nelson Street Trust	163.13	Entire Submission	Support	Accept in part
	DPC25/164 Petone Urban Environmental Association Inc.	164.13	Entire Submission	Support	Accept in part

DPC25/46 Ian Hawij

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
46.1	General	Oppose	Reject the plan change.	Reject
			Make changes to respond to the submitter's submission points.	Accept in part
			Adopt the amendments, additions and deletions sought by Petone Urban Environmental Association Incorporated in its submission	Accept in part

DPC25/47 Suzanne Debra Hartley

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
47.1	General – Height and maximum coverage	Oppose	That the plan change be reconsidered, especially in regards to height of buildings and boundary encroachment.	Accept in part

DPC25/48 Mrs Siân Bisson

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
48.1	General	Oppose	Reject the plan change.	Reject
			Remove the outlying areas from the so-called precinct.	Accept in part
			Make changes to respond to the submitter's submission points.	Accept in part
			Adopt the amendments, additions and deletions sought by Petone Urban Environmental Association in its submission.	Accept in part

DPC25/49 Julie Dennison

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
49.1	General	Oppose	Reject the plan change.	Reject
			Remove the outlying areas from the so-called precinct	Accept in part
			Make changes to respond to the submitter's submission points.	Accept in part
			Adopt the amendments, additions and deletions sought by Petone Urban Environmental Association Incorporated in its submission.	Accept in part

DPC25/50 Mary Horner				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
50.1	General	Oppose	Reject the plan change.	Reject
			Remove the outlying areas from the so-called precinct.	Accept in part
			Make changes to respond to the submitter's submission points.	Accept in part
			Adopt the amendments, additions and deletions sought by Petone Urban Environmental Association Incorporated in its submission.	Accept in part

DPC25/51 Tui Lewis					
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision	
51.1	General – Entire plan change	Oppose	That Council reject the plan change.	Reject	
			If the plan change does go ahead, that HCC, as a minimum, make the amendments, additions, insertions and deletions sought by Petone Planning Action Group in their submission.	Accept in part	
			That the Council please request Christine Foster to assist with this proposed plan change process (hearing).	Reject	
51.2	General – Amendments relating to height, recession planes, bulk and site coverage etc.	Oppose	No Specific relief sought	Accept in part	
51.3	General – Amendments relating to the definition of a Tertiary Education Precinct	Oppose		Accept in part	
51.4	General – Discretionary activities in General Residential Activity Areas	Oppose		Accept in part	
51.5	General – Inclusion of land leased by WelTec	Oppose		Accept in part	
51.6	General – N Block and Udy/Britannia Street corner	Oppose		Accept in part	
51.7	General – Bracken Street area	Oppose		Accept	
51.8	General – Traffic survey comments	Oppose		Reject	
51.9	General – Petone Recreation Grounds, Signage and maximum height of buildings	Oppose		Accept in part	
Further Submissions					
	Further Submitter	Sub. Ref.	Original Submission Reference	Support/ Oppose	Recommended Decision
	DPC25/162 Mr & Mrs Yardley	162.18	Entire Submission	Support with one exception	Accept in part

				(request of specific independent commissioner)	
	DPC25/163 Nelson Street Trust	163.18	Entire Submission	Support with one exception (request of specific independent commissioner)	Accept in part
	DPC25/164 Petone Urban Environmental Association Inc.	164.18	Entire Submission	Support with one exception (request of specific independent commissioner)	Accept in part

DPC25/52 Rachael Badham				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
52.1	General	Oppose	Reject the plan change.	Reject
			Remove the outlying areas from the so-called precinct.	Accept in part
			Make changes to respond to the submitter's submission points.	Accept in part
			Adopt the amendments, additions and deletions sought by Petone Urban Environmental Association Incorporated in its submission.	Accept in part

DPC25/53 Sally Davina Selwood				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
53.1	General	Oppose	That the Hutt City Council adopt the amendments, additions and deletions sought by Petone Urban Environmental Association Incorporated in its submission and ensure that WelTec provides adequate off street car parking including the Udy Street/Britannia Street corner in the future.	Accept in part

DPC25/54 Katherine Jane Clarke				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
54.1	General	Oppose	That the Hutt City Council adopt the amendments, additions and deletions sought by Petone Urban Environmental Association Incorporated in its submission.	Accept in part

DPC25/55 Marja Verkerk for Vert Company Ltd				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
55.1	General	Oppose	That the Hutt City Council reject the plan change as a whole and retain the status quo.	Reject

DPC25/56 Jude Wachswender				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Recommended Decision	Recommended Decision
56.1	General	Oppose	That the Hutt City Council rejects the plan change request.	Reject

DPC25/57 Patrick & Bridget Gower				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
57.1	General	Oppose	That the Hutt City Council reject the plan change.	Reject
57.2			That the Hutt City Council make changes to respond to the submitter's submission points.	Accept in part
			That the Hutt City Council adopt the amendments, additions and deletions sought by Petone Urban Environmental Association Incorporated in its submission.	Accept in part

DPC25/58 Wellington Institute of Technology				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
58.1	General	Support	That the provisions of PC25 be retained generally, as notified, except as otherwise sought by this submission.	Accept in part
58.2	Amendment 1 [Chapter 3 – Definitions]	Support in Part	Amend the definition of Tertiary Education Facility as follows: <i>Tertiary Education Activities:</i> <i>means the use of land and buildings for the provision of regular instruction, teaching, learning or training by an Institution (as defined in Section 159(1) of the Education Act 1989), and includes ancillary administrative services, student accommodation ,and ancillary services and facilities such as recreational, cultural, health, childcare, social, retail and car parking activities and facilities, provided such ancillary activities are minor in scale and are focused towards servicing the needs of students and staff.</i> And;	Accept in part

			Any similar or consequential amendments that stem from the submissions and relief sought.	
58.3	Amendment 11 [4A 2.1.1 General Residential Activity Area (Rules – Permitted Activities – Conditions)]	Support in Part	Amend 4A 2.1.1 as follows: (z) <i>For tertiary education activities within the Tertiary Education Precinct (as shown on Appendix General Residential 20).</i> <i>Except as outlined below, the Permitted Activity Conditions shall apply within the Tertiary Education Precinct: ...</i> (iii) <i>For that part of the Tertiary Education Precinct on the western side of Kensington Avenue –</i> (1) <i>The maximum height of buildings and structures shall be 12m, except that:</i> (a) <i>No part of any building located between 3m and 8m from the southern boundary shall be higher than 4m; and</i> (b) <i>No part of any building located between 8m and 12.5m from the southern boundary shall be higher than 8m.</i> (2) <i>The minimum yard requirement shall be 3.0m for the southern boundary</i> (3) <i>The maximum site coverage shall be 60%</i> <u>Note: For the purpose of this rule, “southern boundary” shall refer to that boundary with Lot 1 DP 5460 and Lot 4 DP 8102</u> And; Any similar or consequential amendments that stem from the submissions and relief sought.	Accept in part
58.4	Amendment 13 [4A 2.3.1 General Residential Activity Area {Matters in which Council has restricted its Discretion and Standards and Terms}]	Support in Part	Amend 4A 2.3.1 as follows: (i) <i>Amenity Values</i> <i>The extent to which the proposal would affect adversely the amenity values of the surrounding residential area, including;</i> (1) <i>The effect of buildings and structures on the neighbouring and surrounding residential sites and, in particular the location, design and appearance of the buildings and relationship <u>and transition to neighbouring sites.</u></i> (2) <i>Whether the proposal would cause significant loss of sunlight, daylight or privacy of adjoining residential properties.</i> And; Any similar or consequential amendments that stem from the submissions and relief sought	Reject

Further Submissions					
Further Submitter		Sub. Ref.	Original Submission Reference	Support/ Oppose	Recommended Decision
DPC25/158	Peter and Nicola Prichard	158.1	58.2	Oppose	Accept in part
DPC25/159	Rosy and Kevin Moar	159.3	58.2	Support in part	Accept in part
			58.3	Support in part	Accept in part
			58.4	Support in part	Accept in part
DPC25/162	Mr & Mrs Yardley	162.3	Entire Submission	Oppose	Accept in part
			58.4	Oppose	Accept in part
			58.2	Oppose	Accept in part
DPC25/163	Nelson Street Trust	163.3	Entire Submission	Oppose	Accept in part
			58.4	Oppose	Accept in part
			58.2	Oppose	Accept in part
DPC25/164	Petone Urban Environmental Association Inc.	164.3	Entire Submission	Oppose	Accept in part
			58.4	Oppose	Accept in part
			58.2	Oppose	Accept in part

DPC25/59 Charles Avery

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
59.1	General	Oppose	Reject the plan change.	Reject
			Make changes to respond to the submitter's submission points.	Accept in part
			Adopt the amendments, additions and deletions sought by Petone Urban Environmental Association Incorporated in its submission.	Accept in part

DPC25/60 Rosy & Kevin Moar

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
60.1	General	Oppose	That an Independent Commissioner hear submissions and make a determination about the proposed plan change.	Accept in part
			That the amendments, additions and deletions sought by Petone Urban Environmental Association Incorporated in its submission be adopted.	
60.2	Amendment 1 [Chapter 3 – Definitions]	Oppose	That the definition of educational activity be tightened significantly and that accommodation and car parking be removed altogether.	Accept in part
60.3	General – Elizabeth Street area	Oppose	That properties on Elizabeth Street be excluded from the zone. If they are included, then the existing normal residential	Accept in part

			rules governing the permitted height, bulk, footprint etc. be retained.	
60.4	General – R Block	Oppose	That R Block on Kensington Avenue retain the existing normal height, bulk, footprint and design restrictions of the underlying residential zone, to act as a transition between WelTec’s large buildings and neighbouring residential properties . If a larger building is allowed on R Block, then the same provisions for set-backs and recession planes which are required for the southern boundary also be required for the western boundary.	Accept in part
60.5	General – Design Guide	Oppose	That the rules and guidelines for what sort of building can be constructed within the precinct be amended to include design guidelines so that WelTec buildings with an underlying residential zone are consistent with the neighbouring residential character and which provide for suitable transitions between residential properties and large buildings, existing or otherwise.	Accept in part
60.6	General – After hours activities/Hours of operation	Oppose	That rules be introduced to reasonably control the activity which can be allowed on these sites outside normal business hours including noise, lux, fumes etc.	Accept in part
60.7	General – Discretionary activities and non-notification	Oppose	If a precinct is approved, that there be no provision for council to exercise discretion to approve consents for development outside of the rules in any way. That the rules around notification be changed so that where new buildings are proposed, residents are warned and are able to contribute to council decisions.	Accept in part

Further Submissions					
Further Submitter		Sub. Ref.	Original Submission Reference	Support/ Oppose	Recommended Decision
DPC25/160	Wellington Institute of Technology	160.6	Entire Submission	Support in part	Accept in part
				Oppose in part	Accept in part
DPC25/162	Mr & Mrs Yardley	162.14	Entire Submission	Support	Accept in part
DPC25/163	Nelson Street Trust	163.14	Entire Submission	Support	Accept in part
DPC25/164	Petone Urban Environmental Association Inc.	164.14	Entire Submission	Support	Accept in part

DPC25/61 Nick Miller & Jan Simmons					
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision	
61.1	General	Oppose	Reject the plan change.	Reject	
			Remove the outlying areas from the so-called precinct.	Accept in part	

			Make changes to respond to the submitter's submission points.	Accept in part
			Adopt the amendments, additions and deletions sought by Petone Urban Environmental Association Incorporated in its submission	Accept in part

DPC25/62 New Zealand Historic Places Trust, Pouhere Taonga

Sub. Ref.	Amendment & Provision	Support / Oppose	Reason	Recommended Decision	
62.1	General	Support with amendments	No specific relief sought.	Accept in part	
62.2	General – 13 Elizabeth Street	Support	That the plan change is accepted as notified in regard to the changes affecting the Petone Magistrate's Court at 13 Elizabeth Street, with exception of the proposed signage rules.	Accept in part	
62.3	General - 13 Elizabeth Street - Recession Plane and Yards	Support	No specific relief sought.	Accept in part	
62.4	General – 13 Elizabeth Street - Site Coverage	Support	No specific relief sought.	Accept in part	
62.5	General –13 Elizabeth Street - Building Height	Support	No specific relief sought.	Accept in part	
62.6	General –13 Elizabeth Street - Signage	Support with amendments	That an exemption to the proposed signage rules be applied to 13 Elizabeth Street in regards to the Petone Magistrate's Court, ensuring that the heritage values of the site are taken into consideration if any new signage is proposed on site. That for the court site existing residential signage rules should continue to apply.	Accept in part	
Further Submissions					
	Further Submitter	Sub. Ref.	Original Submission Reference	Support/ Oppose	Recommended Decision
	DPC25/162 Mr & Mrs Yardley	162.4	Entire Submission	Oppose	Reject
				Support in part	Accept in part
	DPC25/163 Nelson Street Trust	163.4	Entire Submission	Oppose	Reject
				Support in part	Accept in part
	DPC25/164 Petone Urban Environmental Association Inc.	164.4	Entire Submission	Oppose	Reject
				Support in part	Accept in part

DPC25/63 Roger Thackery					
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision	
63.1	General	Oppose	No specific relief sought.	Reject	
63.2	General –Bulk, Number of occupants, Intensification,	Oppose	No specific relief sought.	Accept in part	
63.3	Bracken Street	Oppose	No specific relief sought.	Accept	
63.4	General – Protection of Residential Properties	Oppose	No specific relief sought.	Accept in part	
63.5	General – Definition of Tertiary Education (Amendment 1)	Oppose	That the wording of the definition be as follows: <i>Tertiary Education Facilities</i> means the use of land and buildings for the provision of regular instruction, teaching, learning or training by an Institution (as defined in Section 159(1) of the Education Act 1989),... If the definition is to be retained as is, then there needs to be rules to limit the extent of retailing, social facilities, recreational activities, and childcare within the precinct.	Accept in part	
63.6	General – Non-residential Activities in Residential Areas (Amendments 3 and 4)	Oppose	That the Bracken Street site be removed entirely from the proposed Precinct.	Accept	
			That no leased properties be included in the Precinct at all.	Accept in part	
63.7	General – Building Height, Scale, Intensity and Location (Amendments 5, 6 and 9) and Scale of Precinct	Oppose	That the maximum height for any future developments on the western side of Kensington Avenue be 8m and site coverage for any future development be 35%.	Reject	
			That view shafts and access ways be maintained and increased through the Kensington Avenue site to the Petone Recreation Ground.	Reject	
			That the maximum height be 8m in the areas zoned general residential.	Accept in part	
			That all new buildings have a residential character.	Reject	
			That Elizabeth Street and Udy Street sites be removed from the precinct.	Reject	
Further Submissions					
Further Submitter		Sub. Ref.	Original Submission Reference	Support/ Oppose	Recommended Decision
DPC25/160	Wellington Institute of Technology	160.7	Entire Submission	Support in part	Accept in part
				Oppose in part	Accept in part
DPC25/162	Mr & Mrs Yardley	162.15	Entire Submission	Support	Accept in part
DPC25/163	Nelson Street Trust	163.15	Entire Submission	Support	Accept in part
DPC25/164	Petone Urban Environmental Association Inc.	164.15	Entire Submission	Support	Accept in part

DPC25/64 Michele [Mishi] Berezcz

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
64.1	General	Oppose	Reject the plan change.	Reject
			Make changes to respond to the points raised.	Accept in part
			Adopt the amendments, additions and deletions sought by Petone Urban Environmental Association Incorporated in its submission.	Accept in part

DPC25/65 Roger Chandler

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
65.1	General	Oppose	Reject the plan change.	Reject
			Make changes to respond to the points raised.	Accept in part
			Adopt the amendments, additions and deletions sought by Petone Urban Environmental Association Incorporated in its submission.	Accept in part

DPC25/66 Terence Broad

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision	
66.1	General – zoning, activities, building form, parking and loading and signage	Support	To add a new special activity for Tertiary Education Purposes.	Accept in part	
Further Submissions					
	Further Submitter	Sub. Ref.	Original Submission Reference	Support/ Oppose	Recommended Decision
	DPC25/162 Mr & Mrs Yardley	162.6	Entire Submission	Oppose	Reject
	DPC25/163 Nelson Street Trust	163.6	Entire Submission	Oppose	Reject
	DPC25/164 Petone Urban Environmental Association Inc.	164.6	Entire Submission	Oppose	Reject

DPC25/67 James Kwing

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
67.1	General	Oppose	That HCC reject the plan change.	Reject

DPC25/68 Craig McKirdy

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
68.1	General	Oppose	That the proposed change in its current form be declined.	Accept in part

DPC25/69 Simon & Wendy Rogerson

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
69.1	General	Oppose	Reject the plan change.	Reject
			Remove the outlying areas from the so-called precinct.	Accept in part
			Make changes to respond to the submitter's submission points.	Accept in part
			Adopt the amendments, additions and deletions sought by Petone Urban Environmental Association Incorporated in its submission.	Accept in part

DPC25/70 Anita Patel

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
70.1	Amendment 9 [4A 1.2.1 General Residential Activity Area (Building Height, Scaled, Intensity and Location – Explanation and Reasons)]	Oppose	No specific relief sought	Accept in part
70.2	Amendment 12 and 13 [4A 2.3 General Residential Activity Area (Restricted Discretionary Activities)]	Oppose	No specific relief sought	Accept in part

DPC25/71 Laura Newton-King

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
71.1	General	Oppose	Reject the plan change.	Reject
			Remove the outlying areas from the so-called precinct.	Accept in part
			Make changes to respond to the submitter's submission points.	Accept in part
			Adopt the amendments, additions and deletions sought by Petone Urban Environmental Association Incorporated in its submission.	Accept in part

DPC25/72 Clinton Maulder

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
72.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Petone Urban Environmental Association in its submission.	Accept in part

DPC25/73 Patricia Fraser

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
73.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Petone Urban Environmental Association in its submission.	Accept in part

DPC25/74 Dannie John Warren

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
74.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Petone Urban Environmental Association in its submission.	Accept in part

DPC25/75 Bocarda Print

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
75.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Petone Urban Environmental Association in its submission.	Accept in part

DPC25/76 Barbara Scott

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
76.1	General	Oppose	Reject the plan change.	Reject
			Remove the outlying areas from the so-called precinct.	Accept in part
			Make changes to respond to the submitter's submission points.	Accept in part
			Adopt the amendments, additions and deletions sought by Petone Urban Environmental Association Incorporated in its submission.	Accept in part

DPC25/77 Nikki Chiappini & Brian Cole

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
77.1	General	Oppose	Reject the plan change	Reject
			Remove the outlying areas from the so-called precinct.	Accept in part
			Make changes to respond to the submitter's submission points.	Accept in part
			Adopt the amendments, additions and deletions sought by Petone Urban Environmental Association Incorporated in its submission.	Accept in part

DPC25/78 Patricia Alexandra Fraser

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
78.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/79 Dannie Warren

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
79.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/80 Iain Jenkins

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
80.1	General	Oppose	Reject the plan change	Reject
			Remove the outlying areas from the so-called precinct.	Accept in part
			Make changes to respond to the submitter's submission points.	Accept in part
			Adopt the amendments, additions and deletions sought by Petone Urban Environmental Association Incorporated in its submission.	Accept in part

DPC25/81 Kylie & Andrew Morrell

Sub.	Amendment & Provision	Support/	Decision/Relief Sought	Recommended Decision
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Ref.		Oppose		
81.1	General	Oppose	Reject the plan change	Reject
			Remove the outlying areas from the so-called precinct.	Accept in part
			Make changes to respond to the submitter's submission points.	Accept in part
			Adopt the amendments, additions and deletions sought by Petone Urban Environmental Association Incorporated in its submission.	Accept in part

DPC25/82 Emani Iosefo

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
82.1	General	Oppose	No specific relief sought	Reject

DPC25/83 A Powers

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
83.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/84 High Street Residents

