

Proposed District Plan Change 43

Residential and Suburban Mixed Use

Decision

At its 4 November 2019 meeting, Hutt City Council passed the following resolution:

That Council:

- (i) receives the information;*
- (ii) approves Proposed Plan Change 43, including the proposed amendments, as recommended by the Hearing Panel and set out in Appendix 1 to the report;***
- (iii) accepts the further evaluation of Proposed Plan Change 43 contained within Appendix 1 to the report;*
- (iv) instructs officers to notify Council's decision to all parties in the process as soon as practicable; and*
- (v) during 2020 – 2021 as part of the District Plan review, prioritise addressing the issue of protecting historic heritage and character in Petone-Moera and elsewhere within the district as suggested by the independent commissioners for Plan Change 43.*

This document is the Council approved Proposed District Plan Change 43, which includes adoption of the amendments recommended by the Hearing Panel, as set out below.

IN THE MATTER OF

the Resource Management Act 1991

AND

IN THE MATTER OF

Hutt City Council - Proposed District Plan
Change 43: Residential and Suburban
Mixed Use

Recommendation of the Hearing Panel

Dated 27 October 2019

Approved by Council on 4 November 2019.

SUMMARY AND KEY FINDINGS

Introduction

1. The overriding resource management issue that Proposed Plan Change 43 ("**PC43**") seeks to address is to provide housing capacity and variety that meets the needs of existing and future residents of Lower Hutt City ("**Hutt City**"). This issue is not new, the genesis of PC43 was the Council's Urban Growth Strategy from 2012. PC43 responds to this issue by enabling a greater variety of, and more intense, residential development with a focus on targeted areas in Hutt City.
2. PC43 is premised on three key types of what we will term the 'heavy lifting' of residential intensification envisaged, being:
 - (a) First, the proposed Suburban Mixed Use Activity Area ("**SMUAA**"), which are spatially defined areas in close proximity to railway stations and/or suburban centres.
 - (b) Second is the proposed Medium Density Residential Activity Area ("**MDRAA**"). This is proposed on the basis of a general 'ring' around the SMUAA.
 - (c) Third is Comprehensive Residential Development ("**CRD**"), and infilling, in the General Residential Activity Area ("**GRAA**").
3. While many submitters before us questioned whether PC43 had struck the right balance, in particular in relation to protecting their existing home and its amenity, few submitters before us argued that there was not a housing issue in Hutt City to be addressed.¹ The key issue during the hearing was rather how residential intensification occurs and in what areas it would best be enabled.²
4. From the submissions and evidence, we have no doubt that housing pressures and demand within Hutt City are leading to significant social and environmental pressures and poor outcomes.
5. We acknowledge the genuinely held concerns, and have recommended amendments to PC43, to respond to the many submissions to the effect that 'my house is my castle', my single biggest investment that my family and I

¹ Some submitters who did not appear raised such issues, and questioned the need for PC43, see paragraph 77 of the s42A Report and the discussion on this issue below.

² With many submitters seeking greater intensification in the CBD.

have struggled hard to afford. Intensification may affect its value, their amenity and enjoyment of it, as well as changing the local environment and community.

6. However, the evidence we found overwhelming was that residential intensification must occur, especially to address social issues and enable reasonable foreseeable future generations (and current generations) to live in Hutt City. Housing choice and affordability is, from the evidence we heard, a significant intergenerational issue in Hutt City.
7. As we address in our report below there is somewhat of a divide among submitters who own their own home and like Hutt City just the way it is and those, typically younger, who do not own a house, do not want a large section and consider that the community wellbeing is being adversely affected by a lack of housing. The National Policy Statement on Urban Development Capacity ("**NPS UDC**") recognises this intergenerational issue stating that councils need to provide for the wellbeing of current generations and they must also provide for the wellbeing of generations to come.
8. We heard compelling evidence as to the effects of unaffordable housing on the wellbeing of the community and the environment of Hutt City, including those with a home (and against PC43) agreeing that housing affordability was a significant concern for their children/grandchildren.
9. That Hutt City is a "*great place to work, live and play*" was used by submitters to illustrate the above issues. Some submitters, who generally owned homes took the approach that PC43 and residential intensification would destroy, or seriously affect, these ideals for Hutt City and not lead to sustainable outcomes. On the other side many submitters said that to ensure the wellbeing of the community, and to provide a vibrant and sustainable future for Hutt City such intensification was necessary and highly desirable.
10. From the evidence we heard Hutt City is not, and never has been, a static environment. As some submitters commented,³ Hutt City is a story of change, responding to the needs of its community and growing with the generations. We consider that in order to provide for its communities and ensure that it remains a place for all its citizens to "*live, work and play*" change has to occur. It is also clear to us from our site visit that change in

³ Mr Young, and Solari Architects.

intensification is presently occurring, but not at the rate that is required to make a meaningful difference.

11. Critically, PC43 gives effect to the NPS UDC. As already mentioned the NPS UDC recognises the intergenerational issues that are in play in the development of, and submissions on, PC43 as well as our consideration of it. Importantly, the NPS UDC states that "*the overarching theme running through this national policy statement is that planning decisions must actively enable development in urban environments, and do that in a way that maximises wellbeing now and into the future.*"⁴ PC43 provides the Council's response (or at least the first stage)⁵ to providing for future residential development in order to give effect to the NPS UDC.
12. Some submitters argued that additional housing can be provided elsewhere, away from where they live, including in other districts. While we favour the evidence we heard, and submissions received, as to the need to deliver housing in Hutt City, even if we had been minded to accept such outcomes the NPS UDC requires the Council (and us) to provide enough development capacity to ensure demand is met within the district. This is for both total aggregate demand for housing and also demand for different types, sizes and locations of housing.
13. PC43 provides for increased housing capacity, and a wider range of housing development, within Hutt City. In summary, it proposes to, in order of decreasing residential intensity:
 - (a) add new SMUAA (Chapter 5E) focused around existing suburban centres and transport hubs;
 - (b) add a new MDRAA (Chapter 4F) around the SMUAAs; and
 - (c) rewrite Chapter 4A, GRAA, to enable greater housing intensity and development options.
14. PC43 responds to the need for Hutt City to provide adequate, and appropriate, housing supply for the people of Hutt City now and into the future.
15. On our site visits we saw the careful attention that the developers of PC43 had gone to in identifying the relevant areas above. We were impressed with

⁴ Preamble, page 4.

⁵ The Council officers explained to us that there will be an ongoing need for greater capacity and this will be provided through future plan changes.

how intensification linked to transport and community/shopping facilities and most importantly to areas of public open space. As many submitters informed us Hutt City is blessed with areas of open space which, from our site visit, are often extensive and well linked.

16. Over the course of 3.5 hearing days we heard detailed and well considered representations, and evidence, from 37 submitters. Submitters often provided us with excellent summary written statements with supporting information, especially photos and presentations. That greatly aided our understanding of their issues. The Council officers and expert advisors provided us with regular updates to provisions and responded (overnight and over weekends) to our questions. The officer's report ("**s42A Report**") and reply documents were excellent and greatly assisted us. We are grateful for their hard work in making our role easier.

Key issues and recommendations

17. During the hearing it became clear to us that the fundamental issue was striking the right balance of intensification within the affected zones for the current and future communities of Hutt City. Critical to this was retaining appropriate levels of amenity, in particular during the transition period during which residential density in an area may intensify, while enabling appropriate levels of intensification to occur to address the clear social and environmental issues (and also to give effect to the NPS UDC).
18. The key issues are:
 - (a) Is there a need for PC43?
 - (b) Is the setting of PC43 right?
 - (c) What are the amenity effects of residential intensification as enabled by PC43 and are they appropriately managed?
 - (d) What are the infrastructure effects (including flooding as it relates to stormwater) of the residential intensification enabled by PC43 and are they appropriately managed?
19. Driven by the fundamental issue of striking the right balance, and giving effect to the NPS UDC, our key findings are that:

- (a) there is a housing supply and affordability issue in Hutt City that the District Plan must address, the status quo will simply not lead to a sustainable outcome;
 - (b) PC43 has been robustly prepared, and its provisions set (including the targeted areas) to appropriately address the resource management issue – that is, to provide housing capacity and variety that meets the needs of existing and future generations;
 - (c) with our recommended changes, in particular the reduction in height of CRD developments in the GRAA from 10-11m to 8m, PC43 appropriately addresses amenity and infrastructure effects of intensification (including in the transitional period as intensification occurs over time);
 - (d) ensuring high quality design outcomes is critical to the sustainable success of intensification and the wellbeing and amenity of communities in Hutt City; and
 - (e) overall PC43, with our recommended changes, complies with all statutory requirements (including giving effect to the NPS UDC) while appropriately managing the adverse effects (especially in relation to amenity and infrastructure) of that intensification.
20. Overall, with our recommended changes, we consider that PC43 provides the right balance and response to intensification for Hutt City. We consider that PC43 provides a sound, and sustainable, start for addressing the housing issue within Hutt City for its existing and future communities. The District Plan needs to respond to provide housing capacity and variety that meets the needs of existing and future generations. The status quo is simply not acceptable and will not achieve the purpose of the Resource Management Act 1991 ("**RMA**") (nor give effect to the NPS UDC).

STRUCTURE OF THIS RECOMMEDATION

21. This recommendation is structured in the following way:
- (a) **Background** including an overview of PC43, notification, the s42A Report, changes proposed by the Council officers through the process, the hearing, nature of the decision and the statutory framework.

- (b) **Administrative and jurisdictional matters** including late submissions and scope issues.
- (c) **Key issues** and our findings on them.
- (d) **Structuring and content of PC43** including objectives and policies, rules (and matters of discretion) and the Medium Density Design Guide ("**Design Guide**").
- (e) **Recommendations and conclusion.**

BACKGROUND

Overview

- 22. The starting point for PC43 was the Council's Urban Growth Strategy from 2012. This strategy set growth targets to provide for 12,000 additional people, and 6,000 additional homes in Hutt City by 2032, predominantly through targeted infill development in key centres.
- 23. In 2014, the Council released a discussion document on providing for residential growth through intensification, and invited public submissions.
- 24. In September 2015, after consideration of intensification issues and the results of consultation, the Council's Policy and Regulatory Committee instructed staff to investigate an approach to development based on:
 - (a) identifying targeted areas throughout the City for 10m high residential development;
 - (b) enabling 12m (3-4 storey) development on Suburban Commercial sites to provide for residential development above commercial uses; and
 - (c) enabling 10m high development on larger sites in General Residential areas.
- 25. An Urban Development Plan was developed with specialist assessments on transport networks, capacity of water infrastructure, natural hazards and urban design.
- 26. The final Urban Development Plan was provided to the Council in September 2016. This recommended three different development types and identified targeted areas for intensification based around suburban centres. These

recommendations, modified in response to further assessments, formed the basis of PC43.