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
84.1	General	Oppose	That the plan change be rejected That Council undertake careful policy work, consult widely, and resubmit a revised plan.	Reject
84.2	General – Process for Plan Change	Oppose	No specific relief sought	Reject
84.3	General – Issues with the Plan Change	Oppose	That Council undertake a more robust analysis of the options and implications of WelTec's needs in the context of a master plan that recognises the wide variety of uses in this area of Petone.	Accept in part
			That the plan change only relate to the original WelTec site bounded by Kensington Ave and the Petone Recreation Ground	Reject
			That the campus wide approach to parking be declined.	Reject
			That cycle storage be provided at a rate of one space per 10 staff and students for the whole campus that is located closer than any car park to common destinations throughout the campus, have overhead shelter and allow cycles to be	Reject (Scope)

			secured.		
			That WelTec to liaise with public transport providers to refine the location of bus stops, routes and timetables and report annually and publically on these discussions.		Reject (Scope)
			That WelTec be required to maintain and report on an active carpooling programme.		Reject (Scope)
84.4	General - Conclusions		No specific relief sought		Reject
Further Submissions					
	Further Submitter	Sub. Ref.	Original Submission Reference	Support/ Oppose	Recommended Decision
	DPC25/160 Wellington Institute of Technology	160.8	Entire Submission	Oppose	Accept in part
	DPC25/162 Mr & Mrs Yardley	162.8	Entire Submission	Support	Reject in part
	DPC25/163 Nelson Street Trust	163.8	Entire Submission	Support	Reject in part
	DPC25/164 Petone Urban Environmental Association Inc.	164.8	Entire Submission	Support	Reject in part

DPC25/85 Tina Syme for Royal New Zealand Plunket Society					
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought		Recommended Decision
85.1	General	Not opposed	No specific relief sought		Accept in part
85.2	Traffic Safety/Parking		No specific relief sought		Reject
85.3	Signage		Clear signage to be at all entry points/car parks, identifying services and parking available on site as well as the presence of Plunket and small children.		Reject (Scope)
Further Submissions					
	Further Submitter	Sub. Ref.	Original Submission Reference	Support/ Oppose	Recommended Decision
	DPC25/162 Mr & Mrs Yardley	162.16	Entire Submission	Support	Accept in part
	DPC25/163 Nelson Street Trust	163.16	Entire Submission	Support	Accept in part
	DPC25/164 Petone Urban Environmental Association Inc.	164.16	Entire Submission	Support	Accept in part

DPC25/86 Petone Planning Action Group					
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought		Recommended Decision
86.1	General	Oppose	That Hutt City Council reject the Plan Change, or at least		Accept in part

			make the changes to respond to the submission points regarding each amendment as below and remove the out-lying areas from the so-called precinct. That the Plan Change be heard by an Independent Commissioner or Commissioners (preferably Christine Foster as she heard the WelTec N Block application).	Accept in part
86.2	Amendment 1 [Chapter 3 Definitions] and Amendment 10 [4A 2.1 General Residential Activity Area (Rules – Permitted Activities)]	Oppose	That the wording of the definition be as follows : Tertiary Education Facilities means the use of land and buildings for the provision of regular instruction, teaching, learning or training by an Institution (as defined in Section 159(1) of the Education Act 1989),... If the definition is to be retained as is, then there needs to be rules to limit the extent of retailing, social facilities, recreational activities, and childcare within the precinct.	Accept in part
86.3	Amendment 2 [4A 1.1.4 General Residential Activity Area (Non-residential activities – Issue)]	Oppose	That 4A 1.1.4 be amended as follows: <i>Non-residential activities in residential areas can support residential activities and provide social and economic benefits to the community. Such activities can have significant adverse effects upon surrounding residential properties. These adverse effects need to be avoided, remedied or mitigated to ensure that residential amenity values and character are maintained and enhanced.</i>	Reject
86.4	Amendment 3 [4A 1.1.4 (d) General Residential Activity Area (Non-residential activities – Policies)]	Oppose	That 4A 1.1.4 (d) be amended as follows: <i>(d) To recognise and provide for tertiary education activities in Petone within a defined Precinct, while avoiding, remedying or mitigating the adverse effects on the environment, particularly including the residential character and amenity values of the neighbourhood.</i>	Accept in part
86.5	Amendment 4 [4A 1.1.4 General Residential Activity Area (Non-residential activities – Explanation and Reasons)]	Oppose	That the Bracken Street site be completely removed from the proposed precinct. That no leased property be included and what is currently owned by WelTec on core sites be the limit of any precinct forever. That the first paragraph proposed in Amendment 4 be deleted. That the description be modified and the Plan Map be changed to remove the areas in Bracken Street, Elizabeth Street and Britannia Street from the precinct. That a cap on the maximum number of staff and students on site at any one time be introduced.	Accept in part
86.6	Amendment 5 [4A 1.2.1 (k) General Residential Activity Area (Building Height, Scale, Intensity and location)]	Oppose	That design guides be included. That the words “recognise the existing scale and intensity of the built development in the Precinct” be deleted.	Reject

86.7	Amendment 6 [4A 1.2.1 (b) General Residential Activity Area (Building Height, Scale, Intensity and location – Explanation and Reasons – site coverage)]	Oppose	That the maximum height for any future developments on the western side of Kensington Avenue be 8m and site coverage for any future development be 35%. That view shafts and access ways be maintained and increased through the Kensington Avenue site to the Petone Recreation Ground.	Reject
86.8	Amendment 7 and Amendment 8 [4A 1.2.1 (c) and (d) General Residential Activity Area (Building Height, Scale, Intensity and location – Explanation and Reasons – recession plane and yards)]	Oppose	That the boundary setbacks apply to internal precinct boundaries. That the boundary setbacks apply to eastern and western boundaries as well as any southern ones. That the building length rule applies.	Reject
86.9	Amendment 9 [4A 1.2.1 (e) General Residential Activity Area (Building Height, Scale, Intensity and location – Explanation and Reasons – height)]	Oppose	That the maximum height be 8m in the areas zoned general residential. That all new buildings have a residential character. That Elizabeth street and Udy Street sites be removed from the precinct.	Accept in part
86.10	Amendment 11 [4A 2.1.1 General Residential Activity Area (Permitted Activities – conditions)]	Oppose	That there be an 8m height limit, a limit of 35% site coverage and yard setback and recession planes apply to internal boundaries within the precinct. In 4A 2.1.1 there needs to be an (a) after the proposed (z) that reads as follows: <i>The number of staff and students within the precinct at any time to not exceed 1200 (students) and 300 (staff).</i>	Accept in part Reject
86.11	Amendment 12 [4A 2.3 General Residential Activity Area (Restricted Discretionary Activities)]	Oppose	That any activities which can't meet precinct provisions become non-complying or at least fully discretionary activities.	Reject
86.12	Amendment 13 [4A 2.3.1 (k) General Residential Activity Area (Matters in which Council has restricted its discretion)]	Oppose	That a design guide that sets out principles for quality design for any future development in the Precinct be introduced.	Reject
86.13	Amendment 14 [4A 2.4 (n) General Residential Activity Area (Discretionary Activities)]	Oppose	That such matters should be non-complying and require full notification.	Reject
86.14	Amendment 15 [4A General Residential Activity Area (Appendices)]	Oppose	That the Bracken Street site, Udy/Britannia St and Elizabeth Street sites be removed from the Precinct.	Reject
86.15	Amendment 17 [6A 1.1.1 General Business Activity Area]	Oppose	That 6A 1.1.1 be amended as follows: <i>'Accommodate Provide for where appropriate tertiary education activities within the Tertiary Education Precinct, which provides for tertiary education on a local and regional basis.'</i>	Reject
86.16	Amendment 18 [6A 1.1.1 General Business Activity Area]	Oppose	That 6A 1.1.1 be amended as follows: <i>The range of non-industrial activities accommodated also</i>	Reject

	(Explanation and Reasons)]		<p><i>includes training facilities, conference centres, places of assembly and places of worship. Tertiary education activities are accommodated within the Tertiary Education Precinct, of which, that part on Cuba Street is located within the General Business Activity Area.</i></p> <p><i>WelTec and its predecessors have historically provided tertiary education activities within the area in Cuba Street and the activity is an established use on the site providing important tertiary education including vocational education and applied research. These non-industrial activities are provided for where the potential generated effects do not have an adverse effect on the amenity values of the area and the environment</i></p>	
86.17	<p>Amendment 19 [6A 1.1.3 General Business Activity Area (Environmental Effects - Issue)] and Amendment 20 [6A 1.2.1 General Business Activity Area (Effects on Amenity Values - Issue)]</p>	Oppose	<p>That 6A 1.1.3 be amended as follows: <i>Business Activities (commercial and industrial activities) and other activities accommodated provided for where appropriate within the General Business Activity Area, <u>where there is an interface with residential</u> have the potential....</i></p> <p>That 6A 1.2.1 be amended as follows: <i>The sites, structures and buildings used by business activities (commercial and industrial activities) and other activities accommodated provided for where appropriate within the General Business Activity Area, <u>where there is an interface with residential</u> have the potential....</i></p> <p>That a new amendment 6A 2.2.2 (r) be added which limits the maximum number of students to 1200 along with approximately 300 staff. hat 6A 1.1.3 be amended as follows: <i>Business Activities (commercial and industrial activities) and other activities accommodated provided for where appropriate within the General Business Activity Area, <u>where there is an interface with residential</u> have the potential....</i></p> <p>That 6A 1.2.1 be amended as follows: <i>The sites, structures and buildings used by business activities (commercial and industrial activities) and other activities accommodated provided for where appropriate within the General Business Activity Area, <u>where there is an interface with residential</u> have the potential....</i></p> <p>That a new amendment 6A 2.2.2 (r) be added which limits the maximum number of students to 1200 along with approximately 300 staff.</p>	Reject
86.18	Amendment 21 [6A 2.2.1 (b) General Business Activity Area (Controlled Activities)]	Oppose	That activities that cannot meet the Precinct provisions be Non-complying activities or fully Discretionary.	Accept in part

86.19	Amendment 22 [6A 2.3 (i) General Business Activity Area (Discretionary Activities)]	Oppose	That the preclusion of notification be deleted. That any activities that cannot meet the Precinct provisions be at least Discretionary Activities.	Accept in part
86.20	Amendment 23 [6A 2.3.1 (i) General Business Activity Area (Matters in which Council has restricted its discretion)]	Oppose	That all matters listed be discretionary matters and traffic effects, parking effects, hours of operation, and noise be included.	Accept in part
86.21	Amendment 24 [6A General Business Activity Area (Appendices)]	Oppose	No specific relief sought	Accept in part
86.22	Amendment 25 [Chapter 7 Recreation and Open Space (Introduction)]	Oppose	That the Bracken Street site be removed from the Precinct. That the second sentence of the amendment be deleted. That the word 'accommodate' be replaced by 'provided for where appropriate' and the word 'historically' be deleted. That amendments 25 to 29 be deleted in total.	Accept
86.23	Amendment 26 [7A 1.1.4 Recreation and Open Space (Non-Recreational Activities)]	Oppose	That amendments 25 to 29 be deleted in total.	Accept
86.24	Amendment 27 [7A 2.1 General Recreation Activity Area (Permitted Activities)] and Amendment 28 [7A 2.1.1 General Recreation Activity Area (Permitted Activities - Conditions)] and Amendment 29 [Appendix 1 – Recreation and Open Space]	Oppose	That amendments 25 to 29 be deleted in total.	Accept
86.25	Amendment 30 [14A (iii) 1.2.1 (b) Car and Cycle Parking]	Oppose	That the policy be rewritten to focus on maintaining and improving residential amenity and promote non-reliance on on-street parking. That the words 'predominantly residential' be inserted before 'area'. That a sunset clause about reliance on on-street parking being stopped 5 years from any plan provisions being approved be introduced.	Accept in part Reject Reject
86.26	Amendment 31 [14A (iii) 1.2.1 Car and Cycle Parking (On-site parking provision for activities – Explanation and Reasons)]	Oppose	That a cap on the total number of students and staff who can use the precinct at any one time be introduced and monitored. That a sun-set clause be introduced. That the emphasis of the second paragraph be changed from the existing situation to a future situation which maintains and enhances residential amenities.	Reject Reject Accept in part

86.27	Amendment 32 [14A (iii) 2.1 (b) Car and Cycle Parking (Location of Car Parking Spaces)]	Oppose	That the word 'may' be changed to 'must'.	Reject
86.28	Amendment 33 [14A (iii) 2.2 (b) Car and Cycle Parking (Discretionary Activities)]	Oppose	That words such as 'Or where the total number of students and staff in any precinct exceeds 1200 (students) and 300 (Staff)' be added to the provision. That any parking provided off site have a non-complying activity status.	Reject
86.29	Amendment 34 [14A (iii) 2.2.1 Car and Cycle Parking (Assessment Matters for Discretionary Activities)]	Oppose	No specific relief sought.	Accept
86.30	Amendment 35 [Appendix 3]	Oppose	No specific relief sought.	Reject
86.31	Amendment 36 [14B 2.1.1 (c) Signs]; and Amendment 37 [14B 2.2 Signs (Controlled Activities)]; and Amendment 38 [14B 2.2 Signs (Controlled Activities)]; and Amendment 39 [14B 2.2 Signs (Restricted Discretionary Activities)]	Oppose	No specific relief sought. Comments suggest following relief sought: Signs on sites abutting or across the road from or able to be seen from a residential area should be discretionary activities with notification required. Signs which do not comply with permitted activity conditions should be non-complying and notified. No flashing lights on signs that can be seen from a residential area.	Accept in part

Further Submissions					
Further Submitter		Sub. Ref.	Original Submission Reference	Support/ Oppose	Recommended Decision
DPC25/159	Rosy and Kevin Moar	159.2	Entire Submission	Support	Accept in part
DPC25/160	Wellington Institute of Technology	160.9	Entire Submission	Oppose	Accept in part
DPC25/162	Mr & Mrs Yardley	162.7	Entire Submission	Support with two exceptions (staff/student cap, involvement of a certain person [Christine Foster] in the process)	Accept in part
DPC25/163	Nelson Street Trust	163.7	Entire Submission	Support with two exceptions (staff/student cap, involvement of a certain person [Christine Foster] in the process)	Accept in part

	DPC25/164 Petone Urban Environmental Association Inc.	164.7	Entire Submission	Support with two exceptions (staff/student cap, involvement of a certain person [Christine Foster] in the process)	Accept in part
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DPC25/87 Andrea and Warwick Bolton

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
87.1	General	Oppose	That the Hutt City Council adopt the amendments, additions and deletions sought by the Petone Urban Environmental Association in its submission.	Accept in part

DPC25/88 Bryan Thompson for Petone Corps, Salvation Army

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision	
88.1	General – Campus-wide parking proposal; Inclusion of Cuba Street site in Precinct; Lack of cap on student numbers; Lack of inclusion of travel demand management requirements	Oppose	That Cuba Street General Business Activity Area be excluded from the campus wide parking proposal. That Cuba Street General Business Activity Area be excluded from the Tertiary Education Precinct. That an all over cap on student and staff numbers on site at one time be included. That requirements to encourage transport options other than private motor cars be included.	Accept in part	
Further Submissions					
	Further Submitter	Sub. Ref.	Original Submission Reference	Support/ Oppose	Recommended Decision
	DPC25/162 Mr & Mrs Yardley	162.17	Entire Submission	Support	Accept in part
	DPC25/163 Nelson Street Trust	163.17	Entire Submission	Support	Accept in part
	DPC25/164 Petone Urban Environmental Association Inc.	164.17	Entire Submission	Support	Accept in part

DPC25/89 Pat Sviatko

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
89.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/90 Frank Steven Sviatko				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
90.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/91 Anthony Joseph O'Connor				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
91.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/92 Michiko Ammon				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
92.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/93 Ranka Sunko				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
93.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/94 Judith Kathleen Exley				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
94.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/95 Lisa Michelle Wilde				
Sub.	Amendment & Provision	Support/	Decision/Relief Sought	Recommended Decision

Ref.		Oppose		
95.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/96 David Tripp

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
96.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/97 Nikki Bennett (Salvation Army Petone Playgroup)

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
97.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/98 Jolene Hendry (Salvation Army Playgroup)

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
98.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/99 Jamie Dawson

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
99.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/100 Karen Ferguson

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
100.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Residents of High Street in its	Accept in part

			submission.	
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DPC25/101 Sharon McKendrick

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
101.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/102 Tessa McGuinness

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
102.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/103 Megan Hughes (Salvation Army)

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
103.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/104 Helen Tripp (High Street Craft Group)

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
104.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/105 Margaret Nicholas (High Street Craft Group)				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
105.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/106 Lesley Whitlock (High Street Craft Group)				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
106.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/107 Sue Moran (High Street Craft Group)				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
107.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/108 Lorraine Driskel (High Street Craft Group)				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
108.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/109 Beryl Henderson (High Street Craft Group)				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
109.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/110 Michael McCrorie				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
110.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Petone Urban Environmental Association in its submission.	Accept in part

DPC25/111 Alan and Jenny Mumford				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
111.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Petone Urban Environmental Association in its submission.	Accept in part

DPC25/112 Albert and Geraldine Wayers				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
112.1	General	Oppose	Reject the plan change.	Reject
			Remove the outlying areas from the so-called precinct.	Accept in part
			Make changes to respond to the submitter's submission points.	Accept in part
			Adopt the amendments, additions and deletions sought by Petone Urban Environmental Association Incorporated in its submission.	Accept in part

DPC25/113 Flora Beblidakis				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
113.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Petone Urban Environmental Association in its submission.	Accept in part

DPC25/114 Rose and Humphrey Foote				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
114.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Petone Urban Environmental Association in its submission.	Accept in part

DPC25/115 Cathy and Mike Reid				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
115.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Petone Urban Environmental Association in its submission.	Accept in part

DPC25/116 Vakharia Mukesh				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
116.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Petone Urban Environmental Association in its submission.	Accept in part

DPC25/117 Victoria Sutton				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
117.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Petone Urban Environmental Association in its submission.	Accept in part

DPC25/118 Suega Boot				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
118.1	General	Oppose	That Hutt City Council adopts the amendments, additions and deletions sought by Petone Urban Environment Association Incorporated in its submission.	Accept in part

DPC25/119 Rochelle Griffin				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
119.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Petone Urban Environmental Association in its submission.	Accept in part

DPC25/120 Wilma Cook				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision

120.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Petone Urban Environmental Association in its submission.	Accept in part
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DPC25/121 MJ Sammons				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
121.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Petone Urban Environmental Association in its submission.	Accept in part

DPC25/122 CJ Cosford				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
122.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Petone Urban Environmental Association in its submission.	Accept in part

DPC25/123 Peter and Catharina Philipsen				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
123.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Petone Urban Environmental Association in its submission.	Accept in part

DPC25/124 D Gordon				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
124.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Petone Urban Environmental Association in its submission.	Accept in part

DPC25/125 Sue Howard				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
125.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Petone Urban Environmental Association in its submission.	Accept in part

DPC25/126 Faith Lawson				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
126.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Petone Urban Environmental Association in its submission.	Accept in part

DPC25/127 Chris Skinn				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
127.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Petone Urban Environmental Association in its submission.	Accept in part

DPC25/128 Jonathan Mahoney				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
128.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Petone Urban Environmental Association in its submission.	Accept in part

DPC25/129 Graham Nesor				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
129.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Petone Urban Environmental Association in its submission.	Accept in part

DPC25/130 Paul McGillicuddy				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
130.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Petone Urban Environmental Association in its submission.	Accept in part

DPC25/131 Hazel Nesor				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
131.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Petone Urban Environmental Association in its submission.	Accept in part

DPC25/132 Gordon Craig				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
132.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Petone Urban Environmental Association in its submission.	Accept in part

DPC25/133 Jo St Just				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
133.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Petone Urban Environmental Association in its submission.	Accept in part

DPC25/134 Susana Lemisio				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
134.1	General	Oppose	Reject the plan change	Reject
			Remove the outlying areas from the so-called precinct.	Accept in part
			Make changes to respond to the submitter's submission points.	Accept in part
			Adopt the amendments, additions and deletions sought by Petone Urban Environmental Association Incorporated in its submission	Accept in part

DPC25/135 Mark and Anne Godfrey				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
135.1	General	Oppose	That the plan change be refused.	Reject
			That the Hutt City Council adopt the amendments, additions and deletions sought by the Petone Urban Environmental Association in its submission.	Accept in part
			That the plan change be heard by independent commissioners.	Accept
135.2	General - Resource Management Act		No specific relief sought	Reject
135.3	General - Udy Street/ Britannia Street site		No specific relief sought	Accept in part
135.4	General - Parking		No specific relief sought	Reject
135.5	General - Heritage sites		No specific relief sought	Reject
135.6	General - Department of Conservation (DOC) property		No specific relief sought	Accept

DPC25/136 Peter Cartwright				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
136.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Petone Urban Environmental Association in its submission.	Accept in part

DPC25/137 Esme Cartwright				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
137.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Petone Urban Environmental Association in its submission.	Accept in part

DPC25/138 A Hansen				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
138.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Petone Urban Environmental Association in its submission.	Accept in part