27. The scope of PC43 as notified is set out in the s32 Evaluation.⁶ In particular, the rationale behind PC43, and its development, is set out in the report "Planning for the future – a long-term vision for future housing growth and choice" which was attached to the s32 Evaluation. This document explains the background to the development of the PC43 provisions. In summary:
- (a) it reviewed the current drivers and constraints for development in Hutt City;
 - (b) assessed the appropriateness of the suburbs of the district for intensification (the development of the targeted areas);
 - (c) reviewed the planning framework; and
 - (d) tested the development options (in particular in relation to shading).
28. PC43 seeks the introduction of two new activity areas being:
- (a) new SMUAAs which:
 - (i) enable a range of commercial and residential activities in a medium density built environment of up to 3 or 4 storeys; and
 - (ii) cover selected existing suburban centres with good access to public transport, shops, schools and recreation areas, within Stokes Valley, Taita, Naenae, Avalon, Epuni, Waterloo, Waiwhetu, and Wainuiomata.⁷
 - (b) new MDRAAs which:
 - (i) enable a variety of residential development types up to 3 storeys in height; and
 - (ii) apply to residential properties in close proximity to, and often surrounding, SMUAAs.
29. These areas, and their potential for housing supply and type, along with a summary of their features, were considered in detail in the Grey Partners Report attached to the s32 Evaluation.

⁶ At pages 8-10 and 63.

⁷ Alicetown was included within PC43 as notified. However, we agree with the s42A Report that it be removed.

30. PC43 reviews⁸ the existing General Residential Chapter to enable additional residential growth and provide greater housing flexibility, in the GRAA. It achieves this by:
 - (a) providing for, through a consenting process, Comprehensive Residential Development on larger sites; and
 - (b) enabling infill development, including minor additional dwellings.
31. The Design Guide applies to more intense developments that require resource consent. The Design Guide is important in ensuring that intensification delivers good environmental and social outcomes. As proposed by PC43, supported by the Council officers, the Design Guide was incorporated by reference into the District Plan. For the reasons set out below we recommend that the Design Guide not form part of the District Plan but sits outside it as a guidance document.
32. PC43 also proposes amendments to Chapter 3 Definitions and Chapter 11 Subdivision, as well as a number of consequential changes to other chapters of the District Plan.
33. More detail on the changes proposed in PC43 can be found in the s32 Evaluation and the s42A Report and is not repeated here.

Notification

34. PC43 was publicly notified on 7 November 2017 and submissions closed on 9 March 2018. The summary of submissions was publicly notified on 24 July 2018 and further submissions closed on 21 August 2018.⁹ All affected owners and occupiers in the Residential, Commercial and Business areas were directly notified. Overall, almost 40,000 letters were sent out. During the submission phase 14 information drop-in sessions were held.
35. 253 submissions were received (with 10 late submissions) and 10 further submissions were received (with 3 late further submissions). Late submissions are addressed below.
36. To assist submitters the Council appointed Ms Sue Piper as the 'Friend of Submitters'. Our Minute of 11 June set out what her role was to include. Ms Piper provided a Memorandum to the Hearing Panel dated 30 August 2019 stating that she contacted (twice) all submitters inviting them to contact her if

⁸ S42A Report, paragraph 30 uses the word "rewrites" and in many places "replaces" occurs.

⁹ One incorrectly summarised submission was renotified for further submissions.

they wished. 14 submitters contacted her and she assisted them as required in line with our Minute.

Officer's Report

37. Council officers provided a s42A Report. The s42A Report provides an analysis of issues raised in submissions and recommended changes in response, and was published on 26 July 2019.
38. The s42A Report includes a number of recommended changes to the proposed plan change in response to submissions received.¹⁰ In summary, the key changes proposed are:
- (a) a new definition for Stormwater Neutrality;
 - (b) a new policy encouraging raised floor levels in flood hazard areas in each of the three zones.
 - (c) in relation to the GRAA:
 - (i) for Comprehensive Residential Development:
 - (1) increasing the Building Height standard (10m) to allow an additional 1 metre (over 50% of the roof) for roofline variation; and
 - (2) amending the matters of discretion to include reference to historic heritage on site;
 - (ii) two changes to the scheduled sites section of the General Residential Chapter – the addition of the Silverstream Retreat as a scheduled site, and an amendment to the Waterloo Bus Depot;
 - (d) in relation to the MDRAA:
 - (i) amending the Building Height standard to allow an additional 1 metre for roofline;
 - (ii) increasing the Recession Plane standard to 3.5m+45° for site boundaries within the activity area; and
 - (iii) making a minor change to the Outdoor Living Space standard to provide greater flexibility;

¹⁰ S42A Report, Appendix 1.

- (e) in relation to the SMUAA increasing the Building Height standard to 12m to provide for greater commercial ceiling heights and to enable roofline variation;
- (f) several changes to the Design Guide to provide further guidance and clarity;
- (g) several Spatial Zoning Changes being:
 - (i) removing the Alicetown Targeted Area (in response to further information regarding historic character and natural hazards);
 - (ii) reducing the extent of the targeted area in Wainuiomata in response to updated information relating to stormwater;
 - (iii) rezoning a number of residential properties at Oxford Terrace, Waterloo;
 - (iv) rezoning from SMUAA to MDRAA (in response to concerns raised by Ms Gallen and Mr Doyle in their submission); and
 - (v) changing the zoning of a property at Copeland Street that was subject to a separate plan change, from GRAA to MDRAA.

Changes proposed through Council rebuttal evidence and position during the hearing

39. In addition to changes proposed by the Council officers in the s42A Report, further changes were proposed in rebuttal evidence as follows:
- (a) in response to KiwiRail's evidence amendment to Rules 4A 4.2.5 and 4F 4.2.4 to prevent, as a permitted activity, accessory buildings being built in a side or rear yard adjoining the rail corridor; and
 - (b) in response to Housing New Zealand's ("**HNZ**") submission amending Objective 5E 2.4 to try and resolve a potential conflict raised by HNZ between that objective and Objective 5E 2.3.
40. The Council officers also provided a document outlining agreement reached during pre-hearing discussions with Greater Wellington Regional Council ("**GWRC**").¹¹ Ms Harper, on behalf of GWRC, told us that GWRC supported PC43 and its consistency with regional planning documents. She considered that it gives effect to the National Policy Statement for Freshwater

¹¹ Response to statements of evidence of Lucy Harper and Sharyn Westlake for GWRC, 23 August 2019.

Management ("**NPS FM**") and NPS UDC. In terms of broader outcomes it will address vibrance and the sense of community. In her summary she considered it "all fits together".

41. We appreciate the effort of both councils in resolving the matters in dispute between them such that we are provided with joint proposal that address GWRC's concerns¹² with PC43, including that District Plan provisions already appropriately address GWRC's transport issues. Further proposed changes to PC43 that were agreed were, in summary:
 - (a) amending Policy 4A 3.10 of the General Residential Chapter to encourage maintenance of water quality in comprehensive residential development;¹³
 - (b) amending the comprehensive residential development provisions to require stormwater treatment for larger scale developments;
 - (c) amending Policy 4A 3.8 to "require" medium density development to be in accordance with the Design Guide, rather than "encouraging" it;
 - (d) a minor wording change to the recommended policy on floor levels in flood areas for clarity; and
 - (e) reducing the areas of Suburban Mixed Use and Medium Density Residential in Waiwhetu in response to further information on flooding hazards provided by GWRC.
42. In relation to the submitters who tabled further statements, the opening submissions of the Council officers commented that in light of the tabled statements from Z Energy and BP Oil one further change to the Design Guide in response to delete an illustration that was recommended to be added to the Design Guide in the s42a Report.
43. Finally, in closing submissions the Council officers proposed the following amendments:
 - (a) minor changes to matters of discretion to aid consistency/clarity;
 - (b) minor changes to the Design Guide to aid consistency/clarity;
 - (c) including reference to positive effects in matters of discretion for Rules 4A 4.2.1, 4A 4.2.9 and 4A 4.2.10;

¹² There are no outstanding concerns remaining for GWRC.

¹³ This also addresses in part concerns raised by Friends of Waiwhetu Stream.

- (d) additional guidance in the Design Guide relating to storage/bike parking and historic character;
- (e) further minor amendments to Objective 5E 2.4;
- (f) new provisions requiring rainwater tanks for new developments; and
- (g) a number of minor/technical amendments.

The hearing

- 44. The Hearing Panel has read all of the background material associated with PC43, including the notified version of PC43, the s32 Evaluation Report and the s42A Report. The Hearing Panel has also read all of the submissions filed.
- 45. The hearing commenced on Monday 2 September 2019. We heard opening submissions and the evidence from the Council, followed by representations and evidence from 37 submitters.¹⁴ We adjourned on Wednesday 4 September 2019.
- 46. On Friday 13 September 2019 we undertook a comprehensive site visit of Hutt City visiting the locations that had come up in submissions during the hearing. This included driving around Petone, Alicetown, Moera, Waiwhetu, Waterloo (including Marina Grove), Epuni, Naenae, Avalon, Taita, Maungaraki, Wainuiomata (including the green fields growth area to the north) and Hutt CBD.¹⁵ This site visit gave an excellent on the ground understanding of the issues raised during the hearing and is referred to in our decision below.
- 47. Having completed the site visit the hearing resumed with the Council officers' reply. Having sought some additional material from the Council officers we adjourned again and, having received that information, we formally closed the hearing on 17 September 2019.

Nature of our recommendations

- 48. The Hearing Panel members are all accredited in accordance with section 39A and 39B of the RMA. We were appointed by the Council to hear submissions on PC43 and to make a recommendation to the Council. It is

¹⁴ For a list of those submitters who appeared at the hearing see the hearing timetable on the website.

¹⁵ We did not visit the Stokes Valley Targeted Area.

the Councillors who will make the final decision on whether to accept our recommendations.

49. Our recommendations are unanimous.¹⁶
50. Some submitters questioned Mr Munro's position on the Hearing Panel as he has been an expert witness for Summerset retirement village in a separate matter.¹⁷ The constitution of the Hearing Panel is a matter for the Council to decide. That said, in response to the concerns raised, Mr Munro took no part in the deliberations or decision relating to the effects of, and submissions on, PC43 in Boulcott.
51. The same submitters also questioned the independence of Ms Sinclair on the sole basis she sat on the hearings panel for an earlier plan change (PC35). Ms Sinclair has continued to decide all parts of PC43.
52. While our appointment rests with the Council, Mr Allen as Chair supports the position adopted by the Council in relation to both commissioners. Mr Munro has taken no part in deciding what responses (if any) through PC43 are appropriate in the Boulcott area. That is a common, and appropriate, response and ensures no conflict of interest (real or perceived) arises. In Mr Allen's opinion, the mere fact that Ms Sinclair sat as a commissioner on PC35, a site-specific plan change, is no reason for her not to sit on PC43 which relates to wide areas of the district (including Boulcott) but does not interfere with PC35. Irrespective, as she is required to do, Ms Sinclair has focused solely on the submissions and evidence in this case in coming to her decisions.
53. We received an email¹⁸ from Mr McLauchlan stating that he would not appear at the hearing as, in his opinion, the whole process is flawed, and the decision is preordained. That is Mr McLauchlan's view, and it is his right not to appear. Irrespective, Commissioners Sinclair and Allen have read and considered all relevant submissions in reaching their decision in relation to the Boulcott area.
54. A separate decision in relation to the Boulcott area is at the end of this decision.

¹⁶ In relation to the Boulcott area the is between Ms Sinclair and Mr Allen as addressed below.

¹⁷ With Summerset also making a further submission on PC43.

¹⁸ 28 August 2019.

55. Finally, for completeness, we have read and adopt the s32A Evaluation relating to Precincts and Scheduled Sites¹⁹ and Consequential Changes.²⁰ Some have been altered through the s42A Report and we accept those changes.

Statutory framework

RMA

56. Obviously, our decision must accord with the statutory framework set out in the RMA and summarised in various Environment Court cases, most recent being *Colonial Vineyards v Marlborough District Council*.²¹ The statutory requirements are set out in the s32 Evaluation²² and we adopt them. We have applied the relevant statutory provisions in making our decision, including Part 2 (as relevant), ss31, 32, 32AA and 72-76 and sch 1 of the RMA. In particular, where our recommendations differ from those set out in the s42A Report, we have set out our section 32AA further evaluation. In particular, with the recommendations we propose, we consider that PC43 will assist the Council to carry out its functions in order to achieve the purpose of the RMA.
57. We received submissions from one submitter before us, Petone 2040, on the general statutory framework reminding us in particular of the importance of ss74 and 32 of the RMA, the role of Part 2, the need to give effect to the NPS UDC and the Greater Wellington Regional Policy Statement ("**RPS**") (s75(3)). We have borne those provisions (and their requirements) in mind and applied them as required by the RMA.

NPS UDC

58. Again, the NPS UDC was assessed in the s32 Evaluation²³ and we adopt that analysis.
59. The NPS UDC was gazetted in 2016. Hutt City Council must give effect to it when developing and approving PC43. The NPS UDC requires councils to, as a matter of national significance, plan for enabling urban environments to grow "*in response to changing needs of the communities and future generations*" and to provide enough space for their populations to "*happily*

¹⁹ Pages 89-139.

²⁰ Pages 140-145.

²¹ [2014] NZ EnvC 55, at [17].

²² At pages 19-22.

²³ At pages 34-37.

live and work".²⁴ Extra development can be achieved through intensification (going up) and expanding out (greenfields). Mobility and connectivity are recognised as important to achieving well-functioning urban environments. Planning should promote accessibility and connectivity between housing and business.

60. The NPS UDC states that "*the overarching theme running through this national policy statement is that planning decisions must actively enable development in urban environments, and do that in a way that maximises wellbeing now and into the future.*"²⁵ The NPS UDC requires the Council (and us) to provide enough development capacity to ensure demand is met. This is for both total aggregate demand for housing and also demand for different types, sizes and locations.

61. The statement of national significance in the NPS UDC is:

"This national policy statement is about recognising the national significance of:

- a) Urban environments and the need to enable such environments to develop and change; and*
- b) Providing sufficient development capacity to meet the needs of people and communities and future generations in urban environments."*

62. The objectives and policies of the NPS UDC are addressed in the s32 Evaluation. A key driver through policy PA1 is the identification of short-term, medium-term and long-term development capacity with different implementation requirements applying. We consider that, with the changes we recommend, PC43 gives effect to the objectives and relevant policies of the NPS UDC. In particular PC43's focus on:

- (a) providing development capacity at all time scales;
- (b) careful consideration of infrastructure demands (and use of targeted areas);
- (c) provision for the wellbeing of people and communities (including future choices); and

²⁴ From the Preamble.

²⁵ Preamble, page 4.

- (d) the benefits PC43 will deliver to the communities of Hutt City in terms of urban development and housing choice.

Remaining policy framework

63. The s32 Evaluation addressed the relevant planning framework, and policy provisions in detail, including the RPS.²⁶ In particular, Objective 22, and its associated policies, strongly align with PC43. The s32 Evaluation includes consistency with other district plans in the Wellington region and also other relevant planning/policy documents. We agree with its contents and adopt it. We have considered the relevant planning provisions in coming to our recommendations.

ADMINISTRATIVE AND JURISDICTIONAL MATTERS

Late submissions

64. As set out above there were 10 late submissions and 3 late further submissions.
65. In relation to the late submissions as set out at paragraph 71 of the s42A Report we agreed with the reasons set out in the s42A Report and, at the start of the hearing, accepted those submissions. In particular, in relation to s37 of the RMA, we were satisfied that the interests of any relevant person would not be adversely affected (there is no prejudice) and that accepting these late submissions has not caused any delay to the process.²⁷
66. However, two late further submissions were provided during the hearing (over 12 months since the further submission period closed).
67. On 4 September 2019 the Royal Forest and Bird Society of New Zealand Inc ("**Forest & Bird**") provided a further submission opposing Hutt City's submission seeking that vegetation clearance in the GRAA, MDRAA and SMUAs be permitted. The further submission raised issues of scope of the Council's submission seeking a vegetation clearance provision, the lack of grounds given by the Council for requesting the provision and that the rules would enable the clearance of all vegetation, including in areas identified as significant but not yet given protection through any planning mechanism.²⁸

²⁶ At pages 37-51.

²⁷ We therefore reject the further submission of Mr Shierlaw that the Council's late submission be rejected.

²⁸ Contrary, it is submitted to section 6(c), and relevant policies of the RPS and NZCPS (it not being clear from the submission how far the coastal environment extends into the Hutt Valley).

68. On Tuesday 10 September 2019 (during the hearing) Mr Daniel Jones also provided a late further submission on the same issues as Forest & Bird.
69. On 13 September Forest & Bird filed a memorandum. The issue arose from a separate plan change (PC36) presently before the Environment Court. The Council had misinterpreted what the current District Plan provides in the GRAA. We understand that through an appeal by East Harbour Environmental Association Incorporated on PC36 (Notable Trees and Vegetation Removal), there is a s293 process being undertaken and that Forest & Bird has submitted in opposition to that (with a hearing in November).
70. Neither Forest & Bird, nor Mr Jones, attended the resumed hearing on 13 September 2019. However, counsel for the Council²⁹ provided us with written advice dated 13 September 2019 and oral comments during the resumed hearing. Counsel explained the history to the matter and that the appeal by East Harbour Environmental Association Incorporated related solely to the Landscape Protection Residential Activity Area and the Hill Residential Activity Area. In addition to applying to these areas, the s293 process also applies to the GRAA and Special Residential Activity Area. The provisions sought are the same as sought for the GRAA in PC43.
71. We do not grant a waiver for the late further submissions from Forest & Bird and Mr Jones. Our key reason is that the delay is simply too long such that there is prejudice to other parties (without giving them the opportunity to respond which would delay the decision). We agree with, and adopt, the advice from counsel for the Council.
72. Further, we understand that a similar amendment forms part of the s293 process on PC36. We cannot wait for the Environment Court to hear, and decide, any changes to PC36. We need to decide PC43 as it is before us, and for which the 2-year time period for a decision, without Ministerial approval, expires shortly.
73. Finally, in their submission and memorandum Forest & Bird quite rightly point to the relevant RMA (including Part 2) and planning provisions (including the RPS) requiring the identification and protection of significant natural areas ("**SNAs**"). Our issue though is that on the evidence before us we have no knowledge of any SNA's being within the areas affected by PC43. Indeed, in

²⁹ Ms Manohar and Mr Quinn.

response to questions Council officers stated that the provision was appropriate for the GRAA. If there are such areas, then future plan changes will need to address them. We note too, as above, that PC43 only applies to the GRAA, MDRAA and the SMUAA. There are many other activity areas in Hutt City that are not affected by PC43.

74. Irrespective of our position not accepting these late submissions, we consider that the further submission by the Council seeking the inclusion of the vegetation Rules were within scope. This is because it is within the extent of the alteration to the status quo which PC43 seeks to achieve and no party was prejudiced. Given the late nature of these submissions we had already, at the start of the hearing, accepted all late submissions (and further submissions) which were then before us.

Other jurisdictional matters

Scope

75. Issues of scope arose in three submissions being:

- (a) HNZ (in relation solely to rezoning of larger areas for MDRAA);
- (b) KiwiRail; and
- (c) Petone 2040.

76. The s42A Report attached³⁰ legal advice from counsel for the Council. While this advice related solely to HNZ's submission all counsel before us accepted the legal principles it set out, including using the test applied by the High Court in *Palmerston North City Council v Motor Machinists Limited*³¹ ("**Motor Machinists**") that:³²

- (a) the submission must address the proposed plan change itself, that is, it must address the extent of the alteration to the status quo which the change entails; and
- (b) the Council must consider whether there is a real risk that any person who may be directly affected by the decision sought in the submission has been denied an effective opportunity to respond to what the submission seeks.

³⁰ Appendix 8.

³¹ [2013] NZHC1290 at [80]-[82].

³² Legal advice of counsel for the Council dated 4 June 2019, paragraph 7.

77. When considering the first limb counsel went on to state that "*whether the submission falls within the ambit of the plan change may be analysed by asking whether it raises matters that should be addressed in the section 32 report ...*"³³ Counsel advised in relation to the second limb that "*the risk the Council must guard against is that the reasonable interest of others might be overridden by a submissional side-wind.*"³⁴

HNZ

78. Starting with HNZ, the Council's legal advice appended to the s42A Report concluded that the submission falls outside of the ambit of PC43³⁵ and there is a real risk that affected landowners would be denied the opportunity to respond to the additional changes.³⁶

79. Counsel for HNZ, in legal submissions, argued that PC43 redrafts the GRAA, and adds the new MDRAA, to provide for greater residential intensification. Therefore, the "*areal reach of PC43*"³⁷ is not extended such that a "*reasonably prudent landowner*"³⁸ would have reviewed the summary of submissions and been alerted to, and considered, the extensions to the MDRAA sought by HNZ (meeting the first limb of the *Motor Machinists* test). Therefore, and given the significant changes included within PC43, affected persons had a real opportunity to participate in the process such that procedural unfairness does not arise (meeting the second limb of the *Motor Machinists* test).