DPC25/139 Mike Fisher				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
139.1	General	Oppose	Reject the plan change	Reject
			Remove the outlying areas from the so-called precinct.	Accept in part
			Make changes to respond to the submitter's submission points.	Accept in part
			Adopt the amendments, additions and deletions sought by Petone Planning Action Group.	Accept in part

DPC25/140 Patrick Williams				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
140.1	General	Oppose	That Plan Change 25 be rejected in its entirety.	Reject

DPC25/141 Lorraine Williams				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
141.1	General	Oppose	That Plan Change 25 be rejected in its entirety.	Reject

DPC25/142 Reg and Anne Cotter				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
142.1	General	Oppose	Reject the plan change.	Reject
			Remove the outlying areas from the so-called precinct.	Accept in part
			Make changes to respond to the submitter's submission points.	Accept in part
			Adopt the amendments, additions and deletions sought by Petone Urban Environmental Association Incorporated in its submission.	Accept in part

DPC25/143 Kathryn Delahunty				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
143.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/144 Mark Phegan				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
144.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/145 Katrina Mannix				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
145.1	General	Oppose	Reject the plan change.	Reject
			Remove the outlying areas from the so-called precinct.	Accept in part
			Make changes to respond to the submitter's submission points.	Accept in part
			Adopt the amendments, additions and deletions sought by Petone Urban Environmental Association Incorporated in its submission.	Accept in part

DPC25/146 Maara Heather				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
146.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Petone Urban Environmental Association in its submission.	Accept in part

DPC25/147 Vasu Govind				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
147.1	General	Oppose	Reject the plan change	Reject
			Remove the outlying areas from the so-called precinct.	Accept in part
			Make changes to respond to the submitter's submission points.	Accept in part
			Adopt the amendments, additions and deletions sought by Petone Urban Environmental Association Incorporated in its submission.	Accept in part
			Reject the proposal angle parking in Emerson Street.	Reject (Scope)

DPC25/148 David Goldsbury				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
148.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/149 Matt Goldsbury				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
149.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/150 Diane Goldsbury				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
150.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/151 Kevin Goldsbury				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
151.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/152 Petone Urban Environmental Association Incorporated				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
152.1	General – Legal Matters: Consultation	Oppose	No specific relief sought	Reject
152.2	General – Legal Matters: Assessment of Environmental Effects	Oppose	No specific relief sought	Reject
152.3	General – Legal Matters: Section 32 analysis	Oppose	No specific relief sought	Reject
152.4	General – Legal Matters: Resource Management Act 1991	Oppose	No specific relief sought	Reject

152.5	General – Legal Matters: Consistency with other plan provisions	Oppose	No specific relief sought	Reject
152.6	General – Legal Matters: Existing use rights	Oppose	That existing use rights are properly determined and established before using them in the proposed provisions.	Reject
152.7	General – Legal Matters: ‘Precinct concept’	Oppose	That the Council amend PPC25 in accordance with the submitter’s submission, which seeks to strengthen and enhance the precinct approach. Re-write the introduction to the Precinct plan change to better reflect the precinct as a planning mechanism and to recognise the existing conflict between the nature and scale of existing Tertiary Education Activities and residents and other community and recreational activities.	Accept in part
152.8	General – Legal Matters: Changes to the general residential area zone desirable	Oppose	That consideration be given to amending the General Residential Area provisions of the plan. Amending the plan to make “Tertiary Education Activities” outside the precinct in the General Residential Activity Area a non-complying activity would assist in preserving the residential character of the area and effectively maintain the integrity of the precinct.	Reject
152.9	General – Legal Matters: Independent commissioner	Oppose	That an independent commissioner be appointed.	Accept
152.10	General – Plan Change documentation: What is Proposed Plan Change 25?	Oppose	No specific relief sought	Reject
152.11	General – Plan Change documentation: Scope of PC25	Oppose	That the following wording (or similar) be inserted by way of explanation to the introduction of PPC25 which records: <i><u>“in past years the tertiary education institution has had some conflict with local residents because of moves to expand into the surrounding residential areas. For this reason Council generally requires the Precincts to develop within their existing boundaries to protect nearby residential neighbourhoods from the encroachment of non-residential development. Future expansion of the precinct is not prohibited, but Council seeks to ensure that any of Tertiary educational institution boundaries is properly evaluated. Expansion proposals will be dealt with under the plan change process to enable a full assessment of environmental effects”</u></i> That the precinct plan records that considerable scope for expansion of Tertiary Education Activities is possible at the institution’s other campuses, e.g.: the new hospitality school and Wakefield Street site in Wellington, the Petone Memorial College site and the Jackson Street site in Petone and the close management relationship that WelTec has with Whitirea all of which have space available for further development and have more preferable zoning. This recognises that the Precinct	Accept in part

			Area is a finite area that is currently subject to relatively intense development. As a result of the nature of the site, limited new development opportunities are restricted.	
152.12	General – Plan Change documentation: Summary of Proposed Plan Change 25	Oppose	No specific relief sought	Reject
152.13	General – Section 32 Report	Oppose	No specific relief sought	Reject
	General – Design Guidelines			Reject
152.14	Amendment 1 [Chapter 3 – Definitions]	Oppose	<p>That the current definition of Tertiary Education Activities be amended as follows or similar: Amend the second part of the definition by removing the reference to specifically ancillary activities, and to read “... <i>(the Education Act 1989), and includes ancillary activities as defined below.</i>”</p> <p>Provide a new definition for ancillary activities for the following activities: administrative, car parking, child care, health, and retail. This definition needs to clearly link the ancillary activity to tertiary education activities; specify an allowable floor area; and have separate parking provisions and provide for the further matters identified in the submission.</p> <p>It is noted that Amendment 10 will also require amendment and additional criteria for ancillary activities that meet permitted criteria will need to be developed.</p> <p>The reference to student accommodation is deleted.</p> <p>Further consideration be given to whether recreational, cultural, and social activities are appropriate.</p>	Accept in part
152.15	Amendment 2 [Chapter 4A 1.1.4 General Residential Activity Area (Non-Residential Activities – Issue)]	Oppose	<p>That Issue 4A1.1.4 be amended as follows: <i>Non-residential activities in residential areas can support residential activities and provide social and economic benefits to the community. Such activities can also have significant adverse effects upon surrounding residential properties, including adverse environmental effects (such as visual, loss of residential uses, traffic and parking and noise) beyond the boundary of the site. These adverse effects need to be avoided, remedied or mitigated to ensure that residential amenity values and character are maintained and enhanced. Any new non-residential development on existing sites will need to ensure any existing adverse environmental effects on the residential character and amenity are addressed, any reliance on on-street parking is reduced, and an improvement in residential character and amenity is achieved.</i></p>	Accept in part
152.16	Amendment 3 [4A 1.1.4 General Residential Activity Area	Support in part	That the intent of Policy 4A 1.1.4 (d) be retained as written with minor amendments or similar:	Accept in part

	(Non-Residential Activities – Policies)]		<i><u>(d) To recognise and provide for where appropriate tertiary education activities in Petone within a defined Precinct, while avoiding, remedying or mitigating the adverse effect on the environment, and ensuring any new tertiary education activities address any existing or potential adverse effects, particularly on the residential character and amenity values of the neighbourhood.</u></i>	
152.17	Amendment 4 [4A 1.1.4 General Residential Activity Area (Non-Residential Activities – Explanation and Reasons)]	Oppose	That Section 4A 1.1.4 Explanation and Reasons to the General Residential Activity Area be significantly re-written to incorporate the matters raised in the submission.	Accept in part
152.18	Amendment 5 [4A 1.2.1 General Residential Activity Area (Building Height, Scale, Intensity and Location – Policies)]	Oppose	That 4A 1.2.1(k) be amended to read as follows or similar: <i><u>'(k) To establish specific maximum height, maximum site coverage, minimum set back and recession plane standards within specific areas of the Tertiary Education Precinct to recognise ensure any future development is at a existing scale and intensity that is in keeping with the surrounding environment and suitability of the site to accommodate further development Of the built development in the Precinct and to avoid any minimise adverse effects on the character and amenity values of abutting or nearby residential properties through the adoption of an Urban Design Guide for the Precinct.'</u></i>	Accept in part
152.19	Amendment 6 [4A 1.2.1 General Residential Activity Area (Building Height, Scale, Intensity and Location – Explanation and Reasons (b) Site Coverage)]	Oppose	That the Explanation and Reasons 4A 1.2.1 relating to site coverage be amended to provide for the development of an Urban Design Guide to provide for appropriate site coverage for individual sites based on agreed Urban Design principles and future outcomes that will minimise effects and result in better development.	Reject
152.20	Amendment 7 [4A 1.2.1 General Residential Activity Area (Building Height, Scale, Intensity and Location – Explanation and Reasons (c) Recession Planes)]	Oppose	That the Explanation and Reasons 4A 1.2.1 relating to recession planes be amended to provide for the development of an Urban Design Guide to provide for appropriate site coverage for individual sites based on agreed Urban Design principles and future outcomes that will minimise effects and result in a better development.	Reject
152.21	Amendment 8 [4A 1.2.1 General Residential Activity Area (Building Height, Scale, Intensity and Location – Explanation and Reasons (d) Yards)]	Oppose	That the Explanation and Reasons 4A 1.2.1 relating to yards be amended to provide for the development of an Urban Design Guide to provide for appropriate yards for individual sites based on agreed Urban Design principles and future outcomes that will minimise effects and result in a better development.	Reject
152.22	Amendment 9 [4A 1.2.1 General Residential Activity Area	Oppose	That the Explanation and Reasons 4A 1.2.1 relating to height be amended to provide for the development of an Urban	Accept in part

	(Building Height, Scale, Intensity and Location – Explanation and Reasons (e) Height)]		Design Guide to provide for appropriate height for individual sites based on agreed Urban Design principles and future outcomes that will minimise effects and result in better development. It is requested that the maximum height be reduced from 12m to 8m.	
152.23	Amendment 10 [4A 2.1 General Residential Activity Area (Rules – Permitted Activities)]	Oppose	That the Tertiary Education Activities definition be modified in respect of submitter's comments on Amendment 1.	Accept in part
152.24	Amendment 11 [4A 2.1.1 General Residential Activity Area (Rules – Permitted Activities – Conditions)]	Oppose	That the Permitted Activity Standards 4A 2.1.1 be amended to provide for the development of an Urban Design Guide to provide for appropriate Permitted Activity Standards for individual sites based on agreed Urban Design principles and future outcomes that will result in a better development. A maximum height limit of 8m is also sought.	Accept in part
152.25	Amendment 12 [4A 2.3 General Residential Activity Area (Restricted Discretionary Activities)]	Oppose	That the plan change be amended so that activities that do not comply with the Permitted Activity standards 4A 2.1.1 for tertiary education activities are a Non-complying Activity with full public notification.	Reject
152.26	Amendment 13 [4A 2.3.1 General Residential Activity Area (Matters in which Council has restricted its Discretion and Standards and Terms)]	Oppose	That the matters included in 4A 2.3.1 (k) be moved to matters to be addressed when considering Non-complying activities and amended to address the matters outlined in the submission.	Accept in part
152.27	Amendment 14 [4A 2.4 General Residential Activity Area (Discretionary Activities)]	Oppose	That 4A 2.4 (n) be amended to provide for tertiary education activities that do not comply with the Permitted Activity standards to be Non-complying activities.	Reject
152.28	Amendment 15 [4A General Residential Activity Area (Appendices)]	Oppose	The submitter only supports the inclusion of Udy Street site in the precinct if an Urban Design Guide is developed and the other relief sought by the submitter is adopted.	Reject
152.29	Amendment 16 [Chapter 6 Business (Introduction)]	Oppose	That the Introduction (a) General Business Activity Area be amended by replacing the term 'accommodated' with the term 'provided for where appropriate'.	Reject
152.30	Amendment 17 [6A 1.1.1 General Business Activity Area (Accommodation of a Mix of Activities – Policies)]	Oppose	That policy 6A 1.1.1 be amended by replacing the term 'accommodated' with the term 'provided for where appropriate'.	Reject
152.31	Amendment 18 [6A 1.1.1 General Business Activity Area (Accommodation of a Mix of Activities – Explanation and Reasons)]	Oppose	That the Explanation and Reasons for 6A 1.1.1 General Business Activity Area is amended as follows or similar: <i>The range of non-industrial activities accommodated also includes training facilities, conference centres, places of assembly and places of worship. Tertiary education activities are accommodated provided for where appropriate within the tertiary Education Precinct, of which, that part on Cuba Street is located in the General Business Activity Area.</i>	Reject

			WeiTec and its predecessors have historically provided tertiary education activities within the area in Cuba Street and the activity is an established use on the site providing important tertiary education including vocational education and applied research. These non-industrial activities are only to be provided for where the actual and potential adverse generated effects can be managed and the character and do not have an adverse effect on the amenity values of the area, including the adjoining Residential Activity Area, are maintained or enhanced and the environment.	
152.32	Amendment 19 [6A 1.1.3 General Business Activity Area (Environmental Effects – Issue)]	Oppose	That Issue 6A 1.1.3 be amended to replace the term 'accommodated' with the term 'provided for where appropriate'.	Reject
152.33	Amendment 20 [6A 1.2.1 General Business Activity Area (Effects of the Amenity Values of the Area – Issue)]	Oppose	That Issue 6A 1.2.1 be amended to replace the term 'accommodated' with the term 'provided for where appropriate'.	Reject
152.34	Amendment 21 [6A 2.2 General Business Activity Area (Controlled Activities)]	Oppose	That the exception in Rules 6A 2.2 (b) and 6A 2.2.1 (b) be deleted and any tertiary education activity that does not comply with a General Business Activity Area permitted activity standard, or is on a site abutting or on the opposite side of the road from a residential activity area, is a Non-complying Activity with full notification required.	Accept in part
152.35	Amendment 22 [6A 2.3 General Business Activity Area (Restricted Discretionary Activities)]	Oppose	That 6A 2.3 (i) be deleted and any tertiary education activity that does not comply with a Permitted Activity standard, or is on a site abutting or on the opposite side of the road from a residential activity area, is a Non-complying Activity with full notification required.	Accept in part
152.36	Amendment 23 [6A 2.3.1 General Business Activity Area (Matters in which Council has restricted its Discretion and Standards and Terms)]	Oppose	That matters included in 6A 2.3.1 (i) become assessment criteria for Non-complying Activities, and the same amendments to Amenity Values sought for Amendment 13 be made to 6A 2.3.	Accept in part
152.37	Amendment 25 [Chapter 7 General Recreation and Open Space (introduction)]	Oppose	That the amendment to Introduction (a) General Recreation Activity Area be deleted as this is Conservation Land and cannot be incorporated into the Tertiary Education Precinct.	Accept
152.38	Amendment 26 [7A 1.1.4 General Recreation and Open Space (Non-Recreational Activities)]	Oppose	That the amendment to Policy (b) be deleted as this area is Conservation Land and cannot be incorporated into the Tertiary Education Precinct.	Accept
152.39	Amendment 27 [7A 2.1 General Recreation Activity Area (Permitted Activities)]	Oppose	That the amendment to Rule 7A 2.1 (f) be deleted as this area is Conservation Land and cannot be incorporated into the Tertiary Education Precinct.	Accept
152.40	Amendment 28 [7A 2.1.1 General Recreation Activity Area	Oppose	That the amendment to the permitted activity standard Rule 7A 2.1.1 (d) be deleted as this area is Conservation Land and	Accept

	(Permitted Activities – Conditions)]		cannot be incorporated into the Tertiary Education Precinct.	
152.41	Amendment 29 [7A General Recreation Activity Area (Appendices)]	Oppose	That the amendment to Appendix Map “Appendix General Recreation 1” to Chapter 7A be deleted as the area is Conservation Land and cannot be incorporated into the Tertiary Education Precinct.	Accept
152.42	Amendment 30 [Chapter 14A (iii) Car and Cycle Parking (14A (iii) 1.2.1 – On-site Parking Provision for Activities – Policy)]	Oppose	That Policy 14A (iii) 1.2.1 (b) be re-worded in a manner consistent with the submission, including (but not limited to): <ul style="list-style-type: none"> • Deletion of the Bracken Street site from any campus wide approach to providing on-site car parking for the Precinct. • Further consideration needs to be given to whether the campus wide parking approach is appropriate, mechanism to manage the tertiary Education Activities off-street parking, given that reliance on this approach in previous consent applications has resulted in the existing unacceptable parking situation and significant impact and effects. • Deletion of “<i>Recognising the existing nature, level and extent of car parking in and around the precinct...</i>” • Development of a sunset clause requiring the on street effects to be reduced over time and to those spaces available directly outside the precinct property boundaries to reduce the adverse effects; and • Defining the residential character and amenity values to be protected and determining the effects of on-street parking on these values. 	Accept in part
152.43	Amendment 31 [14A (iii) Car and Cycle Parking (14A (iii) 1.2.1 – On-site Parking Provision for Activities – Explanation and Reasons)]	Oppose	That the second paragraph of the Explanation and Reasons 14A (iii) 1.2.1 be amended to address the concerns raised in the submission.	Accept in part
152.44	Amendment 32 [14A (iii) Car and Cycle Parking (14A (iii) 2.1 – Permitted Activity Conditions (b) Location of Parking Spaces)]	Support in part	That Rule 14A (iii) 2.1 (b) be amended by changing the word ‘ <i>may be located on any site...</i> ’ to ‘ <i>must be located on any site...</i> ’.	Reject
152.45	Amendment 33 [14A (iii) Car and Cycle Parking (14A (iii) 2.2 Discretionary Activities(b))]	Oppose	That the activity provided by the amendment to Rule 14A (iii) 2.2 (b) be a Non-complying activity with full notification, with the Discretionary Activity Rules to reduce the reliance of the tertiary education activities on on-street parking be included.	Reject
152.46	Amendment 34 [14A (iii) Car and Cycle Parking (14A (iii) 2.2.1 Assessment Matters for Discretionary Activities)]	Oppose	That the matters included in Assessment Matters in 14A (iii) 2.2.1 be included as a Non-complying Activity assessment matter.	Reject
152.47	Amendment 35 [14A Appendix Transport 3 – Minimum	Oppose	That the formula included in Appendix 3 be deleted, a tighter definition of the terms ‘student’ and ‘staff’ and that the equation	Reject

	Parking Standards]		be replaced with an equation that uses FTE students and enrolled staff, and reduction of the on street parking provision from 300 to 63 (the number of car parks available on the adjoining road frontages on the Education Precinct). A separate further equation is required for the car parking requirements for ancillary activities.		
152.48	Amendment 36 [Chapter 14B 2.1.1 (c) Signs]	Oppose	That the amendment to Rule 14B 2.1.1 (c) be deleted, with additional controls developed on the purpose, location and content of the signs, and any adverse effects on the character and amenity values of the surrounding residential area. If these standards cannot be met, a Non-complying activity should be required, with notification.	Accept in part	
152.49	Amendment 37 [14B 2.2 Signs (Controlled Activities)]	Oppose	That the amendment to Rule 14B 2.2 (a) be deleted, with additional controls sought on the purpose, location and content of the signs, and any adverse effects on the character and amenity values of the surrounding residential area (which may be a matter for a urban design guide). If these standards cannot be met, a Non-complying activity should be required, with notification.	Reject	
152.50	Amendment 38 [14B 2.2 Signs (Controlled Activities)]	Oppose	That the amendment to Rule 14B 2.2 (e) be deleted, with additional controls sought on the purpose, location and content of the signs, and any adverse effects on the character and amenity values of the surrounding residential area. If these standards cannot be met, a Non-complying activity should be required, with notification.	Accept in part	
152.51	Amendment 39 [14B 2.3 Signs (Restricted Discretionary Activities)]	Oppose	That the amendment to Rule 14B 2.3 (e) be deleted, with additional controls sought on the purpose, location and content of the signs, and any adverse effects on the character and amenity values of the surrounding residential area. If these standards cannot be met, a Non-complying activity should be required, with notification.	Accept in part	
Further Submissions					
	Further Submitter	Sub. Ref.	Original Submission Reference	Support/ Oppose	Recommended Decision
	DPC25/158 Peter and Nicola Prichard	158.2	Entire Submission	Support	Accept in part
	DPC25/159 Rosy and Kevin Moar	159.2	Entire Submission	Support	Accept in part
	DPC25/160 Wellington Institute of Technology	160.11	Entire Submission	Oppose	Accept in part
	DPC25/162 Mr & Mrs Yardley	162.9	Entire Submission	Support	Accept in part
	DPC25/163 Nelson Street Trust	163.9	Entire Submission	Support	Accept in part