80. In response to HNZ's submission counsel for the Council remained of his initial opinion. In reply³⁹ the Council officers noted that analysis of the targeted areas requested by HNZ has not occurred in relation to matters such as transport, infrastructure, and hazards.

81. We agree with counsel for the Council that the zone extension submission by HNZ is not on PC43. We accept the intent of PC43 is to provide for increased housing supply and variety in Hutt City. We also accept that the further submission process provided an opportunity for interested persons to be involved but that the extent of the change was greater than anticipated and was unknown by all submitters who we asked during the hearing. Overall, we consider that the rezoning sought by HNZ is so extensive, and

³³ Legal advice of counsel for the Council dated 4 June 2019, paragraph 8.

³⁴ *Ibid.*

³⁵ Legal advice of counsel for the Council dated 4 June 2019, paragraph 18.

³⁶ Legal advice of counsel for the Council dated 4 June 2019, paragraph 20.

³⁷ Legal submissions on behalf of HNZ, 30 August 2019, paragraph 5.5(e).

³⁸ Legal submissions on behalf of HNZ, 30 August 2019, paragraph 5.5(c).

³⁹ Point 27.

the difference between GRAA and MDRAA too great,⁴⁰ as to not be within that contemplated by PC43, especially without a full s32AA evaluation.

82. Further, no evaluation, or evidence, was provided on the implications of such an extensive extension of medium density development on relevant issues such as hazards (including flooding), infrastructure (including wastewater and transport), and social effects of such extensive and intensive development. Council officers referred to the lack of such analysis in their reply.⁴¹
83. Even if we are wrong on scope, while we listened to and considered HNZ's submission carefully, without evidence from HNZ as to the effects of the significant increase in medium density development it seeks, we have no evidence before us and are unable to undertake a s32AA evaluation. We did hear evidence, and submissions, provided by the Council and submitters as to the need to strike the right balance when enabling intensification and the effects of intensification (see below). Therefore, on the evidence before us, irrespective of scope, we would not grant the MDRAA extensions sought by HNZ.

KiwiRail

84. The Council officers raised scope concerns in their rebuttal evidence in relation to KiwiRail's request for setback controls for built development alongside the rail corridor. The Council officers considered, supported by advice from counsel for the Council, that the proposal was outside the scope of PC43 as "*it did not include specific provisions to address or restrict built development in the proximity of the rail corridors.*"⁴²
85. Counsel for the Council, in advice of 22 August 2019, noted that no setbacks are proposed through PC43 to protect infrastructure and that the s32 Evaluation states that no areas of proposed intensification are located where they could affect, or be affected by, incompatible regionally significant infrastructure.⁴³ Counsel concluded that the setbacks sought are not addressed in the s32 Evaluation (although arguably it should have been) and overall the setback is not clearly linked to the purpose of PC43.⁴⁴
86. In relation to the second limb of the *Motor Machinists* test, counsel for the Council considered there was "*some risk*" that affected persons would not

⁴⁰ As noted in the Council's reply, point 27.

⁴¹ Officer's right of reply, 13 September, point 27.

⁴² Rebuttal evidence of the Council officers, paragraph 8.

⁴³ Attachment A to the Rebuttal Evidence of the Council officers, dated 23 August 2019, paragraph 17.

⁴⁴ Ibid, at paragraph 19.

have had notice to respond to KiwiRail's submission (especially as no infrastructure setbacks were proposed).

87. Counsel for KiwiRail submitted that the setback provision was within scope due to the broad nature (and area) of PC43. In summary KiwiRail's position is that providing setbacks from the corridor (for safety and amenity reasons arising from intensification) neither affects the purpose of PC43, nor is it radically different from what could be contemplated. Therefore, counsel submitted that KiwiRail's submission clearly falls within the first limb of the *Motor Machinists* test.
88. In relation to the second limb of the *Motor Machinists* test and whether there is a "real risk" that affected persons have not had the opportunity to participate, counsel for KiwiRail stated that the changes were an obvious response to potential intensification near the rail corridor.
89. Having heard from KiwiRail, counsel for the Council maintained his position on scope, but noted that it was finely balanced. In reply the Council officers remained of the opinion that the setback sought goes beyond PC43 and the status quo.
90. Having carefully considered the arguments we agree with counsel for KiwiRail that its submission seeking setbacks is within scope of PC43. In particular we see it as a technical matter directly linked to amendments to the provisions to enable greater intensification. We also consider that, in the circumstances, there was no "real risk" of affected persons not being involved if they had wanted to be.
91. Our substantive decision on KiwiRail's submission is below.

Petone 2040

92. In their rebuttal evidence the Council officers considered that various submission points raised by Petone 2040 were outside the scope of PC43.⁴⁵ The Council officers considered that traditional character areas, introduction of age-related demolition controls and restrictions on additions or alterations within character areas were not within the purpose of PC43 (in fact they would restrict intensification), nor had there been consultation with the public. Further, the current District Plan does not protect character areas, no comprehensive City-wide assessment has been undertaken and such

⁴⁵ Rebuttal evidence of the Council officers, paragraphs 42 and 44.

changes would require a separate plan change. In their reply,⁴⁶ Council officers noted that such protections, in particular, historic, had been controversial and rejected by the Council in the past. Council officers remained of the opinion, in their reply, that specific character protection in Petone (and Moera) was neither within scope, nor required.

93. Counsel for the Council, having considered and applied the test in *Motor Machinists* to the circumstances, including the lack of such consideration in the s32 Evaluation, concluded:

- (a) that the submission (excluding those relating the Design Guide) falls outside the ambit of PC43;⁴⁷ and
- (b) that the submission would alter PC43 to an extent that people who were not affected by the plan change as notified would not have anticipated such an outcome and hence been prejudiced.⁴⁸

94. In its opening comments Petone 2040 noted that the scope of PC43 was very wide, providing a redraft of the GRAA provisions. Petone 2040 argued that, at least to changes to existing discretionary activities, submissions that seek to retain the status quo, or seek to retain a particular discretion, do not go beyond scope. Petone 2040 tied this last point to the Council's acceptance of the submissions on the Design Guide being within scope.

95. Petone 2040 accepted that its proposed demolition controls would be outside scope if demolition in the GRAA was a permitted activity, which it questioned. Council officers remained of the position that demolition was a permitted activity.⁴⁹

96. Overall, we do not consider that Petone 2040's submission, apart from those points relating to the Design Guide, are on PC43. We agree with the reasons given by the Council officers and counsel for the Council, in particular that the s32 Report does not address such issues (and nor should it given the intent of PC43) and there is, in our opinion, a real risk that affected persons have not had the opportunity to be involved. We also agree with the Council officers that a separate plan change process, with a robust s32 evaluation, is required to address these points.

⁴⁶ At point 16.

⁴⁷ Attachment A to the Rebuttal Evidence of the Council officers, dated 23 August 2019, paragraph 12.

⁴⁸ Ibid, at paragraph 13.

⁴⁹ As per paragraph 143 of the s42A Report. That is consistent with what we were told during the hearing by Ms Tindale for AT Better Planning.

97. We received comprehensive evidence from Mr Chris McDonald as to the traditional character, and historic heritage, associated with Petone (and Moera). While this evidence provides a robust starting point for the Council to advance a plan change the Council would also need to undertake a s32 evaluation (with the type of consideration which we were not provided). We encourage the Council to assess the matters raised by Mr McDonald and in the statutory and policy provisions raised by Petone 2040 both in Petone and, as relevant, across the district. If appropriate a plan change could then be advanced.
98. In relation to Petone 2040's submission on the Design Guide we address that in detail below. Due to our changes to the Design Guide, and how it operates, this has resulted in a new matter of discretion being proposed relating to historic character in Petone-Moera.

KEY ISSUES RAISED IN SUBMISSIONS

99. This section provides an overview of the key issues raised in submissions. Greater detail can be found in the s42A Report.⁵⁰ We accept the s42A Report summary and do not repeat here. Rather we reference some specific issues and comment more fully on the evidence and representations from the hearing.
100. As stated above, we have read all submissions from submitters who did not appear at the hearing and applied them in our decisions below.
101. Some submitters who initially stated they wished to be heard filed further written material but did not seek to appear. Again, we have read that material and included it in our decision-making. Three submitters, Powerco, Summerset Villages, and Fire and Emergency NZ, tabled statements saying that they support the officer's recommendations in the s42A Report in relation to their submissions and would not attend the hearing.

IS THERE A NEED FOR PC43?

Submissions

102. As set out in Section 4.2 of the s42A Report 12 submitters questioned the need for PC43. In summary, key submission points questioned:

⁵⁰ Section 4.

- (a) whether the projected population growth forecasts were accurate (with population not increasing much in the last 10 years and a decline in business);
 - (b) a lack of evidence of demand for the types of housing enabled;
 - (c) that intensification does not address housing affordability; and
 - (d) medium density intensification is not wanted by the community.⁵¹
103. Some submitters⁵² before us argued there was a lack of demand for the intensification enabled by PC43 and that there was no sound basis for it (relying, in particular, on the Grey Partners Report). We were told that until recently there had been limited development, and growth, in the district. Mr and Mrs Perry's opinion that "*Council officers have seriously overestimated ... the need for new housing, their over optimistic assessment perhaps influenced by an anxiety to see population growth in a city where until recently numbers have long been near static*" summed up the position for a number of submitters.
104. Some submitters argued that development is now occurring within the district (with a number helpfully providing photos) such that further relaxation of the planning provisions is unnecessary. Further, we were told that houses delivered by PC43 will not be affordable.
105. As Mr Darby commented in his submission "*the sacrifices of environmental and amenity values that would arise from Hutt City Council's proposals have not been justified by valid societal needs, because the need for, and longer-term consequences of, the proposed type of building are neither well-founded nor fully researched ...*" Mr and Mrs Perry explained that with young adults now living at home much longer, and baby boomers downsizing and entering retirement villages, family homes were being liberated for the younger generation. Their opinion was that the rationale of PC43 was on the assumption (rather than solid evidence) that if housing is provided then people will come.
106. As set out in Section 4.2 of the s42A Report 14 submitters stated that PC43 is required. In summary, key submission points were that:
- (a) it would assist in addressing housing affordability;

⁵¹ This last point is emphasised in Mr Shierlaw's submission.

⁵² Including before us Ms Gallen and Mr Doyle, Mr Darby, Mr Opie and Ms Jackson, Mr and Mrs Perry, Mr and Mrs Arlidge and Mr and Mrs Steele.

- (b) the current District Plan provisions are not working in providing for adequate and appropriate housing in the district; and
- (c) it enables a broader range of housing types and intensification.

107. In support of the need for PC43 we heard from a number of submitters⁵³ that:

- (a) there are acute housing, and affordability,⁵⁴ issues in Hutt City;
- (b) there is high demand for smaller units (apartments/infill);
- (c) younger staff cannot afford to live in Hutt City, especially in single dwelling detached houses;
- (d) housing affordability is a "*massive issue*"⁵⁵ for younger generations;
- (e) they (and many others) were happy to live in, and looked for, smaller houses and more intensively developed areas;
- (f) good access to public transport links and community services (and shopping centres) enabled better environmental outcomes;
- (g) intensification would help the viability and vibrancy of local centres;
- (h) intensification at transport nodes would help change transport habits (which many submitters told us were already changing) and reliance on private vehicles and encourage active transport (with health benefits);
- (i) intensification will help address social effects (including mental health) and community wellbeing (with people living in garages etc)⁵⁶; and
- (j) intensification will 'make Hutt City better' and a 'great place to live'.

108. Hutt City Youth Council commented in their presentation that housing availability and affordability was to them the biggest issue facing Hutt City.⁵⁷ They also made it clear that their aim was that everyone should have access to housing, with other submitters commenting that homelessness and overcrowding was an issue that affected the wellbeing of the Hutt community. As Mr Young stated "*we don't have enough houses for existing residents. Need to keep this in forefront of mind.*"

⁵³ For example, Mr Young, Hutt City Youth Council, Design Network Architecture Limited, Dr Mead, AT Better Planning, Ms Clendon, Mr ter Borg, Mr Heuser, Regional Public Health, Ms Kirkland and Mr Matcham.

⁵⁴ Mr Houser explained to us the gap between incomes and house prices and the associated affordability effect.

Mr Young stated that affordability is why he is still living with his parents.

⁵⁵ As expressed by Mr Paul Steele.

⁵⁶ Hutt City Youth Council told us it used to be unusual to see homeless people, now it is common and visible. This, they submitted had to be addressed.

⁵⁷ This was supported in the submission of Mr Matcham.

109. Some saw the need for, and benefits of, PC43 as obvious. Mr Macham stated "*it is clear that not only is there currently a housing shortage but that [it] will if existing practices are maintained ... only get worse.*" Conversely to some submitters above, Mr Matcham's opinion was that population growth is likely to increase faster than projections rather than slower.
110. Those same sentiments were reflected in Ms Kirkland's submission.⁵⁸ She stressed the severe housing affordability issue in the district and the social effects this was having in the community. She also emphasised from an affordability perspective the importance of locations by public transport networks for low socio-economic communities especially, as they have limited access to private transport (and it is expensive).
111. In relation to health benefits of PC43 Regional Public Health commented "*Compact growth supports increased opportunities for active transport, recreation and social interaction, improved air quality and supports local economies, which can lead to direct or indirect positive health benefits. In addition, to ensure good health outcomes, housing needs to be affordable, secure, dry and warm.*"

The Council officers' position

112. The reasons supporting the advancement of PC43 and why it is needed are set out in detail in the s32 Evaluation.⁵⁹ We refer to these provisions and the reasoning given. The s32 Evaluation recognises that until recently Hutt City has experienced lower population growth than surrounding districts, but the population is changing with different housing demands. This was consistent with submissions we received (as above). Within the GRAA there has been limited uptake for new multi-unit developments (again this is changing).
113. A detailed analysis of the Lower Hutt population and its housing needs was provided in the Grey Partners Report attached to the s32 Evaluation. The Grey Partners Report, dated December 2016, is now somewhat dated. However, it was referred to by a number of submitters (both supporting⁶⁰ and opposing the need for intensification), so we will briefly summarise it here. In summary, this report first considered who the likely buyers of intensive housing stock would be. Unsurprisingly, different housing types will appeal to different housing markets. In the author's opinion the then latest census

⁵⁸ On behalf of members of St David's (Naenae & Eponi) and St Matthew's (Taita) Anglican Churches.

⁵⁹ At pages 6-8, 10-12, 23, 53-59.

⁶⁰ Including Mr Opie and Ms Jackson who used parts of it to support their position that resource consents are not preventing development and that, at least until 2016, there has been limited development uptake (and demand).

growth projections understated Hutt City's future growth potential. Following the Urban Growth Strategy, the report suggests adopting a new housing target of 6,000 units over 30 years.

114. The Grey Partners Report found that Type A (intensive mixed use) provisions would work best in high-values areas.⁶¹ It saw these areas as part of the longer term planning vision and that they were unlikely to make a substantial contribution to new housing over the planning period.⁶² Type B (intensive residential) would favour development in most of the proposed areas with a much higher potential yield of new units than Type A (although varying in likely uptake across different value areas). Type C (CRD) could be far more effective at providing new housing but the lots size was recommended to be reduced to 1,400m² as the number of 2,000m² lots is so few (around 40).
115. Overall, the Grey Partners Report found that the proposed intensification areas (and package) were "*likely to make a positive contribution to meeting HCC's growth targets, but are unlikely in themselves ... to deliver enough new housing to meet the shortfall between the city's currently planned pipeline ... and expected housing demand.*"⁶³ To meet the shortfall greater use of the CBD and Petone central, plus more intensive greenfield development, would also be required.
116. The submissions we heard, and the Council's own evidence (and more recent modelling) as addressed below, is that since 2016 Hutt City has been growing and housing demands (including prices), and developments, have increased. As mentioned elsewhere in this report, we saw signs of that development during our site visit.
117. The s32 Evaluation⁶⁴ sets out the anticipated population growth. Growth is not anticipated in all age groups, nor evenly across Hutt City. The s32 Evaluation acknowledges the need for smaller dwelling sizes and that housing supply is important for housing affordability (with house prices increasing over time). While it notes that house prices in some areas are still lower than the national average they are not affordable as many residents earn below the national average.
118. The resource management issue identified in the s32 Evaluation was "*To provide housing capacity and variety that meets the needs of existing and*

⁶¹ CBD, Eastbourne, Petone, Alicetown and over time Waterloo.

⁶² At page 46.

⁶³ At page 2.

⁶⁴ At pages 53-55.

future residents."⁶⁵ We accept that issue and note that it aligns with the direction required by the NPS UDC.

119. In summary, in relation to the need for PC43 the s42A Report sets out that:

- (a) The NPS UDC requires the Council to provide for development capacity through the District Plan.⁶⁶
- (b) Lower Hutt's demographics are changing, increasing demand for different types of housing as a result.
- (c) The Council's 2012 Urban Growth Strategy seeks to provide for more urban intensification to:
 - (i) encourage greater levels of population growth;
 - (ii) provide for a broader range of housing types; and
 - (iii) support the economic prosperity of commercial centres.
- (d) There is limited potential for greenfield development in Lower Hutt and greenfield development alone cannot provide for the housing growth required to meet the aspirations of Council's Urban Growth Strategy or obligations under the NPS UDC.

120. Council undertook modelling (working with other councils) to respond to the requirements of the NPS UDC. Three models were created:

- (a) one projecting population growth & demand for residential development over 30 years;
- (b) one calculating feasible greenfield development capacity; and
- (c) one calculating feasible infill and redevelopment capacity in existing urban areas.

121. Key findings of the modelling to date include:

- (a) The population of Lower Hutt will grow by between 9,515 to 20,359 people over the next 30 years.

⁶⁵ At page 23 and paragraph 257.

⁶⁶ While our decision gives effect to the NPS UDC, recently the government announced a new proposed National Policy Statement on Urban Development which is intended to replace the NPS UDC. The proposed NPS identifies housing and urban development as significant national problems and, depending on its final form, further strengthens the existing direction to councils to provide for housing growth in their District Plans.

- (b) To accommodate this growth, Hutt City will require between 6,105 and 11,256 new dwellings. This growth in the need for housing is driven by population growth as well as decreasing average household size.
 - (c) Currently, Lower Hutt has feasible greenfield development capacity for 1,316 dwellings in areas identified for greenfield growth. This includes some areas that have been identified for growth but have not yet had an urban zoning applied to reflect this. The remainder of projected demand for dwellings will need to be accommodated through intensification of existing urban areas.
 - (d) Under the operative District Plan, Lower Hutt has feasible development capacity for 4,160 dwellings (through infill, redevelopment and intensification).
 - (e) This gives a total feasible development capacity of 5,476 dwellings.
122. Development feasibility refers to analysis of whether expected revenues exceed the costs of development, including a profit margin to cover the effort and risk involved in the development process. Generally, if a development is not economically feasible, then developers will not go ahead with it.
123. Given these findings, the residential development capacity that is provided by the operative District Plan is deficient by at least 629 and up to 5,780 dwellings, based on modelling of growth and development capacity out to the year 2047.
124. An estimate of the infill and redevelopment capacity that is likely to be developed in Lower Hutt in practice, suggests a “realisable” development capacity of 4,473 dwellings. This means that the operative District Plan could have a shortfall of development capacity of up to 6,783 dwellings.
125. In the s42A Report Council officers referred to figures from the Ministry of Business, Innovation, and Employment that:
- (a) there has been a significant increase in house sales prices in Hutt City since 2015;
 - (b) there has been a significant increase in average rents in Hutt City since 2015; and

(c) since about 2016 growth in new households has outpaced growth in building consents in Hutt City.⁶⁷

126. In their reply, Council officers made it clear that PC43 applied solely to the GRAA (and MDRAA and SMUAA). PC43 does not apply to the other residential activity areas in the district. They also commented that, following the conclusion of PC43, they intend to undertake further analysis on the final development capacity enabled and, if there remains a shortfall, to address it through a future plan change or, we assume, in a full district plan review which the officers referred to.
127. As HNZ stated to us "*it is difficult to assesses if PC43 will address all the housing shortfall*". We agree but importantly note that PC43 does not, as the Council officers stated, "*solve all the problems*" relating to housing availability and choice in Hutt City. Importantly, PC43 does not include all activity areas and also, with new information (especially infrastructure and natural hazards) new targeted areas may be able to be developed. It is, as Council officers told us "*a 1st step but not the final step*". In relation to that Mr Collins submitted that PC43 "*is a good stepping stone moving forward*".