DPC25/153 John and Kathleen Yardley				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
153.1	General – Legal Matters: Consultation	Oppose	No specific relief sought	Reject
153.2	General – Legal Matters: Assessment of Environmental Effects	Oppose	No specific relief sought	Reject
153.3	General – Legal Matters: Section 32 analysis	Oppose	No specific relief sought	Reject
153.4	General – Legal Matters: Resource Management Act 1991	Oppose	No specific relief sought	Reject
153.5	General – Legal Matters: Consistency with other plan provisions	Oppose	No specific relief sought	Reject
153.6	General – Legal Matters: Existing use rights	Oppose	That existing use rights are properly determined and established before using them in the proposed provisions.	Reject
153.7	General – Legal Matters: ‘Precinct concept’	Oppose	That the Council amend PPC25 in accordance with the submitter’s submission, which seeks to strengthen and enhance the precinct approach. Re-write the introduction to the Precinct plan change to better reflect the precinct as a planning mechanism and to recognise the existing conflict between the nature and scale of existing Tertiary Education Activities and residents and other community and recreational activities.	Reject
153.8	General – Legal Matters: Changes to the general residential area zone desirable	Oppose	That consideration be given to amending the General Residential Area provisions of the plan. Amending the plan to make “Tertiary Education Activities” outside the precinct in the General Residential Activity Area a non-complying activity would assist in preserving the residential character of the area and effectively maintain the integrity of the precinct.	Reject
153.9	General – Legal Matters: Independent commissioner	Oppose	That an independent commissioner be appointed.	Accept
153.10	General – Plan Change documentation: What is Proposed Plan Change 25?	Oppose	No specific relief sought	Reject
153.11	General – Plan Change documentation: Scope of PC25	Oppose	That the following wording (or similar) be inserted by way of explanation to the introduction of PPC25 which records: <i><u>“in past years the tertiary education institution has had some conflict with local residents because of moves to expand into the surrounding residential areas. For this reason Council generally requires the Precincts to develop within their existing boundaries to protect nearby residential neighbourhoods from the encroachment of non-residential development. Future expansion of the precinct is not prohibited, but Council seeks to ensure that any of Tertiary educational institution</u></i>	Accept in part

			<p><i>boundaries is properly evaluated. Expansion proposals will be dealt with under the plan change process to enable a full assessment of environmental effects”</i></p> <p>That the precinct plan records that considerable scope for expansion of Tertiary Education Activities is possible at the institution’s other campuses, e.g.: the new hospitality school and Wakefield Street site in Wellington, the Petone Memorial College site and the Jackson Street site in Petone and the close management relationship that WelTec has with Whitirea all of which have space available for further development and have more preferable zoning. This recognises that the Precinct Area is a finite area that is currently subject to relatively intense development. As a result of the nature of the site, limited new development opportunities are restricted.</p>	
153.12	General – Plan Change documentation: Summary of Proposed Plan Change 25	Oppose	No specific relief sought	Reject
153.13	General – Section 32 Report	Oppose	No specific relief sought	Reject
	General – Design Guidelines			Reject
153.14	Amendment 1 [Chapter 3 – Definitions]	Oppose	<p>The current definition of Tertiary Education Activities be amended as follows or similar:</p> <p>Amend the second part of the definition by removing the reference to specifically ancillary activities, and to read “... <i>(the Education Act 1989), and includes ancillary <u>activities as defined below.</u>”</i></p> <p>Provide a new definition for ancillary activities for the following activities: administrative, car parking, child care, health, and retail. This definition needs to clearly link the ancillary activity to tertiary education activities; specify an allowable floor area; and have separate parking provisions and provide for the further matters identified in the submission.</p> <p>It is noted that Amendment 10 will also require amendment and additional criteria for ancillary activities that meet permitted criteria will need to be developed.</p> <p>Consider deleting reference to student accommodation, recreational, cultural, and social activities and facilities from the definition.</p>	Accept in part
153.15	Amendment 2 [Chapter 4A 1.1.4 General Residential Activity Area (Non-Residential Activities – Issue)]	Oppose	<p>That Issue 4A1.1.4 be amended as follows:</p> <p><i>Non-residential activities in residential areas can support residential activities <u>and provide social and economic benefits to the community.</u> Such activities can also have significant adverse effects upon surrounding residential properties, <u>including adverse environmental effects (such as visual, loss of residential uses, traffic and parking and noise)</u></i></p>	Accept in part

			<u>beyond the boundary of the site.</u> These adverse effects need to be avoided, remedied or mitigated to ensure that residential amenity values and character are maintained and enhanced. <u>Any new non-residential development on existing sites will need to ensure any existing adverse environmental effects on the residential character and amenity are addressed, any reliance on on-street parking is reduced, and an improvement in residential character and amenity is achieved.</u>	
153.16	Amendment 3 [4A 1.1.4 General Residential Activity Area (Non-Residential Activities – Policies)]	Support in part	That the intent of Policy 4A 1.1.4 (d) be retained as written with minor amendments or similar: <u>(d) To recognise and provide for where appropriate tertiary education activities in Petone within a defined Precinct, while avoiding, remedying or mitigating the adverse effect on the environment, and ensuring any new tertiary education activities address any existing or potential adverse effects, particularly on the residential character and amenity values of the neighbourhood.</u>	Accept in part
153.17	Amendment 4 [4A 1.1.4 General Residential Activity Area (Non-Residential Activities – Explanation and Reasons)]	Oppose	That Section 4A 1.1.4 Explanation and Reasons to the General Residential Activity Area be significantly re-written to incorporate the matters raised in the submission.	Accept in part
153.18	Amendment 5 [4A 1.2.1 General Residential Activity Area (Building Height, Scale, Intensity and Location – Policies)]	Oppose	That 4A 1.2.1(k) be amended to read as follows or similar: <u>'(k) To establish specific maximum height, maximum site coverage, minimum set back and recession plane standards within specific areas of the Tertiary Education Precinct to recognise ensure any future development is at a existing-scale and intensity that is in keeping with the surrounding environment and suitability of the site to accommodate further development Of the built development in the Precinct- and to avoid any minimise adverse effects on the character and amenity values of abutting or nearby residential properties through the adoption of an Urban Design Guide for the Precinct.'</u>	Accept in part
153.19	Amendment 6 [4A 1.2.1 General Residential Activity Area (Building Height, Scale, Intensity and Location – Explanation and Reasons (b) Site Coverage)]	Oppose	That the Explanation and Reasons 4A 1.2.1 relating to site coverage be amended to provide for the development of an Urban Design Guide to provide for appropriate site coverage for individual sites based on agreed Urban Design principles and future outcomes that will minimise effects and result in better development.	Reject
153.20	Amendment 7 [4A 1.2.1 General Residential Activity Area (Building Height, Scale, Intensity and	Oppose	That the Explanation and Reasons 4A 1.2.1 relating to recession planes be amended to provide for the development of an Urban Design Guide to provide for appropriate site	Reject

	Location – Explanation and Reasons (c) Recession Planes)]		coverage for individual sites based on agreed Urban Design principles and future outcomes that will minimise effects and result in a better development.	
153.21	Amendment 8 [4A 1.2.1 General Residential Activity Area (Building Height, Scale, Intensity and Location – Explanation and Reasons (d) Yards)]	Oppose	That the Explanation and Reasons 4A 1.2.1 relating to yards be amended to provide for the development of an Urban Design Guide to provide for appropriate yards for individual sites based on agreed Urban Design principles and future outcomes that will minimise effects and result in a better development.	Reject
153.22	Amendment 9 [4A 1.2.1 General Residential Activity Area (Building Height, Scale, Intensity and Location – Explanation and Reasons (e) Height)]	Oppose	That the Explanation and Reasons 4A 1.2.1 relating to height be amended to provide for the development of an Urban Design Guide to provide for appropriate height for individual sites based on agreed Urban Design principles and future outcomes that will minimise effects and result in better development. It is requested that the maximum height be reduced from 12m to 8m.	Accept in part
153.23	Amendment 10 [4A 2.1 General Residential Activity Area (Rules – Permitted Activities)]	Oppose	That the Tertiary Education Activities definition be modified in respect of submitter's comments on Amendment 1.	Accept in part
153.24	Amendment 11 [4A 2.1.1 General Residential Activity Area (Rules – Permitted Activities – Conditions)]	Oppose	That the Permitted Activity Standards 4A 2.1.1 be amended to provide for the development of an Urban Design Guide to provide for appropriate Permitted Activity Standards for individual sites based on agreed Urban Design principles and future outcomes that will result in a better development. A maximum height limit of 8m is also sought.	Accept in part
153.25	Amendment 12 [4A 2.3 General Residential Activity Area (Restricted Discretionary Activities)]	Oppose	That the plan change be amended so that activities that do not comply with the Permitted Activity standards 4A 2.1.1 for tertiary education activities are a Non-complying Activity with full public notification.	Reject
153.26	Amendment 13 [4A 2.3.1 General Residential Activity Area (Matters in which Council has restricted its Discretion and Standards and Terms)]	Oppose	That the matters included in 4A 2.3.1 (k) be moved to matters to be addressed when considering Non-complying activities and amended to address the matters outlined in the submission.	Accept in part
153.27	Amendment 14 [4A 2.4 General Residential Activity Area (Discretionary Activities)]	Oppose	That 4A 2.4 (n) be amended to provide for tertiary education activities that do not comply with the Permitted Activity standards to be Non-complying activities.	Reject
153.28	Amendment 15 [4A General Residential Activity Area (Appendices)]	Oppose	The submitter only supports the inclusion of Udy Street site in the precinct if an Urban Design Guide is developed and the other relief sought by the submitter is adopted.	Reject
153.29	Amendment 16 [Chapter 6 Business (Introduction)]	Oppose	That the Introduction (a) General Business Activity Area be amended by replacing the term ' <i>accommodated</i> ' with the term ' <i>provided for where appropriate</i> '.	Reject
153.30	Amendment 17	Oppose	That policy 6A 1.1.1 be amended by replacing the term	Reject

	[6A 1.1.1 General Business Activity Area (Accommodation of a Mix of Activities – Policies)]		'accommodated' with the term 'provided for where appropriate'.	
153.31	Amendment 18 [6A 1.1.1 General Business Activity Area (Accommodation of a Mix of Activities – Explanation and Reasons)]	Oppose	That the Explanation and Reasons for 6A 1.1.1 General Business Activity Area is amended as follows or similar: <i>The range of non-industrial activities accommodated also includes training facilities, conference centres, places of assembly and places of worship. Tertiary education activities are accommodated provided for where appropriate within the tertiary Education Precinct, of which, that part on Cuba Street is located in the General Business Activity Area.</i> <i>WelTec and its predecessors have historically provided tertiary education activities within the area in Cuba Street and the activity is an established use on the site providing important tertiary education including vocational education and applied research. These non-industrial activities are only to be provided for where the actual and potential adverse generated effects can be managed and the character and do not have an adverse effect on the amenity values of the area, including the adjoining Residential Activity Area, are maintained or enhanced and the environment.</i>	Reject
153.32	Amendment 19 [6A 1.1.3 General Business Activity Area (Environmental Effects – Issue)]	Oppose	That Issue 6A 1.1.3 be amended to replace the term 'accommodated' with the term 'provided for where appropriate'.	Reject
153.33	Amendment 20 [6A 1.2.1 General Business Activity Area (Effects of the Amenity Values of the Area – Issue)]	Oppose	That Issue 6A 1.2.1 be amended to replace the term 'accommodated' with the term 'provided for where appropriate'.	Reject
153.34	Amendment 21 [6A 2.2 General Business Activity Area (Controlled Activities)]	Oppose	That the exception in Rules 6A 2.2 (b) and 6A 2.2.1 (b) be deleted and any tertiary education activity that does not comply with a General Business Activity Area permitted activity standard, or is on a site abutting or on the opposite side of the road from a residential activity area, is a Non-complying Activity with full notification required.	Accept in part
153.35	Amendment 22 [6A 2.3 General Business Activity Area (Restricted Discretionary Activities)]	Oppose	That 6A 2.3 (i) be deleted and any tertiary education activity that does not comply with a Permitted Activity standard, or is on a site abutting or on the opposite side of the road from a residential activity area, is a Non-complying Activity with full notification required.	Accept in part
153.36	Amendment 23 [6A 2.3.1 General Business Activity Area (Matters in which Council has restricted its Discretion and Standards and Terms)]	Oppose	That matters included in 6A 2.3.1 (i) become assessment criteria for Non-complying Activities, and the same amendments to Amenity Values sought for Amendment 13 be made to 6A 2.3.	Accept in part

153.37	Amendment 25 [Chapter 7 General Recreation and Open Space (introduction)]	Oppose	That the amendment to Introduction (a) General Recreation Activity Area be deleted as this is Conservation Land and cannot be incorporated into the Tertiary Education Precinct.	Accept
153.38	Amendment 26 [7A 1.1.4 General Recreation and Open Space (Non-Recreational Activities)]	Oppose	That the amendment to Policy (b) be deleted as this area is Conservation Land and cannot be incorporated into the Tertiary Education Precinct.	Accept
153.39	Amendment 27 [7A 2.1 General Recreation Activity Area (Permitted Activities)]	Oppose	That the amendment to Rule 7A 2.1 (f) be deleted as this area is Conservation Land and cannot be incorporated into the Tertiary Education Precinct.	Accept
153.40	Amendment 28 [7A 2.1.1 General Recreation Activity Area (Permitted Activities – Conditions)]	Oppose	That the amendment to the permitted activity standard Rule 7A 2.1.1 (d) be deleted as this area is Conservation Land and cannot be incorporated into the Tertiary Education Precinct.	Accept
153.41	Amendment 29 [7A General Recreation Activity Area (Appendices)]	Oppose	That the amendment to Appendix Map “Appendix General Recreation 1” to Chapter 7A be deleted as the area is Conservation Land and cannot be incorporated into the Tertiary Education Precinct.	Accept
153.42	Amendment 30 [Chapter 14A (iii) Car and Cycle Parking (14A (iii) 1.2.1 – On-site Parking Provision for Activities – Policy)]	Oppose	That Policy 14A (iii) 1.2.1 (b) be re-worded in a manner consistent with the submission, including (but not limited to): <ul style="list-style-type: none"> • Deletion of the Bracken Street site from any campus wide approach to providing on-site car parking for the Precinct. • Deletion of “<i>Recognising the existing nature, level and extent of car parking in and around the precinct...</i>” • Development of a sunset clause requiring the on street effects to be reduced over time and to those spaces available directly outside the precinct property boundaries to reduce the adverse effects; and • Defining the residential character and amenity values to be protected and determining the effects of on-street parking on these values. 	Accept in part
153.43	Amendment 31 [14A (iii) Car and Cycle Parking (14A (iii) 1.2.1 – On-site Parking Provision for Activities – Explanation and Reasons)]	Oppose	That the second paragraph of the Explanation and Reasons 14A (iii) 1.2.1 be amended to address the concerns raised in the submission.	Accept in part
153.44	Amendment 32 [14A (iii) Car and Cycle Parking (14A (iii) 2.1 – Permitted Activity Conditions (b) Location of Parking Spaces)]	Support in part	That Rule 14A (iii) 2.1 (b) be amended by changing the word ‘ <i>may be located on any site...</i> ’ to ‘ <i>must be located on any site...</i> ’.	Reject
153.45	Amendment 33 [14A (iii) Car and Cycle Parking (14A (iii) 2.2 Discretionary Activities(b))]	Oppose	That the activity provided by the amendment to Rule 14A (iii) 2.2 (b) be a Non-complying activity with full notification, with the Discretionary Activity Rules to reduce the reliance of the tertiary education activities on on-street parking be included.	Reject
153.46	Amendment 34 [14A (iii) Car and Cycle Parking (14A (iii)	Oppose	That the matters included in Assessment Matters in 14A (iii) 2.2.1 be included as a Non-complying Activity assessment	Reject

	2.2.1 Assessment Matters for Discretionary Activities]]		matter.	
153.47	Amendment 35 [14A Appendix Transport 3 – Minimum Parking Standards]	Oppose	That the formula included in Appendix 3 be deleted, a tighter definition of the terms ‘student’ and ‘staff’ and that the equation be replaced with an equation that uses FTE students and enrolled staff, and reduction of the on street parking provision from 300 to 63 (the number of car parks available on the adjoining road frontages on the Education Precinct). A separate further equation is required for the car parking requirements for ancillary activities.	Reject
153.48	Amendment 36 [Chapter 14B 2.1.1 (c) Signs]	Oppose	That the amendment to Rule 14B 2.1.1 (c) be deleted, with additional controls developed on the purpose, location and content of the signs, and any adverse effects on the character and amenity values of the surrounding residential area. If these standards cannot be met, a Non-complying activity should be required, with notification.	Accept in part
153.49	Amendment 37 [14B 2.2 Signs (Controlled Activities)]	Oppose	That the amendment to Rule 14B 2.2 (a) be deleted, with additional controls sought on the purpose, location and content of the signs, and any adverse effects on the character and amenity values of the surrounding residential area (which may be a matter for a urban design guide). If these standards cannot be met, a Non-complying activity should be required, with notification.	Reject
153.50	Amendment 38 [14B 2.2 Signs (Controlled Activities)]	Oppose	That the amendment to Rule 14B 2.2 (e) be deleted, with additional controls sought on the purpose, location and content of the signs, and any adverse effects on the character and amenity values of the surrounding residential area. If these standards cannot be met, a Non-complying activity should be required, with notification.	Accept in part
153.51	Amendment 39 [14B 2.3 Signs (Restricted Discretionary Activities)]	Oppose	That the amendment to Rule 14B 2.3 (e) be deleted, with additional controls sought on the purpose, location and content of the signs, and any adverse effects on the character and amenity values of the surrounding residential area. If these standards cannot be met, a Non-complying activity should be required, with notification.	Accept in part
Further Submissions				
	Further Submitter	Sub. Ref.	Original Submission Reference	Support/ Oppose
	DPC25/160 Wellington Institute of Technology	160.10	Entire Submission	Oppose
	DPC25/163 Nelson Street Trust	163.10	Entire Submission	Support
	DPC25/164 Petone Urban Environmental	164.9	Entire Submission	Support
				Recommended Decision
				Accept in part
				Accept in part
				Accept in part

Association Inc.				
DPC25/154 Nelson Street Trust				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
154.1	General – Legal Matters: Consultation	Oppose	No specific relief sought	Reject
154.2	General – Legal Matters: Assessment of Environmental Effects	Oppose	No specific relief sought	Reject
154.3	General – Legal Matters: Section 32 analysis	Oppose	No specific relief sought	Reject
154.4	General – Legal Matters: Resource Management Act 1991	Oppose	No specific relief sought	Reject
154.5	General – Legal Matters: Consistency with other plan provisions	Oppose	No specific relief sought	Reject
154.6	General – Legal Matters: Existing use rights	Oppose	That existing use rights are properly determined and established before using them in the proposed provisions.	Reject
154.7	General – Legal Matters: ‘Precinct concept’	Oppose	That the Council amend PPC25 in accordance with the submitter’s submission, which seeks to strengthen and enhance the precinct approach. Re-write the introduction to the Precinct plan change to better reflect the precinct as a planning mechanism and to recognise the existing conflict between the nature and scale of existing Tertiary Education Activities and residents and other community and recreational activities.	Reject
154.8	General – Legal Matters: Changes to the general residential area zone desirable	Oppose	That consideration be given to amending the General Residential Area provisions of the plan. Amending the plan to make “Tertiary Education Activities” outside the precinct in the General Residential Activity Area a non-complying activity would assist in preserving the residential character of the area and effectively maintain the integrity of the precinct.	Reject
154.9	General – Legal Matters: Independent commissioner	Oppose	That an independent commissioner be appointed.	Accept
154.10	General – Plan Change documentation: What is Proposed Plan Change 25?	Oppose	No specific relief sought	Reject
154.11	General – Plan Change documentation: Scope of PC25	Oppose	That the following wording (or similar) be inserted by way of explanation to the introduction of PPC25 which records: <i><u>“in past years the tertiary education institution has had some conflict with local residents because of moves to expand into the surrounding residential areas. For this reason Council generally requires the Precincts to develop within their existing boundaries to protect nearby residential neighbourhoods from the encroachment of non-residential development. Future</u></i>	Accept in part