Decision

128. Having carefully reviewed the s32 Evaluation, its reports, submissions and the s42A Report and Council officer evidence, we agree⁶⁸ that there is a housing issue in relation to both:
- (a) a lack of housing (development) capacity; and
 - (b) a lack of housing variety.
129. We consider that this finding will, if not addressed, fail to provide for current and future generations in a way and to an extent that will not promote the sustainable management of resources in the district. Without changes the existing District Plan will not enable people in, and the communities of, Hutt City to provide for their wellbeing through development (while managing effects of that development which we address below). We consider that PC43 (with our recommended changes) will enable Hutt City to grow and change in response to the changing needs of its communities and will provide enough space for its communities to "*happily live and work*". We

⁶⁷ As Council officers commented this broadly coincides with the increase in rents and sales prices suggesting that the rises are linked to a growing housing shortage.

⁶⁸ Relying on the reasoning in those documents and summarised above.

therefore consider that our recommendations are consistent with the NPS UDC.

130. As the more recent modelling in the s42A Report and Council officers' evidence, included all realistic greenfield development, we agree with the s42A Report that this deficit needs to be provided for through intensification of existing urban areas. That is in line with the intent of PC43, noting the Grey Report's conclusions that greater use of the CBD, Petone Central and more intensive greenfields will also be required to achieve the housing targets. As Council officers noted, another finding of the Urban Development Capacity modelling work was that small changes which increase costs, delays, or uncertainty for developers can significantly reduce the economic feasibility of development leading to less total development of dwellings.
131. While the Council must give effect to the NPS UDC through its District Plan, PC43 is not however the only response (and future plan changes are anticipated). Nor does the NPS UDC require development at all costs - effects must be appropriately managed. But we must remain aware (and we have done so), when considering the management of the adverse effects of intensification, and the appropriateness of the targeted areas, as to the implications of managing amenity on the ultimate development capacity.
132. We were told that since 2016 housing development had increased. Some submitters suggested that this development showed the existing District Plan's provisions did not need to change (or not change as much as proposed by PC43). During our site visit we saw the development presently underway across the district. However, we agree with the Council officers that this development, while beneficial, is insufficient to provide adequate future development capacity to address the housing issue we have accepted and to give effect to the NPS UDC.
133. We found the submission by Hutt City Youth Council, and a number of other submitters before us supporting the need for PC43 to be compelling. They were clear that there is a housing issue in Hutt City that is having significant environmental, social and wellbeing issues (summarised above) which needs to be addressed. In particular, this issue appears to be getting worse – Mr Heuser in a comprehensive submission explained his view as to why there is now a severe housing crisis in Hutt City. The District Plan needs to respond to provide housing capacity and variety that meets the needs of existing and

future generations.⁶⁹ The status quo is simply not acceptable and will not achieve the purpose of the RMA (nor give effect to the NPS UDC).

IS THE SETTING OF PC43 RIGHT?

134. The focus of this issue is does PC43 provide enough intensification in the right locations? Subsidiary issues to this were:

- (a) Is more, or less, intensification than that provided in PC43 required?
- (b) How else, or where else, should intensification occur?

CBD

135. The view of many submitters was summed up by one⁷⁰ who commented *"there are plenty of other areas where suggesting this sort of intensification would not upset local ratepayers or ruin character areas. Plenty of vacant buildings in Lower Hutt CBD [could] be converted to apartments/flats and other commercial areas could be intensified."*

136. Many submitters⁷¹ mentioned that intensification could, and should, occur in the CBD. Mr and Mrs Arlidge summed up the views of some stating that the CBD is *"patently in dire straits"*. As Ms Girvan stated, *"Easy access to cafes and other inner-city facilities could make these CBD apartments an attractive proposition without ruining the enjoyment of the lifestyle of the residents in the wider leafy residential areas."*

137. The Council officers noted that residential activities were already a permitted activity in the CBD. However, despite this being the situation since 2011, little residential development has occurred. However, options for residential development are being explored alongside flood protection works being undertaken by GWRC. Further, the CBD alone will not provide the range of living opportunities needed to give effect to the NPS UDC.

138. We adopt the discussion in the s42A Report. The CBD is an existing opportunity for growth and we understand that is being explored by the Council. But, we must give effect to the NPS UDC. On the basis of the Council's evidence, we consider that will not occur relying on the CBD alone.

⁶⁹ Mr Heuser also explained how intergenerational wealth inequity is increasing.

⁷⁰ Ms Phillips.

⁷¹ Including Ms Phillips, Maungaraki Community Association, Ms Girvan, Mr Opie and Ms Jackson, Mr and Mrs Steele, Mr and Mrs Arlidge, and the list at paragraph 269 of the s42A Report.

Greenfields / other districts / other suburbs

139. A number of submitters⁷² explained to us how they (and their friends) had worked hard over the years to afford the home they currently have. Younger people needed to realise that they could not expect to afford a home in a central location. As Mr and Mrs Perry stated "*apart from the immorality of a philosophy that the younger generation should be entitled to satisfy their needs by expropriation of the rights of the older generation, we would point out that all the older generation we know saved hard and lived frugally to get a deposit for their first home ...* ." Mr Robinson expressed similar sentiments stating that the vast majority of New Zealanders owning a home will have worked hard in achieving their dream, a secure life and a future nest egg. He considered that PC43 "*gives no consideration to these impacts on people's lives and fortunes.*"
140. These submitters suggested that first home buyers who cannot afford to live in the central suburbs should start on the fringes of the district. Many submitters suggested utilising greenfield developments,⁷³ other districts (in particular Upper Hutt⁷⁴) or other suburbs.⁷⁵
141. Some submitters⁷⁶ stated that there are sufficient greenfield sites to accommodate development, especially on a more realistic assumption of future growth and demand than the Council officers have applied. Mr and Mrs Perry advised that areas of Wainuiomata could be opened up for development, especially in combination with a new tunnel through to Naenae. They also submitted that Upper Hutt City has extensive reserves of land suitable for greenfield development.
142. As set out above, the Council officers' evidence, which we accept,⁷⁷ is there is insufficient greenfield land suitable for development to meet the Council's requirements under the NPS UDC and to promote sustainable management. Further, on our site visit we looked at the northern growth area of Wainuiomata. It is a considerable distance from services, and the Wainuiomata centre, and without a new tunnel, as suggested by Mr Perry, it has poor transport connections. We have no evidence before us to confirm

⁷² Including Ms Girvan and Mr and Mrs Perry.

⁷³ At paragraph 269 of the s42A Report.

⁷⁴ Mr and Mrs Perry, and the list at paragraph 269 of the s42A Report.

⁷⁵ At paragraph 269 of the s42A Report.

⁷⁶ Mr and Mrs Perry, Mr and Mrs Steele and the list at paragraph 269 of the s42A Report.

⁷⁷ And paragraphs 276 and 277 of the s42A Report which we adopt. It is also set out in the s32 Evaluation, page 55.

whether such a tunnel is technically or financially feasible or a realistic prospect to rely on. Without such evidence we place no reliance on it.

143. The Maungaraki Community Association submitted that the character and amenity values of that community would be compromised by the intensification proposed in PC43. Ms Coleman emphasised the landscape values of the western hills (in particular as the backdrop to Hutt City⁷⁸ and also the ecology present). The Association accepted infill development but was opposed to comprehensive residential developments establishing. Such medium density development could, we were told, instead occur on the valley floor. In the Association's submission Maungaraki is not the right place for it and "*we do not want to turn into a concrete jungle*".
144. Conversely, some submitters⁷⁹ on the valley floor told us that intensification should occur on the hills and in Wainuiomata, but not on the valley floor. A number of time flooding concerns were raised as a reason for this and these are addressed below.
145. During our site visit we visited all of these areas. In relation to Maungaraki we agree with the s42A Report⁸⁰ that the topography and amenity values do not necessitate a different District Plan response. With no targeted areas in Maungaraki⁸¹ the key issue is CRD. As consent (restricted discretionary) is required for CRD we are comfortable that with our suggested amendments relevant matters will be assessed and effects appropriately mitigated. We also do not consider that intensification on the Hutt City valley floor should be reduced by added intensity (or greenfield areas) on the Western Hills. Rather, we think that the approach provided in PC43, across the GRAA (and targeted areas) as a whole, is an appropriate response to the housing issues identified above and in giving effect to the NPS UDC.
146. A number of submitters⁸² sought that intensification occur in other suburbs and zones, with some submitters⁸³ questioning why no medium density intensification was proposed within Woburn (and other various residential activity areas such as Historic Residential, Hill Residential and Landscape Protection Residential). We agree with, and adopt, the Council officers

⁷⁸ Other submitters, such as Mr Darby, argued that the ability to retain views of these hills argued against intensification on the valley floor.

⁷⁹ Mr and Mrs Steele, Mr and Mrs Arlidge and paragraph 275 of the s42A Report.

⁸⁰ At paragraph 325.

⁸¹ See paragraph 303 of the s32 Evaluation.

⁸² See paragraphs 278-280, 282-285 and 287-289.

⁸³ Including Mr Opie and Ms Jackson.

reply.⁸⁴ In particular, we are limited by the scope of PC43 and the areas it applies to. We do not have scope to include other parts of the district that were not included in the notified version of PC43. Future plan reviews will need to consider those areas.

147. Finally, in relation to relying on intensification in other districts, that not only is beyond the scope of PC43 but also would not give effect to the NPS UDC. The onus is on Hutt City to provide sufficient development capacity within its District Plan (and hence its district) to give effect to the NPS UDC. Hutt City cannot rely on, nor offload the problem to, other districts. We also heard that housing in those other districts was typically more expensive than in Hutt City. We therefore do not agree with those submissions.

Targeted areas

148. Many submitters sought amendments (removal/additions) to the targeted areas. The s42A Report addresses⁸⁵ these submissions and we adopt the findings of the Council officers.⁸⁶ During the hearing we heard from submitters in relation to Alicetown in particular.
149. A number of submitters⁸⁷ sought the exclusion of the Alicetown Targeted Area on the basis that it is a low-density character area with established gardens⁸⁸ or that it faced flooding risk and is not highly resilient.⁸⁹
150. In their s42A Report Council officer's recommended that the Alicetown Targeted Area be excluded from PC43. This was on the basis of stormwater and character effects,⁹⁰ with a Character Assessment being attached to the s42A Report.⁹¹ We accept the findings of that report that Alicetown contains housing stock and streetscapes of consistent and well-established historic character. We also accept the concerns raised by Wellington Water in relation to stormwater.⁹² On this basis we recommend that the Alicetown Targeted Area be removed from PC43. While this will reduce the development capacity of PC43, it will ensure that potential adverse effects (natural hazards and character) are appropriately managed.

⁸⁴ Point 33.

⁸⁵ At paragraphs 290-347.

⁸⁶ Including in relation to the recommended changes for Silverstream Retreat.

⁸⁷ At paragraph 296 of the s42A Report.

⁸⁸ Including Ms Phillips and Mr Brathwaite.

⁸⁹ Paragraphs 245 and 248 of the s42A Report.

⁹⁰ See paragraphs 297-303.

⁹¹ At Appendix 7.

⁹² Appendix 5 of the s42A Report.

151. Some submitters,⁹³ sought additional MDRAA areas (and medium density development per se) areas to be established. The s42A Report recommends that these submissions be rejected on the basis of scope.⁹⁴ Many of these submissions sought extensive, or undetermined, extension of targeted areas. We agree with the Council officers that these submissions are beyond the scope of PC43. We also add that we were not provided with sufficient s32AA justification in order to enable us to undertake an assessment for these areas even if scope had not been an issue. Future plan changes (and perhaps a whole plan change)⁹⁵ can address these issues.
152. Other submitters⁹⁶ argued for reduced geographic areas of medium density intensification. We consider that the balance of PC43, with our recommendations, is correct. Alicetown Targeted Area has been removed and the Waiwhetu Targeted Area reduced. We note that the Council officers in reply⁹⁷ stated that they did not know the effect of these reductions but once PC43 is settled they will carry out further development capacity analysis (and if required pursue a further plan change). We consider that appropriate but were not persuaded in relation to the other areas and adopt the s42A Report. The purpose of PC43 must, we consider, still be achieved, and the NPS UDC given effect to.
153. HNZ (and other submitters)⁹⁸ sought more intensification within targeted areas through increased maximum height limits (9m in the GRAA, 11m in the MDRAA and 15m in the SMUAA) and a steeper recession plane in the MDRAA. Mr Steele told us that higher developments would enable more density while keeping land clear for gardens and trees. In their s42A Report Council officers recommended increased height limits (but not to the levels sought by HNZ).
154. In relation to height, HNZ sought a 15m height limit in the SMUAA. Mr Liggett from HNZ gave evidence that typically over 3 floors requires a lift and 5 floor buildings are "designed differently". Having considered HNZ's evidence against other submissions, and the amenity related effects, we do not consider that enabling 15m height limit in the SMUAA is appropriate to address the issue. In their reply⁹⁹ Council officers accepted that 15m buildings may be appropriate in SMUAAs but that they should be considered

⁹³ Including HNZ, Dr Mead, and paragraphs 269 and 282-289.

⁹⁴ At paragraph 308.

⁹⁵ As alluded to in the Council officer's reply, point 28.

⁹⁶ Including Mr and Mrs Steele, and paragraph 304 of the s42A Report.

⁹⁷ Point 28.

⁹⁸ Including Dr Mead who sought additional building height at Epuni.

⁹⁹ At point 14.

(in relation to their amenity effects) on a case-by-case basis through the proposed resource consent process. We agree. While we accept that the amenity of SMUAs is different, and characterised by intensive multi-use development, we consider that, on the submissions and evidence we received, it is not a change that presently can be justified under s32AA.

155. We discussed with HNZ various options such as CRD being enabled within 800m walking distance of centres without a 1,400m² size threshold. In reply,¹⁰⁰ Council officers did not support the change given the investigations into the appropriateness of the 1,400m² site (and the balance that provides for amenity) and that consent can be sought for such development at any rate. Having considered the option we agree with the Council officers' position. As discussed in more detail below, CRD was a critical issue for most submitters opposed to PC43. Ultimately, applying the CRD provisions onto smaller lots is, on the evidence we have heard, one step too far and will have inappropriate adverse amenity effects (at least at this time).
156. Progressive Enterprises Ltd submitted that in relation to Wainuiomata Mall. While it sought specific amendments to PC43, it also sought rezoning to what it considered a more appropriate zone than SMUAA. In the s42A Report¹⁰¹ Council officers noted that larger scale development is provided for in the SMUAA, but as a restricted discretionary activity. They considered this allowed potential effects to be addressed. We agree, and adopt the Council officers reasoning, and note the potential effects of larger scale commercial development.
157. Finally, we heard from Ms Gallen and Mr Doyle as to amending the SMUAA around Waterloo (45-48 Oxford Tce) to MDRAA as its zoning did not logically fit the existing structure of the area or the residential nature of the specific sites (and in their submission the effects of SMUAA would be "extreme"). Their reasons (which we accept) are summarised in the s42A Report,¹⁰² and from our site visit which supported their comments, we agree with the Council officers that these properties should be rezoned.

Location specific submissions

158. Many submitters raised issues specific to the areas they lived in, arguing that therefore PC43 should not apply. The s42A Report addresses those

¹⁰⁰ At point 27.

¹⁰¹ At paragraphs 334-339.

¹⁰² At paragraphs 310-311.

submissions and we adopt the reasons and recommendations therein.¹⁰³ In particular, a number of submitters before us raised heritage and character issues in relation to Petone,¹⁰⁴ seeking tighter intensification controls in the GRAA (no MDRAA or SMUAAs are proposed for Petone). We address these matters elsewhere in this report. We consider, that with our recommended changes, the amenity effects of PC43 within the GRAA of Petone are appropriately addressed.

Other approaches

159. Mr Smith, in his submission and presentation to us, stressed his view that the focus of PC43 should be on providing emergency housing and portable housing and seriously considering community housing. He also stressed the lack of skilled builders. We acknowledge his submission but consider that PC43 appropriately responds to the housing issue in Hutt City as it was explained to us. In particular it allows more flexible housing types which may go some way towards addressing Mr Smith's concerns.

Overall

160. The s32 Evaluation¹⁰⁵ considered two options to address the resource management issue.¹⁰⁶ The options proposed were greenfield development only (Option A) or targeted areas and GRAA provisions (Option B).

161. In relation to Option A (greenfield development) the evaluation noted (among other matters) that it fails to meet the goal of increased housing capacity and choice and fails to address the housing issues facing the City. Overall it assessed Option A as an inadequate response. We agree, for the reasons set out in the s32 Evaluation and also in our discussion above.

162. In relation to Option (B targeted areas and GRAA provisions) the evaluation noted (among other matters) that it contributes to the goal of increased housing capacity and variety to be achieved. Again, except for the changes we recommend as set out in this report, we agree with the s32 Evaluation that it gives effect to the Urban Growth Strategy and the requirements of the NPS UDC. In relation to the growth demands we have addressed that issue above.

¹⁰³ At paragraphs 312-347.

¹⁰⁴ Including Petone 2040, Petone Action Planning Group, Petone Community Board.

¹⁰⁵ At pages 60-63.

¹⁰⁶ The resource management issue, at paragraph 257, is "*Providing housing capacity and variety that meets the needs of existing and future residents.*"

WHAT ARE THE AMENITY EFFECTS OF RESIDENTIAL INTENSIFICATION AS ENABLED BY PC43 AND ARE THEY APPROPRIATELY MANAGED?

Introduction

163. In providing for additional residential development one of the key outcomes of PC43 is to relax some existing development standards supplemented by more frequent requirement for design-based resource consents. It is therefore unsurprising that adverse amenity effects were a key concern raised by many submitters on PC43.¹⁰⁷ A full discussion of the issues raised in submissions, which we adopt, is set out in the s42A Report.¹⁰⁸ The Petone Action Planning Group stated that developers have no sympathy to neighbours and it was our "duty" to protect the values of the neighbours.
164. Key to managing amenity issues for medium density development is the proposed Design Guide. As Mr Heuser told us that it is the optimum level of development density versus amenity. A point emphasised by many submitters was that the intensification enabled by PC43 must be of a "*high quality*" and that the provisions enforcing them need to be certain (to avoid a lack of design control,¹⁰⁹ apply greater checks,¹¹⁰ provide more certainty of outcomes¹¹¹ and avoid an abundance of discretionary and "*woolly*" wording).¹¹² Ms Kirkland noted a need to balance these matters to ensure the Design Guide does not unnecessarily drive up costs and lead to unaffordable housing being constructed.
165. AT Better Planning (Ms Tindale) provided extensive submissions, and representations, on the importance of the Design Guide. The need for clarity was supported (recommendations are not rules) and its critical role in delivering high quality outcomes was emphasised. Ms Tindale also told us that managing amenity effects during the transition period of intensification was "*tricky*". We agree.
166. A number of submitters, including Mr Opie and Ms Jackson, raised concerns about the Design Guide only applying to activities requiring consent. Their concern was permitted intensification would not achieve good design outcomes. While we have addressed the Design Guide below, it relates to elements of discretion which by necessity apply to the consent process. We

¹⁰⁷ The list of submitters is set out at paragraph 94 of the s42A Report.

¹⁰⁸ At paragraphs 93 and 95.

¹⁰⁹ As raised by Solari Architects.

¹¹⁰ As stated by Mr Opie and Mr Matcham.

¹¹¹ As stated by Mr Matcham.

¹¹² As stated by Mr Dopson and Mr Darby.

consider, for all the reasons set out below, that PC43's permitted activity provisions (with the range of setbacks and standards it imposes) will adequately achieve good design and appropriately protect amenity values.

167. We agree that ensuring high quality outcomes is important and that the matters of discretion, and Design Guide, are key to achieving that. We also agree that the Design Guide, and the provisions of PC43, must balance high quality outcomes and affordability (and actual enablement of greater intensity). We address the Design Guide and its application in its own section below, but the general reasoning for our decision on the various amenity matters is set out in this section.
168. Many submitters¹¹³ commented on the potential effects on the amenity values of existing properties. Some submitters on this point also argued they had established their existing homes in reliance on the District Plan provisions and now these may change to their detriment.
169. Overall there were two fundamental issues relating to amenity from which other issues flowed being increased density and height. These two matters combine, in different ways, to result in the key amenity effects addressed in this section being:
- (a) sunshine effects of development enabled by PC43 on neighbouring sites;
 - (b) character / aesthetics / pleasantness / acceptability;
 - (c) privacy; and
 - (d) social issues / safety.
170. Much of the concern in relation to amenity effects from submitters related to the GRAA. Many submitters who raised concerns in relation to the GRAA provisions of PC43 accepted the principle of having MDRAA and SMUAA areas. Within the GRAA the key concern of PC43 for most submitters related to comprehensive residential developments as opposed to infilling and granny flats. Some submitters opinions as to the CRD provisions were that they permitted "*a creeping disease which has the potential to gradually create many of the objectionable elements of the [MDRAA] within the [GRAA].*"¹¹⁴ Mr Robinson went on to explain, in an amenity context, that

¹¹³ Including Mr Opie and Ms Jackson, Ms Barr-Brown, Ms Girvan and Mr Shierlaw, Mr and Mrs Steele, Mr and Mrs Arlidge and Mr Robinson. also paragraph 94 of the s42A Report.