			<p><i>expansion of the precinct is not prohibited, but Council seeks to ensure that any of Tertiary educational institution boundaries is properly evaluated. Expansion proposals will be dealt with under the plan change process to enable a full assessment of environmental effects”</i></p> <p>That the precinct plan records that considerable scope for expansion of Tertiary Education Activities is possible at the institution’s other campuses, e.g.: the new hospitality school and Wakefield Street site in Wellington, the Petone Memorial College site and the Jackson Street site in Petone and the close management relationship that WelTec has with Whitirea all of which have space available for further development and have more preferable zoning. This recognises that the Precinct Area is a finite area that is currently subject to relatively intense development. As a result of the nature of the site, limited new development opportunities are restricted.</p>	
154.12	General – Plan Change documentation: Summary of Proposed Plan Change 25	Oppose	No specific relief sought	Reject
154.13	General – Section 32 Report	Oppose	No specific relief sought	Reject
	General – Design Guidelines			Reject
154.14	Amendment 1 [Chapter 3 – Definitions]	Oppose	<p>The current definition of Tertiary Education Activities be amended as follows or similar:</p> <p>Amend the second part of the definition by removing the reference to specifically ancillary activities, and to read “... <i>(the Education Act 1989), and includes ancillary <u>activities as defined below.</u></i>”</p> <p>Provide a new definition for ancillary activities for the following activities: administrative, car parking, child care, health, and retail. This definition needs to clearly link the ancillary activity to tertiary education activities; specify an allowable floor area; and have separate parking provisions and provide for the further matters identified in the submission.</p> <p>It is noted that Amendment 10 will also require amendment and additional criteria for ancillary activities that meet permitted criteria will need to be developed.</p> <p>Consider deleting reference to student accommodation, recreational, cultural, and social activities and facilities from the definition.</p>	Accept in part
154.15	Amendment 2 [Chapter 4A 1.1.4 General Residential Activity Area (Non-Residential Activities – Issue)]	Oppose	<p>That Issue 4A1.1.4 be amended as follows:</p> <p><i>Non-residential activities in residential areas can support residential activities <u>and provide social and economic benefits to the community.</u> Such activities can also have significant adverse effects upon surrounding residential properties,</i></p>	Accept in part

			<u>including adverse environmental effects (such as visual, loss of residential uses, traffic and parking and noise) beyond the boundary of the site. These adverse effects need to be avoided, remedied or mitigated to ensure that residential amenity values and character are maintained and enhanced. Any new non-residential development on existing sites will need to ensure any existing adverse environmental effects on the residential character and amenity are addressed, any reliance on on-street parking is reduced, and an improvement in residential character and amenity is achieved.</u>	
154.16	Amendment 3 [4A 1.1.4 General Residential Activity Area (Non-Residential Activities – Policies)]	Support in part	That the intent of Policy 4A 1.1.4 (d) be retained as written with minor amendments or similar: <u>(d) To recognise and provide for where appropriate tertiary education activities in Petone within a defined Precinct, while avoiding, remedying or mitigating the adverse effect on the environment, and ensuring any new tertiary education activities address any existing or potential adverse effects, particularly on the residential character and amenity values of the neighbourhood.</u>	Accept in part
154.17	Amendment 4 [4A 1.1.4 General Residential Activity Area (Non-Residential Activities – Explanation and Reasons)]	Oppose	That Section 4A 1.1.4 Explanation and Reasons to the General Residential Activity Area be significantly re-written to incorporate the matters raised in the submission.	Accept in part
154.18	Amendment 5 [4A 1.2.1 General Residential Activity Area (Building Height, Scale, Intensity and Location – Policies)]	Oppose	That 4A 1.2.1(k) be amended to read as follows or similar: <u>'(k) To establish specific maximum height, maximum site coverage, minimum set back and recession plane standards within specific areas of the Tertiary Education Precinct to recognise ensure any future development is at a existing-scale and intensity that is in keeping with the surrounding environment and suitability of the site to accommodate further development Of the built development in the Precinct and to avoid any minimise adverse effects on the character and amenity values of abutting or nearby residential properties through the adoption of an Urban Design Guide for the Precinct.'</u>	Accept in part
154.19	Amendment 6 [4A 1.2.1 General Residential Activity Area (Building Height, Scale, Intensity and Location – Explanation and Reasons (b) Site Coverage)]	Oppose	That the Explanation and Reasons 4A 1.2.1 relating to site coverage be amended to provide for the development of an Urban Design Guide to provide for appropriate site coverage for individual sites based on agreed Urban Design principles and future outcomes that will minimise effects and result in better development.	Reject
154.20	Amendment 7	Oppose	That the Explanation and Reasons 4A 1.2.1 relating to	Reject

	[4A 1.2.1 General Residential Activity Area (Building Height, Scale, Intensity and Location – Explanation and Reasons (c) Recession Planes)]		recession planes be amended to provide for the development of an Urban Design Guide to provide for appropriate site coverage for individual sites based on agreed Urban Design principles and future outcomes that will minimise effects and result in a better development.	
154.21	Amendment 8 [4A 1.2.1 General Residential Activity Area (Building Height, Scale, Intensity and Location – Explanation and Reasons (d) Yards)]	Oppose	That the Explanation and Reasons 4A 1.2.1 relating to yards be amended to provide for the development of an Urban Design Guide to provide for appropriate yards for individual sites based on agreed Urban Design principles and future outcomes that will minimise effects and result in a better development.	Reject
154.22	Amendment 9 [4A 1.2.1 General Residential Activity Area (Building Height, Scale, Intensity and Location – Explanation and Reasons (e) Height)]	Oppose	That the Explanation and Reasons 4A 1.2.1 relating to height be amended to provide for the development of an Urban Design Guide to provide for appropriate height for individual sites based on agreed Urban Design principles and future outcomes that will minimise effects and result in better development. It is requested that the maximum height be reduced from 12m to 8m.	Accept in part
154.23	Amendment 10 [4A 2.1 General Residential Activity Area (Rules – Permitted Activities)]	Oppose	That the Tertiary Education Activities definition be modified in respect of submitter's comments on Amendment 1.	Accept in part
154.24	Amendment 11 [4A 2.1.1 General Residential Activity Area (Rules – Permitted Activities – Conditions)]	Oppose	That the Permitted Activity Standards 4A 2.1.1 be amended to provide for the development of an Urban Design Guide to provide for appropriate Permitted Activity Standards for individual sites based on agreed Urban Design principles and future outcomes that will result in a better development. A maximum height limit of 8m is also sought.	Accept in part
154.25	Amendment 12 [4A 2.3 General Residential Activity Area (Restricted Discretionary Activities)]	Oppose	That the plan change be amended so that activities that do not comply with the Permitted Activity standards 4A 2.1.1 for tertiary education activities are a Non-complying Activity with full public notification.	Reject
154.26	Amendment 13 [4A 2.3.1 General Residential Activity Area (Matters in which Council has restricted its Discretion and Standards and Terms)]	Oppose	That the matters included in 4A 2.3.1 (k) be moved to matters to be addressed when considering Non-complying activities and amended to address the matters outlined in the submission.	Accept in part
154.27	Amendment 14 [4A 2.4 General Residential Activity Area (Discretionary Activities)]	Oppose	That 4A 2.4 (n) be amended to provide for tertiary education activities that do not comply with the Permitted Activity standards to be Non-complying activities.	Reject
154.28	Amendment 15 [4A General Residential Activity Area (Appendices)]	Oppose	The submitter only supports the inclusion of Udy Street site in the precinct if an Urban Design Guide is developed and the other relief sought by the submitter is adopted.	Reject
154.29	Amendment 16 [Chapter 6 Business (Introduction)]	Oppose	That the Introduction (a) General Business Activity Area be amended by replacing the term 'accommodated' with the term	Reject

			<i>'provided for where appropriate'.</i>	
154.30	Amendment 17 [6A 1.1.1 General Business Activity Area (Accommodation of a Mix of Activities – Policies)]	Oppose	That policy 6A 1.1.1 be amended by replacing the term 'accommodated' with the term <i>'provided for where appropriate'.</i>	Reject
154.31	Amendment 18 [6A 1.1.1 General Business Activity Area (Accommodation of a Mix of Activities – Explanation and Reasons)]	Oppose	That the Explanation and Reasons for 6A 1.1.1 General Business Activity Area is amended as follows or similar: <i>The range of non-industrial activities accommodated also includes training facilities, conference centres, places of assembly and places of worship. Tertiary education activities are accommodated provided for where appropriate within the tertiary Education Precinct, of which, that part on Cuba Street is located in the General Business Activity Area. WeiTec and its predecessors have historically provided tertiary education activities within the area in Cuba Street and the activity is an established use on the site providing important tertiary education including vocational education and applied research. These non-industrial activities are only to be provided for where the actual and potential adverse generated effects can be managed and the character and do not have an adverse effect on the amenity values of the area, including the adjoining Residential Activity Area, are maintained or enhanced and the environment.</i>	Reject
154.32	Amendment 19 [6A 1.1.3 General Business Activity Area (Environmental Effects – Issue)]	Oppose	That Issue 6A 1.1.3 be amended to replace the term 'accommodated' with the term <i>'provided for where appropriate'.</i>	Reject
154.33	Amendment 20 [6A 1.2.1 General Business Activity Area (Effects of the Amenity Values of the Area – Issue)]	Oppose	That Issue 6A 1.2.1 be amended to replace the term 'accommodated' with the term <i>'provided for where appropriate'.</i>	Reject
154.34	Amendment 21 [6A 2.2 General Business Activity Area (Controlled Activities)]	Oppose	That the exception in Rules 6A 2.2 (b) and 6A 2.2.1 (b) be deleted and any tertiary education activity that does not comply with a General Business Activity Area permitted activity standard, or is on a site abutting or on the opposite side of the road from a residential activity area, is a Non-complying Activity with full notification required.	Accept in part
154.35	Amendment 22 [6A 2.3 General Business Activity Area (Restricted Discretionary Activities)]	Oppose	That 6A 2.3 (i) be deleted and any tertiary education activity that does not comply with a Permitted Activity standard, or is on a site abutting or on the opposite side of the road from a residential activity area, is a Non-complying Activity with full notification required.	Accept in part
154.36	Amendment 23 [6A 2.3.1 General Business Activity Area	Oppose	That matters included in 6A 2.3.1 (i) become assessment criteria for Non-complying Activities, and the same	Accept in part

	(Matters in which Council has restricted its Discretion and Standards and Terms)]		amendments to Amenity Values sought for Amendment 13 be made to 6A 2.3.	
154.37	Amendment 25 [Chapter 7 General Recreation and Open Space (introduction)]	Oppose	That the amendment to Introduction (a) General Recreation Activity Area be deleted as this is Conservation Land and cannot be incorporated into the Tertiary Education Precinct.	Accept
154.38	Amendment 26 [7A 1.1.4 General Recreation and Open Space (Non-Recreational Activities)]	Oppose	That the amendment to Policy (b) be deleted as this area is Conservation Land and cannot be incorporated into the Tertiary Education Precinct.	Accept
154.39	Amendment 27 [7A 2.1 General Recreation Activity Area (Permitted Activities)]	Oppose	That the amendment to Rule 7A 2.1 (f) be deleted as this area is Conservation Land and cannot be incorporated into the Tertiary Education Precinct.	Accept
154.40	Amendment 28 [7A 2.1.1 General Recreation Activity Area (Permitted Activities – Conditions)]	Oppose	That the amendment to the permitted activity standard Rule 7A 2.1.1 (d) be deleted as this area is Conservation Land and cannot be incorporated into the Tertiary Education Precinct.	Accept
154.41	Amendment 29 [7A General Recreation Activity Area (Appendices)]	Oppose	That the amendment to Appendix Map “Appendix General Recreation 1” to Chapter 7A be deleted as the area is Conservation Land and cannot be incorporated into the Tertiary Education Precinct.	Accept
154.42	Amendment 30 [Chapter 14A (iii) Car and Cycle Parking (14A (iii) 1.2.1 – On-site Parking Provision for Activities – Policy)]	Oppose	That Policy 14A (iii) 1.2.1 (b) be re-worded in a manner consistent with the submission, including (but not limited to): <ul style="list-style-type: none"> • Deletion of the Bracken Street site from any campus wide approach to providing on-site car parking for the Precinct. • Deletion of “<i>Recognising the existing nature, level and extent of car parking in and around the precinct...</i>” • Development of a sunset clause requiring the on street effects to be reduced over time and to those spaces available directly outside the precinct property boundaries to reduce the adverse effects; and • Defining the residential character and amenity values to be protected and determining the effects of on-street parking on these values. 	Accept in part
154.43	Amendment 31 [14A (iii) Car and Cycle Parking (14A (iii) 1.2.1 – On-site Parking Provision for Activities – Explanation and Reasons)]	Oppose	That the second paragraph of the Explanation and Reasons 14A (iii) 1.2.1 be amended to address the concerns raised in the submission.	Accept in part
154.44	Amendment 32 [14A (iii) Car and Cycle Parking (14A (iii) 2.1 – Permitted Activity Conditions (b) Location of Parking Spaces)]	Support in part	That Rule 14A (iii) 2.1 (b) be amended by changing the word ‘ <i>may be located on any site...</i> ’ to ‘ <i>must be located on any site...</i> ’.	Reject
154.45	Amendment 33 [14A (iii) Car and Cycle Parking (14A (iii) 2.2 Discretionary Activities(b))]	Oppose	That the activity provided by the amendment to Rule 14A (iii) 2.2 (b) be a Non-complying activity with full notification, with the Discretionary Activity Rules to reduce the reliance of the tertiary education activities on on-street parking be included.	Reject

154.46	Amendment 34 [14A (iii) Car and Cycle Parking (14A (iii) 2.2.1 Assessment Matters for Discretionary Activities)]	Oppose	That the matters included in Assessment Matters in 14A (iii) 2.2.1 be included as a Non-complying Activity assessment matter.	Reject	
154.47	Amendment 35 [14A Appendix Transport 3 – Minimum Parking Standards]	Oppose	That the formula included in Appendix 3 be deleted, a tighter definition of the terms ‘student’ and ‘staff’ and that the equation be replaced with an equation that uses FTE students and enrolled staff, and reduction of the on street parking provision from 300 to 63 (the number of car parks available on the adjoining road frontages on the Education Precinct). A separate further equation is required for the car parking requirements for ancillary activities.	Reject	
154.48	Amendment 36 [Chapter 14B 2.1.1 (c) Signs]	Oppose	That the amendment to Rule 14B 2.1.1 (c) be deleted, with additional controls developed on the purpose, location and content of the signs, and any adverse effects on the character and amenity values of the surrounding residential area. If these standards cannot be met, a Non-complying activity should be required, with notification.	Accept in part	
154.49	Amendment 37 [14B 2.2 Signs (Controlled Activities)]	Oppose	That the amendment to Rule 14B 2.2 (a) be deleted, with additional controls sought on the purpose, location and content of the signs, and any adverse effects on the character and amenity values of the surrounding residential area (which may be a matter for a urban design guide). If these standards cannot be met, a Non-complying activity should be required, with notification.	Reject	
154.50	Amendment 38 [14B 2.2 Signs (Controlled Activities)]	Oppose	That the amendment to Rule 14B 2.2 (e) be deleted, with additional controls sought on the purpose, location and content of the signs, and any adverse effects on the character and amenity values of the surrounding residential area. If these standards cannot be met, a Non-complying activity should be required, with notification.	Accept in part	
154.51	Amendment 39 [14B 2.3 Signs (Restricted Discretionary Activities)]	Oppose	That the amendment to Rule 14B 2.3 (e) be deleted, with additional controls sought on the purpose, location and content of the signs, and any adverse effects on the character and amenity values of the surrounding residential area. If these standards cannot be met, a Non-complying activity should be required, with notification.	Accept in part	
Further Submissions					
Further Submitter		Sub. Ref.	Original Submission Reference	Support/ Oppose	Recommended Decision
DPC25/162 Mr & Mrs Yardley		162.10	Entire Submission	Support	Accept in part
DPC25/164 Petone Urban Environmental		164.10	Entire Submission	Support	Accept in part

	Association Inc.			
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DPC25/155 Scott Sonneman				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
155.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/156 Helen Kneebone				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
156.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Residents of High Street in its submission.	Accept in part

DPC25/157 Raelee Jenson Manesh Kumar				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
157.1	General	Oppose	Reject the plan change	Reject
			Remove the outlying areas from the so-called precinct.	Accept in part
			Make changes to respond to the submitter's submission points.	Accept in part
			Adopt the amendments, additions and deletions sought by Petone Urban Environmental Association Incorporated in its submission.	Accept in part

LATE SUBMISSION

(Decision on whether to accept late submission or not will be made at time of hearing by the hearing panel)

DPC25/161 Carolyn Nimmo – Late Submission				
Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Recommended Decision
161.1	General	Support	That Hutt City Council approve the proposed District Plan Change 25 with amendments to accommodate with submitters suggestions as far as possible.	Accept in part

APPENDIX 2
Minutes issued by Commissioners

HUTT CITY COUNCIL

PROPOSED CHANGE 25 TO THE HUTT CITY DISTRICT PLAN

INTRODUCTION OF A TERTIARY EDUCATION PRECINCT

MINUTE 1 OF COMMISSIONER

Introduction

1. I have been appointed by the Hutt City Council (“HCC” or “the Council”) to hear and determine proposed Plan Change 25 (“PC25”) and the submissions lodged to it.¹ The general function of this minute is to set out some preliminary matters in preparation for the hearing, which is now set down for early April 2013. In particular, my objective is to provide for a smooth and easily navigable pre-hearing and hearing process for all parties. This requires some action from the parties in the next few weeks in readiness for the formal proceedings, which I will now outline in detail.
2. In this respect, this minute covers the following matters:
 - (a) Hearing Date
 - (b) Pre hearing meetings and conferencing
 - (c) Evidence Preparation and Circulation
 - (d) Hearing Process and Presentations
 - (e) Site and Locality Visits
3. It is possible that there will be further instructions issued by way of Commissioner Minute before and after the hearing.

Hearing Date

4. I have been provided with correspondence from the Council between itself and submitters². I note that further to its letter to submitters on 25 October 2012, the Council wrote to all submitters again on 16 November to inform them that the hearing (originally set down for the first week of December 2012) had been postponed to a time in late February 2013 on a date yet to be decided. The letter noted that the Council decision to delay the hearing was based on several requests received from submitters asking to defer the hearing and the limited availability of consultants and experts during the months of December and January. The Council advised that it would contact parties in the New Year with further details as soon as a final decision regarding the new hearing dates has been made.
5. I am advised by the Council that the hearing is now likely to commence on 2 April 2013, and there will be provision for reserve days following that week should they be necessary. I am also advised that the Council will officially write to all submitters shortly with final confirmation of the exact hearing dates and will invite submitters to book a timeslot for the presentation of their submissions where attendance at the hearing has been sought.

¹ My powers are to issue a recommendation to the Council which can, in turn, decide to accept or not.

² HCC letters to submitters dated 25 October 2012 and 16 November 2012

Pre-hearing meetings and expert conferencing

6. As a first principle, I encourage parties to meet and hold discussions prior to the commencement of the Hearing. This includes general meetings amongst the parties to discuss any procedural or substantive matters, as well as conferencing between technical experts. Specifically, all parties should consider participating in one (or more if necessary) of the following:

General Meeting(s)

- those submitters seeking similar (or identical) relief who may be willing to present jointly. I respect every individual's (or group's) right to speak in support of his or her submission; however, where resources can be shared, this can ultimately make for a more efficient use of everyone's time. Accordingly, I encourage that parties of a like mind meet to consider this option of joint presentation. There is no requirement for Council facilitation of this, however it is important that where joint presentations are proposed that the parties involved advise Council of this in writing prior to the hearing (and as soon as practicable);
- parties with contrasting views. It is clear that there are differing views between a number of parties (WelTech, Council and Submitters). For the purposes of distilling the main issues in contention on PC25, a pre-hearing meeting between parties with differing views is also encouraged. In particular, this can lead to a shared middle ground or compromise on some issues, and/or amplify the *exact* nature of disagreement between two (or more) parties. Such a meeting can be facilitated by Council. In order for this to happen effectively and efficiently, with time for reporting before the hearing, I request that parties who are wishing to avail themselves of this process advise the Council Hearings Administrator – Ms Judy Randall – no later than 28 January 2013.

Expert witness conferencing

- in the same vein as the second bullet point above, some matters of contention will be of a precise technical nature (for example traffic modelling). For these issues, my preference is that expert witnesses in those areas caucus with a view of producing a joint statement of points agreed and disagreed well prior to the commencement of the hearing. Assuming the parties agree to this approach in principle, further details around the timing and scheduling of conferencing will be arranged through the Council through subsequent correspondence.
7. Without wanting to prejudge the issues prior to the hearing, it seems to me from my preliminary review of submissions that have been lodged, that one possible matter that would be worthy of some expert witness conferencing is the issue of car parking and traffic issues generally. In this respect, a meeting of the transportation advisors for Council, WelTech and submitters is something I consider would be potentially constructive. There are likely to be other matters that would benefit from similar conferencing of other disciplines, though I ultimately leave this to the parties to arrange as they see fit.

8. If any parties are interested in facilitated conferencing prior to the hearing, they too should register that interest to Ms Randall by the 28th of January. Council officers will then be able to advise parties on how they might facilitate conferencing and (importantly for me) a constructive way in which the results of any conferencing can be recorded and reported to me for my consideration.
9. For completeness, I note that conferencing is not at all required. However, if any parties are able to constructively discuss matters with a view of facilitating a smooth hearing process, I welcome this.

Evidence Preparation and Circulation

10. I anticipate that some parties will be calling multiple expert witnesses in support of their submissions, while others will opt to ‘go it alone.’ In either case, I request that all parties provide Ms Randall with a list of all individuals that will be presenting evidence on their behalf by 28 January 2013. This instruction applies even if a submitter is representing his/herself without any additional representation. This will assist in scheduling the proceedings – both in terms of indicating the likely duration of the hearing, and in terms of understanding roughly how long each party will require.
11. While I am on the matter of evidence, I will be requiring pre-circulation of:
 - all evidence of submitters wishing to attend the hearing; and
 - supplementary written statements from those submitters not wishing to attend the hearing but wanting to table material in support of their submissions.
12. To assist with this I have also directed that the Council s42A report on the plan change and the submissions to it is circulated to all parties well in advance of the minimum 5 working days prior to the hearing.
13. My proposed timetable for circulation is as follows:

Date (2013)	Action
28 January	All Submitters attending the hearing – to provide a list of evidence authors / witnesses to be called in support of their submission(s) to the HCC (plus any site and localities that they wish me to visit prior to the hearing). In addition, any party wishing to take part in pre-hearing meeting(s) and/or expert conferencing should notify HCC by this date.
18 February	HCC – s42A report to be circulated to the parties
6 March	All Submitters wishing to attend the hearing and present evidence/or provide supplementary written statements in support of their submissions – to lodge with HCC all written evidence/statements in support of their submission(s)
2 April	Likely date for Hearing commencement

14. The above timetable, in my view, allows ample time for reports and evidence to be prepared. Notwithstanding this, where any submitter (or their representative) is unable to make the above timetable, other arrangements can be made. It is my strong preference, however, that every effort be made to follow the prescribed schedule.
15. For completeness, I am happy to hear any legal submissions during the proceedings themselves, and there is no need for these to be pre-circulated.
16. I understand that Council will collate all pre-circulated evidence and make it available on the Council website. Further instructions about accessing this information (including where hard copies of the evidence may be viewed) will be conveyed by the Council following receipt of all materials. Any records of pre-hearing meetings and/or conferencing can also be made available through similar channels so that all parties have equal access to all information provided.

Hearing Process/Presentations

17. As evidence is being distributed to all parties prior to the hearing, and will be read by me prior to the hearing commencing, it will not be necessary for a verbatim oral presentation of the written evidence at the proceedings. I am happy for submitters (and their witnesses) to speak to a summary of their evidence, which could either be:
 - a separate tabled statement that condenses the key points from evidence (i.e. a couple of pages); or
 - via highlighting particular points within their evidence during their presentation.
18. With this approach in place, I envisage presentations will be in the ballpark of 15 minutes per speaker, though this is not a fixed time requirement. My intent in signalling this is less a stipulation that speakers rigidly adhere to an imposed time limit, and more a *guide* for those wondering how long their presentation is likely to last.
19. I want to be clear that submitters and officers will be given the time they require to adequately present their views. The main reason in favour of pre-circulation is to minimise the time required for all parties to be present at the hearing itself. This expedited process will not, however, be at the expense of any party's ability to fully participate in the process.

Site and Locality Visits

20. I note when the hearing was originally scheduled for early December last year, that some submitters pointed out that this might result in site visits of the locality at a time when WelTec operations are closed for summer and that this may mean that *"the Hearing Commissioner is unable to view WelTec operating of full capacity and the associated effects that this has on the surrounding neighbourhood."*
21. I can appreciate those concerns and in anticipation of them I can advise that I visited the site and locality last year for a full day (between 7.30am and 4.30pm on Wednesday 7 November). I observed typical traffic movements in and around the site and on adjacent streets during that timeframe.

22. I can also advise that I recognise that subsequent and more detailed site and locality visits may be necessary following the presentation from the Council, WelTech and submitters and I am amenable to that. Also, if any particular party has a desire for me to visit particular sites/localities associated with the plan change then they should advise Ms Randall of that as soon as practicable. I would suggest that this could be done at the same time that they respond to the Council regarding the list of evidence authors / witnesses to be called in support of their submission(s) (i.e. by 28 January).

Next Steps

23. As indicated by the proposed timetable above, I now invite all parties to provide a list of evidence authors / witnesses appearing on their behalf before 28 January. This is also the date whereby parties may signal interest in pre-hearing meetings or conferencing.

24. If any party wishes to seek further clarification around the hearing process or the proposed timetable, please contact Ms Randall in the first instance.

25. In the meantime, happy New Year to everyone.

DATED this 14th day of January 2013



DJ McMahon
Independent Commissioner

HUTT CITY COUNCIL

PROPOSED CHANGE 25 TO THE HUTT CITY DISTRICT PLAN

INTRODUCTION OF A TERTIARY EDUCATION PRECINCT

MINUTE 2 OF COMMISSIONER

Introduction

1. Further to my Minute dated 17 January 2013, I would like to provide some further information and make some further directions in respect to this Plan Change prior to the hearing commencing on 2 April 2013. This further information and direction concerns the following three matters:
 - (a) Confirmed dates for reports/conferencing/pre-hearing
 - (b) New date for evidence circulation
 - (c) Witness availability
2. As previously mentioned, further instructions issued by way of Commissioner Minute may be made before and after the hearing depending on the need for additional clarifications.

Confirmed dates for reports/conferencing/pre-hearing

3. Firstly, thank you to the many submitters and their representatives who responded to the Council by 28 January regarding their hearing requirements. From this I and the Council now have the following:
 - A list of evidence authors / witnesses to be called in support of submitters who wish to be heard;
 - A list of sites and localities that submitters wish me to visit prior to the hearing;
 - A list of parties wishing to take part in pre-hearing meeting(s) and/or expert conferencing.
4. Secondly, and based on the above, the Council and I have now determined the following timetable leading up to the hearing commencement on 2 April 2013:
 - Officer's report distributed - 18 February
 - Expert conferencing – late February
 - Prehearing meeting – early March
5. Expert conferencing will be offered on three topics:
 - Traffic
 - Built form/urban design
 - Planning
6. The proposed dates for conferencing would be 25/26/27 February and the results of any such conferencing will be distributed to interested parties prior to the pre-hearing meeting. Additional conferencing after that point is able to occur at the instigation of parties.

7. A Pre-Hearing meeting is to be held one week after expert conferencing. The date will be one of either 04/05/06 March (to be confirmed for one of those days). The Council appointed facilitator will be Ms Sue Piper.

New date for evidence circulation

8. In the light of the above, it is clear that requesting evidence exchange on 6th March (as originally proposed) would not leave submitters sufficient time to include any comments/learnings from the pre-hearing meetings. Nor would it leave enough time for experts to include their findings from the expert conferencing the week before.
9. Accordingly, we have revised the deadline for evidence circulation. The new deadline for all submitters to lodge with the HCC all written evidence/statements in support of their submission(s) is **5pm 13th March**.

Witness Availability

10. In some isolated instances some submitters have indicated that their witnesses will not/may not be available in April during the hearing and will not be able to present their evidence in person. While this is unfortunate, it is undesirable to have any further delay to the hearing programme.
11. Hopefully however the following two explanations will allay any concerns from parties falling into this category. In addition, it is useful remind all submitters of the way the hearing is to be organised.
 - Firstly, the circulation of evidence will avoid the need for submitters to present their evidence in verbatim style at the hearing. Instead, and as indicated in my first minute, I will have read all evidence before the hearing and therefore the presentation slot at the hearing is solely for each submitter (should they wish) to present a brief summary of their evidence and to answer questions. I indicated that a 15 minute timeframe would be generally be allowed for each presenter.
 - Secondly, in the event that there are pertinent matters raised by some parties during the course of the hearing, which other parties wish to respond to, I will be making some limited provision for those parties who cannot attend the hearing to respond to those matters in an appropriate manner. This will probably be in writing and will correspond to whatever procedure that I adopt for further information from reporting officers following the presentation of all submissions at the hearing.
12. I appreciate it is important that that all parties have equal access to presenting their case and I am committed to ensuring that happens.
13. If any party wishes to seek further clarification around the hearing process or the proposed timetable, please contact Ms Randall in the first instance.

DATED this 11th day of February 2013



DJ McMahon - Independent Commissioner

HUTT CITY COUNCIL
PROPOSED CHANGE 25 TO THE HUTT CITY DISTRICT PLAN
INTRODUCTION OF A TERTIARY EDUCATION PRECINCT
MINUTE 3 OF COMMISSIONERS

Introduction

1. Further to our two previous minutes (on 17 January and 11 February), we wish to set out some additional information we require, and a procedure for receiving that information.
2. In this respect, this minute covers the following matters:
 - (a) Council and Weltec's response to questions and information requests we sought from its representatives over the course of the hearing
 - (b) PUEA (et al)'s planning witness (Mr Hansen) response to questions we have posed in respect of his evidence
 - (c) additional parking survey
 - (d) conferencing
 - (e) site and locality visits
 - (f) reconvening of the hearing
3. Before setting these matters out, we want to thank everyone who has appeared before us at the hearing to date. We greatly appreciate the efforts of submitters, Weltec and the Council to assist us in our task. We also appreciate that many who attended have taken time from busy schedules to participate in this process – we are grateful for those efforts.
4. So as to minimise future disruption, and to provide some certainty on the process from here, we note that this minute is an exercise of targeted information gathering for us, including specific questions we wish to ask of specific parties. This is not a general invitation to parties to submit further evidence or make further submissions to us. Notwithstanding this, we will ensure (through Council) to make all information we receive available to all participants who wish to view it.

Council and Weltec's response

5. On Day 1 and Day 2 of the hearing, we asked for additional information (both factual and evaluative) from Council Officers and Weltec. Due to the extensive nature of this information, we formalised those (35) information requests in writing as a matter of courtesy to those parties. Copies of this list of questions were also made available at the hearing to all parties.
6. Both Weltec and Council Officers have since come back to us on Day 4 of the hearing on many of those matters, but there remain (as both parties accept) a few outstanding points we still require clarification on. As noted at the hearing, we request that **Weltec provide its final response to these matters in writing by Friday 19 April**. For this, and all other future correspondence, Council's hearing administrator Ms Randall, should be the point of contact. (judy.randall@huttcity.govt.nz).

7. The final response from Council Officers shall be presented at the reconvened hearing (discussed later in the Minute) and shall take account of all additional material received since the adjournment of the hearing.

Mr Hansen's response

8. As noted at the hearing, the planning witness (Mr Hansen) for Petone Urban Environmental Association, the Nelson Street Trust and Mr & Mrs Yardley (collectively "PUEA et al") was unable to attend the hearing. In anticipation of this, we scrutinised Mr Hansen's evidence before the hearing commenced, with a view of formalising questions we would have asked him had he been available.
9. On 8 April, we circulated our questions to Mr Hansen (via a tracked change copy of his evidence) to the parties he represents and to others in attendance. At that time, we indicated that we would consider the manner in which we would receive Mr Hansen's response and advise the parties in due course.
10. We now record that **Mr Hansen's response should be provided in writing to Ms Randall for circulation by Friday 3 May.**
11. In addition to the questions we asked of Mr Hansen in the annotated version of his evidence, **we also would like Mr Hansen to consider how the 'sunset' clause proposed by Ms Skilton could be incorporated into the Plan by way of a measurable standard.** Specifically, we are interested in:
 - (a) the actual mechanics of such a rule;
 - (b) how it would be implemented (i.e. is the trigger through development consenting only, or through some other process such as monitoring?); and
 - (c) what the net effect would be if the progressive sunset targets were not met (for example, is the suggestion that Weltec would have to partially close or restrict its operation / reduce the level or intensity of activity in the precinct if targets are not met?)
12. At this stage, in the absence of any response from Mr Hansen, we accept that there *may* be a need to apply further scrutiny to Mr Hansen's response through questioning at the reconvened hearing. Our desire is that this will not be the case; however, we will assess the need for that course of action (or otherwise) following receipt of Mr Hansen's response on 3 May.

Additional parking survey

13. At the close of the formal proceedings, we indicated verbally that we required further information in respect to on-street vehicle parking dynamics in the neighbourhoods around the Weltec campus.
14. We request that this matter be addressed by the Council with some urgency, as we would prefer to have the results of the additional survey prior to the reconvening of the hearing (which we will address shortly). In particular, we may require specific input from Ms Skilton, and Messrs Kelly and Walbran upon (or prior to) reconvening.
15. The purpose of the additional survey is to address a gap in the information around residents parking on street and the linkages with other survey information collected

over the years. A survey of the cars parking on street at night will assist us and other parties to better understand the actual resident demands. This survey analysed with other survey data would give a better understanding of the interrelationship of the different demands.

16. The specific nature of the survey which we require should be structured as follows:

- (a) a parking occupancy survey of vehicles parked on street in streets around the campus. The streets to be surveyed are shown in Table 2.2 of the Wellington Institute of Technology Petone Parking Assessment dated September 2011. The best time for this survey is around 2am mid week;
- (b) the survey should comment on any observations that would seem inconsistent to the general demand seen (for example a large number of cars in one location);
- (c) the survey will require the number of vehicles parking on street in the individual streets to be tabulated;
- (d) this data along with material in Table 2.2 (noted above) and surveys undertaken on the following dates are to be tabulated. These surveys are:
 - i. Survey data used for the analysis in the September 2010 Wellington Institute of Technology Petone Parking Assessment;
 - ii. 14 March 2012 – in file note dated 18 March 2013 appended to Mr Kelly’s supplementary evidence dated April 2013;
 - iii. 13 March 2013 - in file note dated 18 March 2013 appended to Mr Kelly’s supplementary evidence dated April 2013; and
 - iv. 17 Jan 2013 – Table 6 – Ms Skilton Evidence.

The information presented in the new table is to be broken down into the streets as shown Table 2.2 of the Wellington Institute of Technology Petone Parking Assessment dated September 2011. The information provided in the new table is to be appropriate parking occupancy surveys.

17. Following receipt of this information, we shall decide what, if any, relevance it has to the reconvened hearing and/or information we may require of other witnesses. To that end, we may well issue some additional correspondence on the matter prior to May.

18. While on the matter of transport issues, we also wish to record some points we indicated verbally to Mr Walbran on Day 4 of the hearing that we would appreciate his formal input on in the Council’s reply. Specifically, we ask that he address the following:

- (a) whether or not the existing carparking situation is acceptable;
- (b) the amount of acceptable kerbside parking allocation for Weltec’s use;
- (c) an updated inventory of all available parking supply as a result of different information provided. This updated inventory needs to state whether it is on Weltec land, HCC off-street or HCC on-street;
- (d) an assessment of the two parking requirement formulae provided in the course of the hearing; and

(e) whether or not the proposed formula approach is workable, and what impact (if any) it will have on the current situation (i.e. worse, better, no change).

19. In respect of the above, we require Mr Walbran’s assessment to consider the methods, assumptions and numbers that Ms Skilton and Mr Kelly have used, including any alterations they have signalled over the course of the hearing.

Conferencing

20. Following the presentation from Ms Popova – Urban Design witness for PUEA et al – we again indicated that some conferencing between the submitters’ witnesses and their counterparts acting for the Council and Weltec could be useful. The submitters indicated to us, through Mr McClelland, that they would be happy to make their experts available as long as the associated cost of their involvement was borne by the Council and/or Weltec. We have two points to make on the matter at this stage.

21. Firstly, we have no ability to direct that such an arrangement be provided for. We will leave it to the parties involved to correspond directly on the matter as to whether or not this is feasible.

22. That said – and, in particular, following the input from Ms Black at the afternoon session on 9 April – it is evident to us that there are two points of view being expressed amongst planning and urban design experts as to how future built form should be managed within the precinct (if indeed there is to be a precinct): one view that favours a permissive regime for buildings of an ‘appropriate’ bulk and location, with consent being required for proposals that exceed that appropriateness test; and another that favours consent being required for *any* future building^[1], with assessment against design and appearance controls/guides/criteria being required regardless of compliance with bulk and location rules.

23. If there is no scope for mediating this difference of opinion through conferencing – that is, if the ‘pro-design approach’ witnesses are unable to accept that *some* level of permitted development appropriate and/or if the ‘pro-permitted standard’ witnesses are unable to accept the notion that no development should be permitted in respect of building bulk and location – we see little use for the conferencing.

24. Again, whilst we would prefer to have an agreed approach presented to us, we will leave it to the parties to confer on this matter to determine whether conferencing on this particular issue is a viable exercise. In the absence of any conferencing and agreed position we will make our recommendation based on the evidence in front of us and which position we believe best meets the purpose of the Act having regard to the existing and proposed environments.

Site and Locality Visits

25. Another matter that arose through discussions with submitters was the possibility to visit individual properties that may assist our understanding of the existing environment and potential impacts of the proposed plan change on that environment. We indicated that it may assist us if we could visit the properties of the following submitters:

^[1] We accept there may be agreement that design and appearance assessments may not be required in respect of the Cuba Street portion of the precinct due to its underlying zoning

- (a) Mr Moar;
- (b) Ms Burton;
- (c) Mr Prichard;
- (d) Mr van der Laan;
- (e) Mr McKirdy;
- (f) Mr & Mrs Williams;
- (g) Mr & Mrs Bakker; and
- (h) Mr & Mrs Yardley.

26. At this stage, we anticipate that we will want to undertake these site visits on the week of 13 May (and probably on the 13th itself). We will ensure that the parties above have adequate notice of our visit, and to confirm it is convenient that we are on site at the time and date proposed. We stress this is solely an opportunity for us to gain a first-hand appreciation of matters raised by submitters. It is not an opportunity for submitters to further discuss their submission with us.

27. We will also require an internal visit to the various campus sites as up to now all our visits have been largely confined to the external boundaries of the sites. We will arrange this with Weltech and the same rules of engagement apply as set out above in respect to submitters.

Reconvened Hearing

28. At this stage, our desire is to **reconvene the hearing on Monday 13 May 2013**. The primary aim of this will be to allow for Council to deliver its full reply; however, as indicated above, we may wish to extend the scope of matters to consider depending on the further information we receive in the interim. While it may not be necessary for any other parties to appear before us, we ask that all parties be aware of this date and of the possibility that we may indeed request the presence of certain individuals. We will endeavour to provide a final agenda for the reconvened hearing at the earliest opportunity.

29. To summarise the key tasks and dates outlined above:

Date (2013)	Action
ASAP	Council to undertake parking survey as outlined above. Further actions may be required in respect of this survey.
Friday 19 April	Weltec to provide final response to its identified share of the '35 questions' formally circulated on 8 April.
Friday 3 May	Mr Hansen to provide response to questions in the annotated version of his evidence circulated on 8 April and also raised above.
Monday 13 May	Hearing reconvened. Parties <i>required</i> to be present will be formally notified as soon as practicable

30. In closing, we wish to reiterate our thanks to all who have assisted us over the course of the hearing to date. Your continued patience, involvement and efforts are very much appreciated.
31. If any party wishes to seek further clarification around the content of this Minute, please contact Ms Randall in the first instance.

DATED this 10th day of April 2013



DJ McMahon
Independent Commissioner

HUTT CITY COUNCIL
PROPOSED CHANGE 25 TO THE HUTT CITY DISTRICT PLAN
INTRODUCTION OF A TERTIARY EDUCATION PRECINCT

MINUTE 4 OF COMMISSIONERS

Introduction

1. Further to our three previous minutes (on 17 January, 11 February, and 10 April), we wish to set out some final matters required to draw the plan change hearing to a close.
2. In this respect, this minute covers the following matters:
 - (a) additional information obtained since the hearing adjournment;
 - (b) confirmation of the reconvened hearing and parties we wish to hear from; and
 - (c) site visit arrangements.
3. Before setting these matters out, we want to be clear that the reconvened hearing is not an opportunity to revisit matters already canvassed. Rather, the proceedings will allow for us to have some further clarification following receipt of requested material at the previous adjournment. It will also afford the Council its opportunity to provide its reply to any matters (as is standard practice).

Information obtained since 9 April

4. Following adjournment of the hearing on 9 April, the subsequent minute we issued included the following timetable:

Date (2013)	Action
ASAP	Council to undertake parking survey as outlined above. Further actions may be required in respect of this survey.
Friday 19 April	Weltec to provide final response to its identified share of the '35 questions' formally circulated on 8 April.
Friday 3 May	Mr Hansen to provide response to questions in the annotated version of his evidence circulated on 8 April and also raised above.
Monday 13 May	Hearing reconvened. Parties <i>required</i> to be present will be formally notified as soon as practicable

5. We can confirm that the first 3 actions have been completed. Results of the additional parking survey have been made available on the Council website, and we have requested the further information from Weltec and Mr Hansen to likewise be made available.

Reconvened hearing

6. We confirm that the hearing will reconvene in the Council Chambers at **9.00am on Monday 13 May 2013**. We ask that the following parties be in attendance to provide us with additional clarification:

- Mr Hansen (for PUEA et al);
 - Weltec; and
 - Council representatives in reply (including Mr Walbran)
7. Other parties are certainly welcome to attend the proceedings – however, we only intend to call the above parties for further questioning (and right of reply). Our aim is to keep the proceedings as brief as possible so as to minimise the time for required attendees to be present, and so that we can complete additional site visits on that same afternoon.

Site and Locality Visits

8. As foreshadowed in our previous minute, it will assist us if we could visit the properties of the following submitters:
- (a) Mr Moar;
 - (b) Ms Burton;
 - (c) Mr Prichard;
 - (d) Mr van der Laan;
 - (e) Mr McKirdy;
 - (f) Mr & Mrs Williams;
 - (g) Mr & Mrs Bakker; and
 - (h) Mr & Mrs Yardley.
9. Though the exact time of our visit will depend upon the length of the hearing proceedings, we anticipate that we will visit these properties sometime **between the hours of 2pm and 4pm on the 13th**. We reiterate that this is solely an opportunity for us to gain a first-hand appreciation of matters raised by submitters. It is not an opportunity for submitters to further discuss their submission with us.
10. We will also require an internal visit to the various campus sites as up to now all our visits have been largely confined to the external boundaries of the sites. We will arrange this with Weltech and the same rules of engagement apply as set out above in respect to submitters.
11. Can the above parties please signal to Ms Randall (judy.randall@huttcity.govt.nz) that they are happy for us to visit during this window of time, and or any special instructions that we might need to be appraised of.
12. If any party wishes to seek further clarification around the content of this Minute, please contact Ms Randall in the first instance.

DATED this 7th day of May 2013



DJ McMahon
Independent Commissioner

HUTT CITY COUNCIL

PROPOSED CHANGE 25 TO THE HUTT CITY DISTRICT PLAN

INTRODUCTION OF A TERTIARY EDUCATION PRECINCT

MINUTE 5 OF COMMISSIONERS

Introduction

1. As foreshadowed by our previous minute, we reconvened the public hearing on Plan Change 25 on Monday 13 May 2013. The purpose for this additional session was to enable us to hear from Weltec with Mr Chris Hansen^[1] following receipt of further information/supplementary evidence that they provided at our request^[2]. It was also to allow the Council Officers to provide their reply to issues raised by other parties over the course of the hearing.
2. Our intent was to close the hearing at the conclusion of our final site visits undertaken after the reconvened hearing; however, we have left the hearing open to receive three further pieces of information, which were unable to be obtained at Monday's session.
3. This minute sets out the information we requested and signalled (verbally) that we would formally request, including:
 - (a) additional information from Ms Tessendorf;
 - (b) additional information from Mr Walbran; and
 - (c) legal advice.
4. We now set out each of these matters in turn.

Additional information from Ms Tessendorf

5. Through our questioning of Ms Tessendorf, we sought clarification as to whether or not the District Plan:
 - (a) applies sunlight access plane requirements to road boundaries; and
 - (b) contains a definition of the term "frontage," which arose from our review of Ms Tessendorf's proposed alterations to urban design standards and assessment matters.
6. Further, we requested that Ms Tessendorf provide us with an updated version of Appendix 9 to the s42A report^[3], including any changes to that document required to reflect alterations to the Plan Change proposed by Ms Tessendorf and Mr Daysh in their reply statement.
7. We will make all of this material available to all parties once it has been received.

^[1] planning advisor for PUEA et al

^[2] paragraph 2, Minute 3 of the Commissioners, 10 April 2013

^[3] Appendix 9 included a summary of submissions received, including recommended decisions from Council Officers

Additional information from Mr Walbran

8. While Mr Walbran's evidence was very helpful and well set out, there were two minor matters of clarification we asked Mr Walbran to provide to us following the adjournment of the reconvened hearing. Firstly, we asked that he clarify the number of on street disability carparks he identified in his independent survey. Additionally, we asked that he clarify a point raised in his statement with respect to time restricted parking provided in the vicinity of the Petone Recreation Ground.
9. As with Ms Tessendorf's response, we will likewise make Mr Walbran's further information available to all parties following its receipt.

Legal Advice

10. The final point we require further assistance on is a legal matter.
11. Specifically, we will be seeking legal advice on whether or not the change to the District Plan permitted standards for parking requirements introduced by the plan change is *ultra vires* in either its notified form or in the modified form recommended by Mr Walbran in his statement.
12. For completeness – and notwithstanding that we understand and appreciate the intent of this proposed method to reduce on-street parking demand, improve on-site parking uptake within the Weltec campus and improve patronage of public and active transport methods for students and staff – we will be seeking clarification that the provision is legal, given:
 - (a) that components of both the notified version and the 'Walbran version' of the standard contain variables that will change over time;
 - (b) the potential lack of certainty for plan users attributed to the annual change in those variables;
 - (c) the implications this on-going variation in parking 'requirements' may have on the plan change proponent's ability to rely on existing use rights (under s10(1)(a) and/or (b)^[4]); and
 - (d) that effective implementation of the standard requires regular monitoring, review and (in effect) revision, independent of the 1st schedule or resource consent processes.
13. Related to the above, and whilst not a legal issue per se, we are grappling with the "what if" question that would arise if a monitoring exercise indicates that the plan change proponent was in breach of this permitted standard at some stage(s) in the future. Rhetorically, we wonder if enforcement proceedings be brought upon the proponent? Or, would the proponent perhaps be required to provide additional on-site parking to meet the standard? Could this not continue on *ad infinitum* if the standard is repeatedly unmet?
14. Both Council Officers and Weltec's representatives have indicated to us that a Memorandum of Understanding could be utilised to address this 'what if' question.

^[4] given that some of the tertiary education facilities were established by way of (previously applying) designation

While such an agreement could certainly be effective in an absolute sense, we have some difficulty in relying on it as a method to implement the proposed policies of this plan change and/or to avoid, remedy or mitigate potential adverse environmental effects anticipated in relation to the proposed rules and methods.

15. If the proposed permitted standard is deemed to be lawful, that will give us some comfort to proceed with our evaluation as to whether or not it is the most effective and efficient method to implement to the proposed (and settled) policies of the District Plan. If, however, it is deemed to be *ultra vires* we will be left with a need to consider the most appropriate alternative. It is from this evaluative basis that we will be seeking legal advice.

Where from here?

16. Once we are in receipt of all of the above material, we will ensure it is made available to all parties, and we will determine what further course of action is required. At this stage, the hearing remains adjourned until such a determination is made.

DATED this 15th day of May 2013



DJ McMahon
Independent Commissioner

HUTT CITY COUNCIL
PROPOSED CHANGE 25 TO THE HUTT CITY DISTRICT PLAN
INTRODUCTION OF A TERTIARY EDUCATION PRECINCT

MINUTE 6 OF COMMISSIONERS

Introduction

1. In our previous minute, we set out our final information requests to complete our deliberations on the plan change. These included:
 - (a) additional information from Ms Tessendorf;
 - (b) additional information from Mr Walbran; and
 - (c) legal advice.
2. We also signalled that each of the responses to the above would be made available to all parties upon our receipt of the material. We confirm that all responses have been received by us and will be made available on the Council's website per our request.

Closing of the Hearing

3. Following this last information gathering exercise, we now have the information we require to make a recommendation on the plan change. Accordingly, we formally declare the hearing closed.
4. Our deliberations have commenced and will be completed shortly, and we will turn our mind to delivering the decision as quickly as possible.
5. We would once again like to thank all parties for their involvement, their time and their constructive input in assisting us.

DATED this 30th day of May 2013



DJ McMahon
Independent Commissioner

APPENDIX 3
Recommended amendments to Plan Change provisions

APPENDIX 3: REVISED VERSION OF RECOMMENDED AMENDMENTS

GUIDE TO ANNOTATED CHANGES:

- changes to plan change provisions recommended in the s42A report are shown in black ~~strikethrough~~ and underlining
- changes proposed by Officers as at the close of the hearing are shown in **red text**
- changes introduced by Commissioners' Recommendation are shown as **highlighted ~~strikethrough~~ and underlining**

Amendment 1: Amend the Definition for Tertiary Education Activities as follows:

Tertiary Education Activities:

Principal Tertiary Education Activities means the use of land and buildings for the provision of regular instruction, teaching, learning or training by an Institution (as defined in Section 159(1) of the Education Act 1989), and includes **ancillary** administrative, ~~student accommodation,~~ recreational, cultural, health, childcare, social, and retail ~~and car parking~~ activities and facilities and related surface carparking, provided such activities are exclusively servicing the needs of students and staff.

Ancillary Tertiary Education Activities means the use of land and buildings for residential accommodation and carparking structures for students and staff and those recreational, cultural, health, childcare, social and retail activities and facilities that are focused towards but not exclusively servicing the needs of students and staff.

Amendment 2: Amend Issue 4A 1.1.4 Non-Residential Activities as follows:

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

Amendment 3: Amend Policy 4A 1.1.4 (d) Non-Residential Activities as follows:

- (d) To recognise and provide for tertiary education activities in Petone within a defined Precinct, while avoiding, remedying or mitigating the adverse effects on the residential environment, particularly the character and amenity values of the neighbourhood.

Amendment 4: Amend Explanation and Reasons 4A 1.1.4 Non-Residential Activities as follows:

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

One principal non-residential activity is the Wellington Institute of Technology ("WeITec") in Petone which has developed over many years, and as a public entity, it was previously protected by Public Works designations. ~~WeITec~~ This tertiary education facility is recognised as making an important

contribution to the economic and social wellbeing of the city and wider region. To recognise the location of the existing campus and the role, nature and activities on the WelTec campus of the tertiary education facility it is identified and managed within the District Plan as a 'Tertiary Education Precinct'. The purpose of the Precinct is to provide for the ongoing use and development of the campus within the boundaries of the Precinct to meet future tertiary education needs, while using standards to ensure the adverse effects are avoided, remedied or mitigated so they are in keeping with the existing character and amenity of the area.

It is expected that the Precinct will function as a boundary for the containment of tertiary education activities develops within its existing boundaries to protect the residential neighbourhood from encroachment of non-residential development. Future expansion of the Precinct is not prohibited but any extension would require a Plan Change to the District Plan enabling Council to fully assess any environmental effects.

In recognition of the existing environment in which the campus is located, the Tertiary Education Precinct retains the underlying zoning. ~~The Precinct comprises six areas, located in:~~

~~Udy Street~~

~~Elizabeth Street~~

~~Kensington Avenue (western side)~~

~~Kensington Avenue (eastern side)~~

~~Cuba Street~~

~~Bracken Street~~

Most of the Campus is located within the General Residential Activity Area, ~~although the area in Cuba Street is while a smaller part is located within the General Business Activity Area, and the area in Bracken Street is within the General Recreational Activity Area.~~

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

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

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

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

<p>Amendment 5: Amend Policy 4A 1.2.1 (k) Building Height, Scale, Intensity and Location as follows:</p>

- (k) To establish specific standards for maximum height, maximum site coverage, minimum setback and recession planes, building frontages and corner sites standards within specific areas of the Tertiary Education Precinct to recognise the existing scale and intensity of the built development in the Precinct and to minimise avoid, remedy or mitigate adverse effects on the amenity values of abutting residential properties and the streetscape.

Amendment 6: Amend Explanation and Reasons 4A 1.2.1 (b) Site Coverage as follows:

(b) Site Coverage

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

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

Amendment 7: Amend Explanation and Reasons 4A 1.2.1 (c) Recession Planes as follows:

(c) Recession Plane

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

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

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

Amendment 8: No changes to Explanation and Reasons 4A 1.2.1 (d) Yards:

(d) Yards

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

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

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

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

Amendment 9: Amend Explanation and Reasons 4A 1.2.1 (e) Height, as follows:

(e) Height

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

Within the Tertiary Education Precinct, an increased maximum building height of 12m applies to the areas in Udy Street, Elizabeth Street, and on the western side of Kensington Avenue. This height limit provides for three to four storey buildings to reflect the height of existing buildings on the campus, and to provide for the efficient use of the land, while maintaining the character and amenity values of the surrounding area. Specific and standard recession plane (and minimum yard) requirements apply to the boundaries of the Tertiary Education Precinct to protect the interface with residential properties. Within the areas of the Precinct in Elizabeth Street, Udy Street and on the eastern side of Kensington Avenue the standard 8m maximum height limit applies.

New Amendment 9A: Add Explanation and Reasons 4A 1.2.1 (i) Building Frontages, Corner Sites and Ground Level Carparking

(i) Building Frontages and Corner Sites

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

Amendment 10: Amend Rule 4A 2.1 (f) as follows:

- (f) Within the Tertiary Education Precinct (as shown on Appendix General Residential 20), in addition to the above (a) to (e):
- (i) Principal tertiary education activities.

Amendment 11: Amend Permitted Activities – Conditions 4A 2.1.1 (z) as follows:

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

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

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

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

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

- (iv) For that part of the Tertiary Education Precinct on the eastern side of Kensington Avenue –
- (1) The minimum yard requirement shall be 3m for the southern boundary.
 - (2) The Recession Plane for all buildings and structures shall be 2.5m + 37.5° for the southern boundary.

(v) For all areas in the Tertiary Education Precinct -

(1) Building Frontages

- (a) The ground level road frontage of all buildings shall will be located within a distance no closer than 3 metres to and no further than 5.5 metres of the road street boundary at ground floor level, and shall provide at least one pedestrian entrance to at the road street.
- (b) No building shall create a featureless façade or blank wall wider than 3 metres at the ground level road street frontage wider than 3 metres. A featureless façade or blank wall is a flat or curved wall surface without any openings or glazing.

(2) Corner Sites

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

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

- (3) Where there are 5 or more parking spaces on site and the site abuts a residential or recreation activity area, that area shall be screened from the street and adjoining properties by a fence or wall not less than 1.5m in height.

Amendment 12: Amend Restricted Discretionary Activities 4A 2.3 (j) to read as follows:

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

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

- do not exceed 12 metres in height.

- (i) Non-notification

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

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

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

- (i) Non-notification

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

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

Amendment 13: Amend Matters in which Council has restricted its Discretion and Standards and Terms 4A2.3.1 (k), add Matters in which Council has restricted its Discretion and Standards and Terms 4A 2.3.1 (l) and amend 4A 2.3.2 Other Matters to read as follows:

- (k) **Principal Tertiary education activities within the Tertiary Education Precinct, including associated buildings and structures, which do not comply with the following Permitted Activity conditions 4A 2.1.1 (b) Minimum Yard Requirements; 4A 2.1.1 (c) Recession Planes; 4A 2.1.1 (d) Maximum Height of Buildings and Structures; 4A 2.1.1 (e) Maximum Site Coverage; and 4A2.1.1 (z) (excluding The Maximum Height of Buildings and Structures 4A2.1.1 (z) ~~(i), (ii) and (iii)~~).**

- (i) Amenity Values

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

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

(ii) Design External Appearance and Siting

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

(iii) Streetscape Effects

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

(iv) Landscaping and Screening

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

(I) Ancillary tertiary education activities within the Tertiary Education Precinct, including associated buildings and structures.(i) Amenity Values

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

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

(ii) Design External Appearance and Siting

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

(iii) Streetscape Effects

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

(iv) Landscaping and Screening

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

(iiv) Traffic Effects

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

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

(ivi) Parking Effects

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

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

(vii) Noise

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

4A 2.3.2 Other Matters

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

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

Amendment 14: Amend Discretionary Activities 4A 2.4 (n) and add Discretionary Activities 4A 2.4 (o) as follows:

- (n) Principal Tertiary education activities within the Tertiary Education Precinct, including associated buildings and structures, which do not comply with the following Permitted Activity Conditions 4A 2.1.1 (d) Maximum Height of Buildings and Structures; and the Maximum Height of Buildings and Structures in 4A 2.1.1 (z) (i), (ii) and (iii) Tertiary Education Precinct or any other relevant Permitted Activity Conditions including the relevant requirements of Chapter 14 – General Rules, and which are not identified as a restricted discretionary activity under Rule 4A 2.3.1 (j).
- (o) Ancillary tertiary education activities within the Tertiary Education Precinct, including associated buildings and structures, which do not comply with the relevant Permitted Activity conditions including the relevant requirements of Chapter 14 – General Rules.

Amendment 15: No changes to the content of Appendix General Residential 20

Please see Appendix 5 to this report.

Amendment 16: No changes to Chapter 6 Business – Introduction

The non-industrial activities accommodated include training facilities, conference venues and places of assembly. Also accommodated are tertiary education activities within the Tertiary Education Precinct.

Amendment 17: No changes to Policy 6A 1.1.1 (d) Accommodation of a Mix of Activities

- (d) Accommodate tertiary education activities within the Tertiary Education Precinct, which provides for tertiary education on a local and regional basis.

Amendment 18: Amend Explanation and Reasons 6A 1.1.1 as follows:

The range of non-industrial activities accommodated also includes training facilities, conference centres, places of assembly and places of worship. Tertiary education activities are accommodated within the Tertiary Education Precinct, of which, that part on Cuba Street is located within the General Business Activity Area.

Welltec and its predecessors have historically provided tertiary education activities have historically been provided for within the area in Cuba Street and the activity is an established use on the site

providing important tertiary education including vocational education and applied research. These non-industrial activities are provided for where the potential generated effects do not have an adverse effect on the amenity values of the area and the environment.

Amendment 19: No changes to Issue 6A 1.1.3 Environmental Effects

Business Activities (commercial and industrial activities) and other activities accommodated within the General Business Activity Area, have the potential to generate adverse effects on the amenity values of the area and neighbouring areas at the interface. These adverse effects include noise, dust, odour, glare, light spill and traffic. These activities can also have an adverse effect on the receiving environment in terms of air, water, and soil contamination, or damage to ecosystems. It is, therefore, necessary to manage such adverse effects to maintain and enhance the quality of the environment.

Amendment 20: No changes to Issue 6A 1.2.1 Effects on the Amenity Values of the Area

The sites, structures and buildings used by business activities (commercial and industrial activities) and other activities accommodated within the General Business Activity Area, have the potential to generate adverse effects on the amenity values of the area and neighbouring areas at the interface. These adverse effects include out of scale development, poor site maintenance, litter, dust, and visual detracton. It is necessary to manage such adverse effects to maintain and enhance the amenity values of the area.

Amendment 21: Amend Controlled Activities 6A 2.2 (b) and Controlled Activities Conditions 6A 2.2.1 (b) as follows:

- (b) Any Permitted Activity on a site abutting or on the opposite side of a road from a residential activity area, except for principal tertiary education activities within the Tertiary Education Precinct (as shown on Appendix General Business 5), including associated buildings and structures.

- (i) ~~Non-notification~~

~~In respect of Rule 6A 2.2 (b), public and limited notification of applications for resource consent is precluded and limited notification of applications for resource consent need not be required.~~

NOTE: Rule 6A 2.2 (b) (i) prevails over Rule 17.2.2

Amendment 22: Amend Restricted Discretionary Activities 6A 2.3 as follows:

- (i) Principal ~~Tertiary~~ tertiary education activities within the Tertiary Education Precinct (as shown on Appendix General Business 5), including associated buildings and structures, which do not comply with the relevant Permitted Activity Conditions.

- (i) Non-notification

In respect of Rule 6A 2.3 (i), public ~~and limited~~ notification of applications for resource consent is precluded and limited notification of applications for resource consent need not be required.

NOTE: Rule 6A 2.3 (i) (i) prevails over Rule 17.2.2.

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

- (i) Non-notification

In respect of Rule 6A 2.3 (j), public notification of applications for resource consent is precluded and limited notification of applications for resource consent need not be required.

NOTE: Rule 6A 2.3 (j) (i) prevails over Rule 17.2.2.

Amendment 23: Amend Restricted Discretionary Activities Matters 6A 2.3.1 as follows:

(i) Principal Tertiary education activities within the Tertiary Education Precinct (as shown on Appendix General Business 5), including associated buildings and structures, which do not comply with the relevant Permitted Activity Conditions.

(i) Amenity Values

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

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

(ii) Layout and location of activities and facilities not enclosed within a building or structure, including;

- (1) Whether the sites is designed in such a manner so as to maintain or enhance the amenity values of the area.
- (2) The location, nature and degree of proposed landscaping.
- (3) The location, nature and screening of outdoor storage, servicing and parking areas, including visibility and relationship to adjoining residential sites and visibility from any public space.

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

(i) Amenity Values

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

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

(ii) Layout and location of activities and facilities not enclosed within a building or structure, including;

- (1) Whether the sites is designed in such a manner so as to maintain or enhance the amenity values of the area.
- (2) The location, nature and degree of proposed landscaping.
- (3) The location, nature and screening of outdoor storage, servicing and parking areas, including visibility and relationship to adjoining residential sites and visibility from any public space.

(iii) Traffic Effects

The safe and efficient movement of all vehicle and pedestrian traffic needs to be ensured. It should be demonstrated that traffic generation and vehicles entering and leaving the

site will not adversely affect normal traffic flows on the road, or cause a vehicle or pedestrian hazard.

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

(iv) Parking Effects

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

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

(v) Noise

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

Amendment 24: Amend Appendix General Business 5 as shown in Appendix 6 to this report.

Amendment 25: Delete the proposed amendment to the Introduction to Chapter 7 – Recreation and Open Spaces:

Areas along the motorway and the railway line which were previously designated for railway purposes or proposed motorway use are also included in this Activity Area. Such activities are not large enough to be developed for other purposes, therefore the open space nature of this area is to be retained’.

~~Also accommodated are tertiary education activities within the Tertiary Education Precinct, of which, that part off the end of Bracken Street is located within the General Recreation Activity Area.~~

~~WelTec and its predecessors have historically provided tertiary education activities within the Bracken Street Tertiary Education Precinct Area and the activity is an established use on the site providing important tertiary education including vocational education and applied research.~~

Amendment 26: Delete the proposed Policy 7A 1.1.4 (b):

~~(b) To provide for tertiary education activities within the Tertiary Education Precinct where such activities would not adversely affect the open space character and amenity values of Recreation Activity Areas.~~

Amendment 27: Delete the proposed Rule 7A 2.1 (f):

~~(f) Tertiary education activities within the Tertiary Education Precinct (as shown on Appendix General Recreation 1)~~

Amendment 28: Delete the proposed amendment to the Permitted Activities Condition 7A 2.1.1 (d):

(d) Building Coverage and Size of Structures:

(i) A maximum of 15% of the area of the site may be covered by buildings and structures. ~~except that within the Tertiary Education Precinct a maximum of 20% of the area of the site may be covered by buildings and structures.~~

- (ii) Buildings and structures must not exceed 100m². ~~except that within the Tertiary Education Precinct buildings and structures must not exceed 200m²;~~
- (iii) Where buildings and structures adjoin a residential activity area the separation yard shall be landscaped for a minimum depth of 3m.
- (iv) All new buildings and structures or additions in the Primary or Secondary River Corridor with a gross floor area of 20m² or less and with a setback of 20m or more from a flood protection structure.

Condition (d) does not apply to the area delineated as the Belmont Regional Park and the East Harbour Regional Park.

....

- (j) ~~For activities permitted under Rule 7A 2.1 (c)~~ At the Bracken Street Depot, Bracken Street, Petone, Section 979 Hutt District, SO 33425, in addition to the above conditions, the following shall apply –
 - (i) No retail sales are permitted directly from the site.
 - (ii) 20 onsite parking spaces are to be provided at each location at all times. All parking to comply with the design standards in Chapter 14A – Transport.

Amendment 29: Delete the proposed Appendix General Recreation 1 (Bracken Street)

Amendment 30: Amendment Policy 14A (iii) 1.2.1 (b) as follows

- (b) That adequate on-site parking be provided within the Tertiary Education Precinct which applies a campus wide approach and seeks the efficient use of on-site and on-street carpark spaces and the land resource, while not detracting from the amenity values and character of the area as a result of the development of large on-site parking areas, recognising the desirability of maintaining or reducing the effects of the existing nature, level and extent of carparking in and around the Precinct.

Amendment 31: Amend Explanation and Reasons 14A (iii) 1.2.1 as follows

The objective and policies seek ...

...and turnover characteristics.

Within the Tertiary Education Precinct, the aim is to increase the utilisation of the existing on-site carparks as well as reducing the demand for carparking spaces by supporting staff and students and encouraging the use of non-private vehicular forms of transport (e.g. public transport, cycling and walking). The requirement for an adequate supply of carparking within the Tertiary Education Precinct is linked to the number of staff and students and the level who bring cars to campus. Adopting a campus wide approach to the requirement and provision of on-site carparks through the use of the Precinct enables a more efficient use of the on-site carparking areas and any additional demand generated by new or altered site developments on any part of the campus.

It is also important to recognise the existing nature, level and extent of carparking in and around the Tertiary Education Precinct, with a combination of on-site and on-street carparks utilised. The levels of on street utilisation of parking by staff and students should be reduced over time. The improved management of the on-street parking resource so it is more available for residents and other users would provide for the more efficient use of the parking spaces (both on-site and on-street) and could lessen the adverse effects on local residents associated with the limited availability of the on-street parking during certain periods of the day/week/year.

To establish the basis for assessing the effectiveness of this policy, and the rules and methods that implement the policy, the Council will obtain data from the Tertiary Education Provider(s) on an annual basis, including: ~~will monitor~~

- ~~the total numbers of staff and students and staff enrolled/employed within the precinct; on-site;~~
- ~~survey data of the manner in which how staff and students and staff travel to the precinct site;~~
- ~~the utilisation rates of off-street parking provided within the precinct; and~~
- ~~the levels of kerbside on-street carparking demand on streets nearby to the precinct associated with the operation of the Tertiary Education Facility(ies) and provide that information to Council on a yearly basis.~~

Amendment 32: No changes to 14A (iii) 2.1 Permitted Activity Conditions (b)

(b) Location of Parking Spaces

Parking spaces must be provided on site, except for tertiary education activities within the Tertiary Education Precinct, for which parking spaces may be located on any site within the Precinct.

Amendment 33: No changes to 14A (iii) 2.2 Discretionary Activities (b)

- (b) Where a Permitted Activity is unable to provide the required number of parking spaces on site, or, for parking associated with tertiary education activities as provided for by Rule 14A(iii) 2.1(b) the parking is unable to be located within the Tertiary Education Precinct.

Amendment 34: Amend 14A (iii) 2.2.1 Assessment Matters for Discretionary Activities as follows

- (c) In addition to the above the following matters will be taken into account:

(ii) Location of parking spaces:

Where a Permitted Activity is unable to provide the required number of parking spaces on site, Council may approve spaces located elsewhere provided that:

- The fact that the spaces have been allocated to a different site is recorded as a Memorandum of Encumbrance on the title;
- Convenient pedestrian access between the development and the spaces is available and signposted;
- Parking shall be no more than 100 metres walking distance from doors of the development, except that this shall be reduced to 50 metres where it is necessary to cross a road, or ascend or descend a flight of steps more than 2 metres in height; and
- Pedestrians walking between the development and the spaces do not need to cross a road with a hierarchy classification higher than Access Road.
- For tertiary education activities within the Tertiary Education Precinct, parking spaces can be located on a different part of the campus than the activity, provided that the total supply of parking ~~is likely to~~ will maintain or reduce the demand for kerbside parking in the vicinity.

Amendment 35: Amend Appendix Transport 3 as follows

ACTIVITY	PARKS	UNIT
EDUCATION Tertiary Education Precinct (as shown on Appendix General Residential 20, and Appendix General Business 5 and Appendix General Recreation 4)	1	[(1 parking space per 1.33 staff members^{*1} + 1 parking space per 2.5 students^{*2}) (percentage of students bringing cars to the campus*student numbers + percentage of staff bringing cars to the campus*staff numbers) - 300] ÷ 0.85 (assessed utilisation of off street site carparking^{*4} ÷ 100) 0.76

~~^{*1}Including an allowance of 50% for part time staff.~~

~~^{*2}From the busiest timetable period — 10% for typical absenteeism.~~

~~^{*4}Assessed utilisation is based upon current surveys.~~

Amendment 36 Amend Permitted Activity Conditions 14B 2.1.1 (c) and add 14B 2.1.1 (g) as follows

(c) Maximum face area¹

1.0m² per site, with the exception of temporary signs erected for the purposes of a local or central government election, for which the maximum face area shall be 2.4m²; and signs within the Tertiary Education Precinct (as shown on Appendix General Residential 20, and ~~Appendix General Business 5 and Appendix General Recreation 4~~) for which the maximum face area shall be 3.0m².

...

(g) Content

Within the Tertiary Education Precinct (as shown on Appendix General Residential 20) signs must serve only to denote the name, character or purpose of any Permitted Activity or other lawfully established activity on the site.

Amendment 37 Amend Controlled Activities 14B 2.2 (a) as follows:

- (a) In all Commercial Activity Areas excluding the Petone Commercial Activity Area 1, Business Activity Areas (except the Avalon Business Activity Area and the Tertiary Education Precinct (as shown on ~~Appendix General Residential 20, Appendix General Business and Appendix General Recreation 4~~)), and Community Iwi Activity Area 3 – Kokiri Centres; except sites included in 14B 2.2 (d):
- (i) Any sign on sites abutting a Residential, Recreation or Rural Activity Area, or Community Iwi Activity Area 1 – Marae.

Amendment 38 Amend Controlled Activities 14B 2.2 (e) and add Matters in which Council seeks to Control 14B 2.2.1 (e) as follows:

- (e) In the Tertiary Education Precinct (as shown on ~~Appendix General Residential 20, Appendix General Business 5 and Appendix General Recreation 1~~), any sign on a building or structure site abutting a Residential or Recreation Activity Area, where the building or structure elevation on which the sign is located, abuts fronts the Residential or Recreation Activity Area site boundary.
- (i) ~~Non-notification~~

~~In respect of Rule 14B 2.2(e), public and limited notification of applications for resource consent is precluded.~~

~~NOTE: Rule 14A 2.2(e)(i) prevails over Rule 17.2.2.~~

14B 2.2.1 Matters in which Council seeks to Control and Standards and Terms

(e) In the Tertiary Education Precinct (as shown on Appendix General Business 5), any sign on a site abutting a Residential Activity Area, where the building or structure elevation on which the sign is located, fronts the Residential Activity Area site boundary:

(i) Visual Amenity, Design and Appearance:

The extent to which the design and appearance of the proposed sign will adversely affect visual amenity values of adjoining sites in a Residential Activity Area.

Consideration should be given to the use of colour, and clarity of lettering and layout.

(ii) Content:

Signs must serve only to denote the name, character or purpose of any Permitted Activity or other lawfully established activity on the site.

Amendment 39 Amend Restricted Discretionary Activities 14B 2.3 (e) and add Matters in which Council has Restricted its Discretion 14B 2.3.1 (e) as follows:

(e) In the Tertiary Education Precinct, signs which do not comply with one or more of the Permitted Activity Conditions in Rule 14B2.1.1, ~~14B2.1.2~~ and 14B2.1.5.

(i) Non-notification

In respect of Rule 14B 2.3 (e), public and limited notification of applications for resource consent is precluded and limited notification of applications for resource consent need not be required.

NOTE: Rule 14B 2.3(e)(i) prevails over Rule 17.2.2.

14B 2.3.1 Matters in which Council has Restricted its Discretion and Standards and Terms

(e) In the Tertiary Education Precinct, signs which do not comply with one or more of the Permitted Activity Conditions in Rule 14B2.1.1 and 14B2.1.5.

(i) Visual Amenity, Design, Appearance and Content:

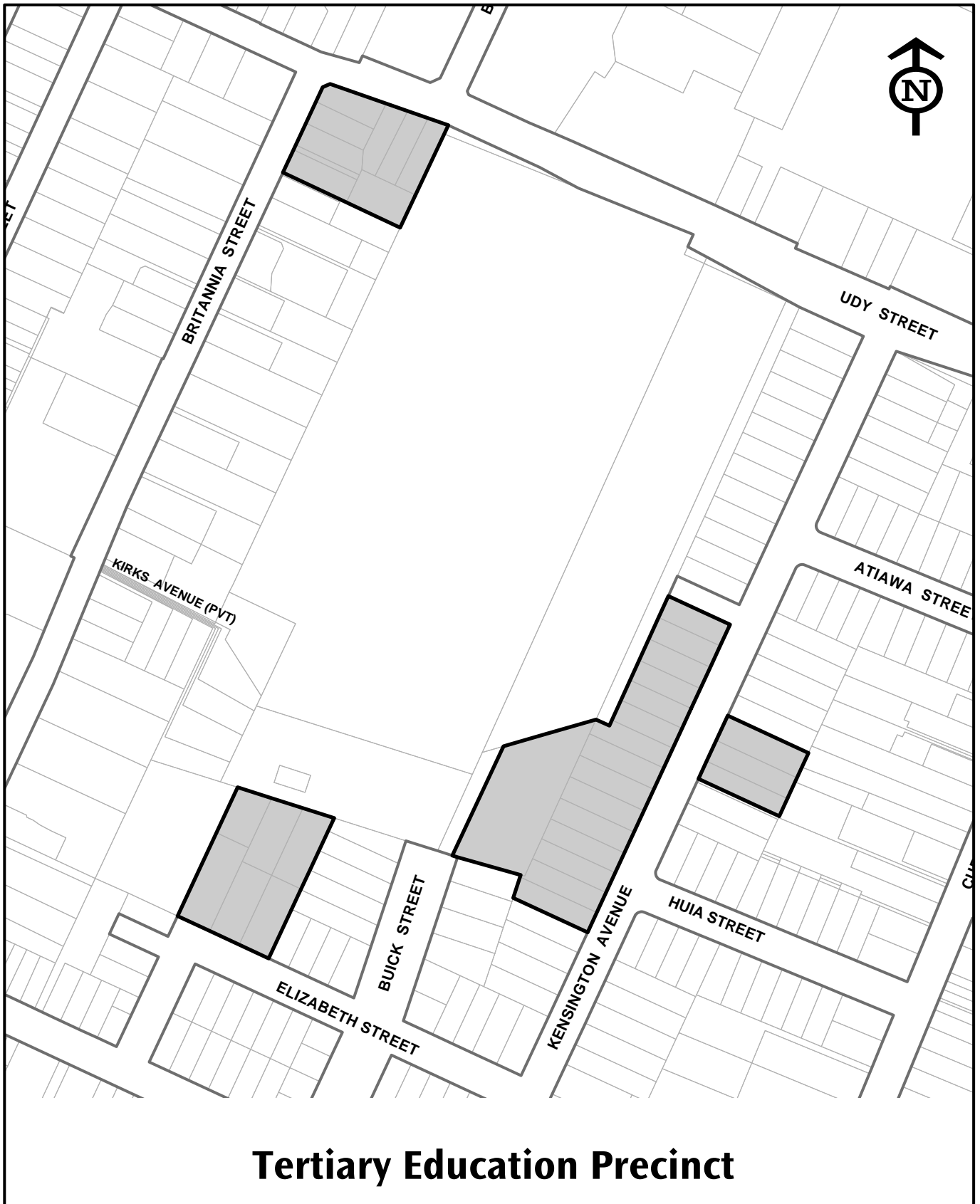
The extent to which the sign affects adversely the visual amenity values of sites within a residential activity area.

Consideration should be given to -

- The height of the sign in relation to buildings and structures on sites in adjacent activity areas.
- The face area of the sign and the extent to which it is visually obtrusive from a site within a residential activity area.
- The extent to which the use of colour causes the sign to be visually obtrusive from a site within a residential activity area.
- The extent to which the frequency of signs on the site, and movement of signs detracts from visual amenity values of sites in the residential activity areas.
- The extent to which the illumination of the sign affects adversely amenity values. All measures are to be taken to ensure there is no unreasonable light spill beyond the boundaries of the site.

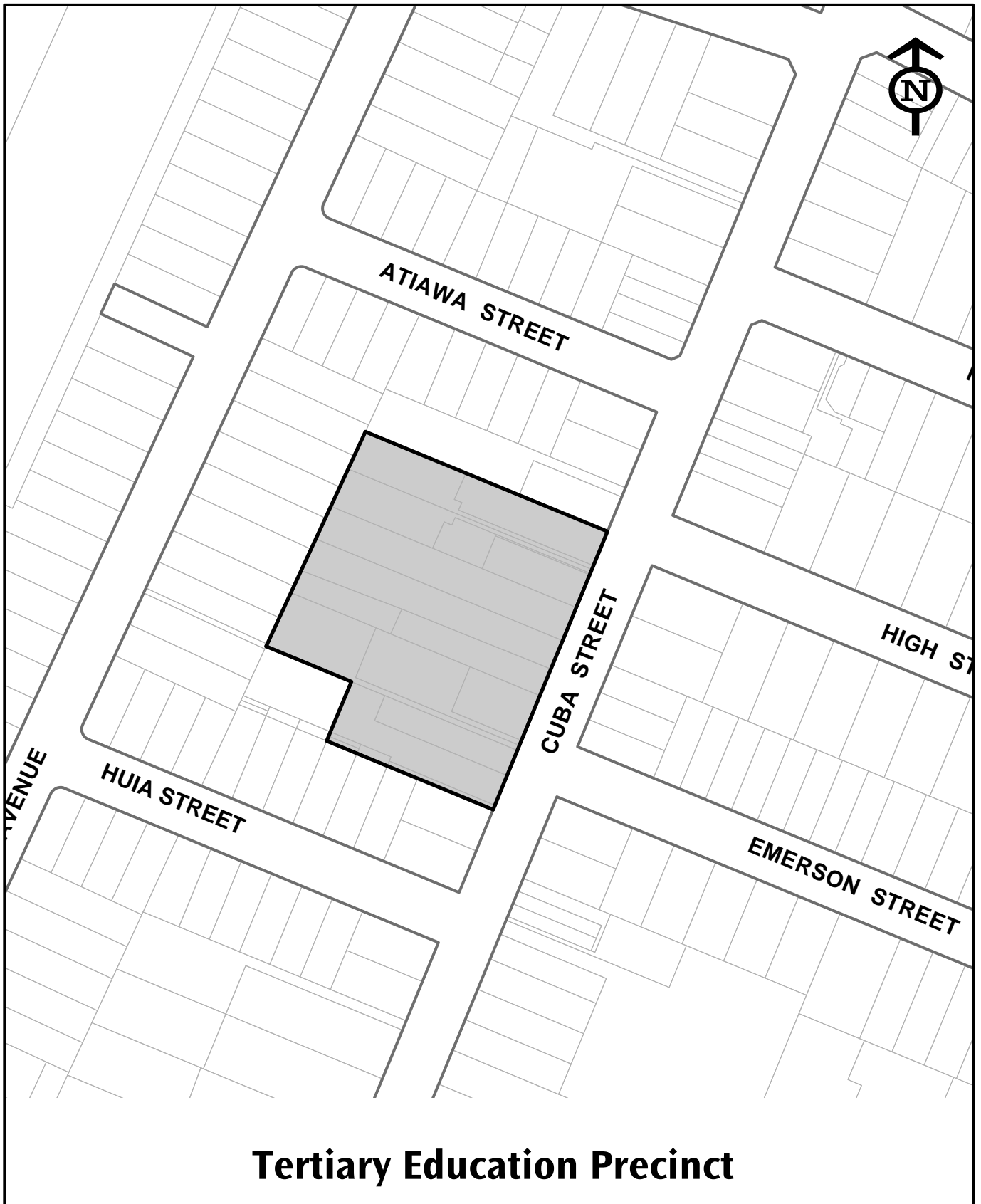
- Artificial light shall not result in added illuminance in excess of 8 lux measured at the window of any dwelling house in a residential activity area.
- The content of any sign shall relate to tertiary education activities provided for within the Tertiary Education Precinct.

Appendix General Residential 20



Tertiary Education Precinct

Appendix General Business 5



Tertiary Education Precinct