¹¹⁴ Quote from Mr Robinson's submission.

PC43 "will promote a departure from some things still valued by most New Zealanders many of whom like me as a child from the industrial north of England, managed to escape such bleak intensity and obtain a better quality of life." We specifically address the CRD provisions later in this report.

171. Numerous other amenity issues including litter/rubbish, fire safety, noise,¹¹⁵ view shafts/loss of views, wind,¹¹⁶ accessibility (in particular in relation to 3 storied buildings),¹¹⁷ construction and demolition effects,¹¹⁸ were raised by submitters. We adopt the s42A Report comments (as set out in the above footnotes) in relation to these issues. We were not provided with probative evidence that they were a likely issue of concern arising from PC43. On the evidence (or lack of) we received, we do not consider these issues require a planning response through amendments to PC43.
172. A number of submitters raised historic heritage issues.¹¹⁹ Specific issues were raised during the hearing in relation to Petone which we have addressed throughout this report. Otherwise we adopt the discussion in the s42A Report, in particular that the Council is currently reviewing the District Plan's heritage provisions.¹²⁰ At the hearing Mr Robinson emphasised compliance with the Heritage New Zealand (Pouhere Taonga) Act 2014. Nothing in the District Plan (or the RMA) avoids the need to comply with this Act.
173. Health effects were also raised by a number of submitters. A large proportion of the health effects raised related to sunlight/shading and are addressed below. In relation to other health effects we agree with and adopt the discussion in the s42A Report.¹²¹ In particular, we rely on the submission from Regional Public Health in support of PC43 and accept the benefits that they provided.
174. While his submission was broader, Mr Shierlaw focused his oral submission to us solely on controlling base noise. In his submission he sought noise limits to match those at Bellevue Gardens. Noise issues were addressed in the s42A Report. In particular the Council officers noted that only some minor consequential changes to the District Plan's noise provisions (Chapter

¹¹⁵ Addressed in, and we adopt, paragraphs 109-114 of the s42A Report.

¹¹⁶ Addressed in, and we adopt, paragraphs 126-128 of the s42A Report.

¹¹⁷ Addressed in, and we adopt, paragraphs 137-138 of the s42A Report. We note that accessible dwellings can be provided on the ground floor or lifts installed in buildings.

¹¹⁸ Addressed in, and we adopt, paragraphs 139-144 of the s42A Report. We have addressed the vibration rule further below.

¹¹⁹ As set out in paragraph 121 of the s42A Report.

¹²⁰ As set out in paragraphs 122-125.

¹²¹ At paragraph 136.

14C) were provided by PC43 (to match the change in activity areas). They also considered, and we agree, that the current noise standards are not substantively altered by PC43 (and that is not the intent or scope of PC43) and that the noise provisions would be better considered through a future District Plan review. We had no s32 evaluation and no expert noise evidence before us. While we accept that noise can be an issue, we were not provided with any information from Mr Shierlaw sufficient for us to undertake a s32AA evaluation.

Sunshine

Submissions

175. A key amenity concern raised by many submitters,¹²² and during the hearing, related to the effects of shading, and reduced sunlight on neighbouring properties caused by new intensive developments. In particular, these effects related to existing housing, which is typically uninsulated, being shaded leading to damp and cold housing. The effects of concern raised by these submitters included the importance of sunlight for warmth (and reducing the dampness of homes and drying lawns), health (in particular vitamin D), and wellbeing / happiness.
176. Ms Girvan in her submission to us summed up the concerns of these submitters as follows "*Lack of sunlight is known to be one of the most significant impediments to good health, especially amongst the elderly or house bound. ... I just cannot understand why Hutt City Council would consider introducing a proposal which could lead to the detriment of so many of its existing residents.*"
177. A number of submitters¹²³ provided shading diagrams assessing the impact of denser, and greater height, buildings. Others¹²⁴ provided illustrative diagrams of light access into rooms. Many submitters also provided photos of new developments shading existing dwellings.
178. The primary matters enabled by PC43 which were raised as causing these effects were increased density (including boundary setbacks, site coverage, removing the maximum length Rule and comprehensive residential developments) and building height and recession planes. These submitters

¹²² Including Mr Best, Petone Planning Action Group, Ms Phillips, Ms Barr-Brown, Dr Mead, Ms Andrew, At Better Planning, Ms Gallen and Mr Doyle, Ms Girvan, Mr Darby, Mr Brathwaite, Mr and Mrs Perry, Mr Robinson and paragraph 107 of the s42A Report.

¹²³ Including Petone Planning Action Group.

¹²⁴ Including AT Better Planning.

argued that the Council's proposed provisions for PC43 should be scaled back, and existing provisions retained (or reduced) to manage sunlight effects.

179. In relation to health effects of shading/sunlight, Dr McKenzie and Ms Robertson-Bate on behalf of Regional Public Health told us that they did not have any specific sunlight concerns related to the intensification provided through PC43 (and indeed at this level there was no evidence to support such concerns). Rather, they saw the warmth of homes as being a key issue with many existing dwellings built a long time ago with insufficient (if any) insulation. New dwellings with greater insulation (and retrofitting existing dwellings) enabled warmer houses (and reduced heating bills).
180. Some submitters¹²⁵ stated that they were prepared to accept reduced internal (home and/or property) sunlight as they could get sunlight from public spaces (and parks) and having a home, which was warm, was more important to them. They considered that PC43's controls appropriately provided for sunlight access.
181. Some submitters¹²⁶ questioned the approach of a single recession plane for all boundaries, commenting that varying them depending on the boundary would allow more flexibility. They also sought an increase in the boundary height, and or slope, of the recession planes.

Council position

182. As already mentioned, the report "Planning for the Future" attached to the s32 Evaluation undertook shade modelling of four development scenarios. This emphasises, which many submitters raised, that in the transition period of intensification (until all the zone is intensified) there will be significant shading effects within a zone. It concluded that shading would be the "*largest (adverse) change to existing amenity levels.*"¹²⁷
183. Mr Compton-Moen provided evidence attached to the s42A Report¹²⁸ modelling the shading caused by the level of development proposed in the s42A Report. While he accepted (and his shading diagrams showed) that there would be a change (and reduction in) sunlight, he concluded that the changes proposed by the Council officers would all be acceptable. During

¹²⁵ Including Hutt City Youth Council.

¹²⁶ Including Sun Study Analysis Limited.

¹²⁷ At page 85.

¹²⁸ Appendix 4.

the hearing he confirmed that in his opinion while there would be a change PC43 appropriately protects sunlight on neighbouring properties.

184. In reply submissions¹²⁹ the Council officers addressed whether there should be a specific sunlight requirement (for which they recommended no). They noted that sunlight is one of a number of factors (albeit important) which needs to be balanced with others. They used the Western Hills (and Queenstown), with lower sunlight access but lovely views, as an example. They (and Mr Compton-Moen) also addressed the importance of the thermal performance of new dwellings (something that Regional Public Health had emphasised) mitigating the effects of reduced sunlight. Mr Compton-Moen also made it clear that reasonable sunlight was an important market expectation, and hence driver for development. That aligned with our site visit where we saw that light access was an important component of new developments.
185. In reply submissions¹³⁰ Council officers retained the opinion that the benefits of varied recession planes are outweighed by the complexity. Further, as the Council officers emphasised that reducing the recession plane on the southern side would be more restrictive than the current plan. Further they considered that varying the recession plane would have little effect on privacy and dominance (other effects it helps address). Mr Compton-Moen provided additional sunlight/shading diagrams. Having considered the Council officers reply, we accept that the recession plane should not vary by boundary orientation for the reasons they provided.

Decision

186. We acknowledge that in the interim, especially for the MDRAA while Hutt City moves towards more intensive development, neighbouring properties will potentially be impacted by reduced sunlight compared to that currently provided. As one submission stated, "*the main sacrifices will be borne by the occupants on the southern side of sites which are to be developed ...*".¹³¹ The same submission made it clear that an increase in development potential for their land is of no value to owners who wish to retain the amenity they currently enjoy. That is the amenity issue in a nutshell. There will be change to existing amenity (including sunlight), which will result in changes to existing owners who do not develop. But we see the question as whether the

¹²⁹ Point 25.

¹³⁰ At point 13.

¹³¹ Petone Planning Action Group.

change proposed by PC43 is appropriate, applying the statutory provisions. As Mr Compton-Moen stated sunlight is important but has to be balanced.

187. We accept the evidence of Mr Compton-Moen that the provisions of PC43 (with the CRD height change we recommend) will enable appropriate levels of sunlight to be retained. We also agree with Council's reply that sunlight, while important, is one of a number of factors to consider. The warmth of new insulated dwellings in particular, was emphasised by Regional Public Health,¹³² and we accept that as being a critical factor for a healthy home.
188. A key issue is building height, as some submitters stated developers will 'push the limits'. We consider that with the various requirements (bulk, setbacks, etc) within PC43, our proposed amendments to the Design Guide and matters of discretion, and our proposed reduction in height of CRD, as set out below, appropriate controls to manage the potential loss of sunlight/shading will be included within PC43.
189. We also saw during our site visit that some intensive development is already underway across Hutt City. PC43 will not have an immediate effect of increasing density.¹³³ Intensification will occur gradually. During this change of intensification there will be shading effects but, with the provisions amended as we proposed, in particular the reduction in height of CRDs, we consider they are appropriately managed and "*reasonable*"¹³⁴.

Character / aesthetics / pleasantness

190. Some submitters¹³⁵ argued that while 2 storey developments were acceptable (one even said attractive), 3 storey developments were not (and were out of character – a step too far). There was a widespread view from submitters¹³⁶ that 2 storey developments "fitted into" or was "in keeping with" Hutt City's urban landscape and were therefore acceptable. Also, there was general acceptance of infill housing (subject to appropriate controls).
191. Other submitters¹³⁷ had the view that the current District Plan, in enabling demolition and 2 storied dwellings had gone too far already, while some sought that its provisions be retained.

¹³² And at point 25 of the Council's reply.

¹³³ This was noted by Mr Collins in his submission on behalf of Design Architecture Ltd and Sun Study Analysis.

¹³⁴ As required by Policy 4A 3.5 (for the GRAA), and Policy 4F 3.6 (for the MDRAA).

¹³⁵ Including Mr Best, Petone Planning Action Group, Ms Phillips, Mr Smith, Ms Barr-Brown, Ms Andrew, Maungaraki Residents Association, Mr Dopson, Mr Brathwaite and Mr and Mrs Perry.

¹³⁶ Recognising, as always that some submitters such as HNZ and Dr Meade (for Epuni) took a different view that more height was required.

¹³⁷ Such as Ms Girvan and Petone Community Board,

192. While these submissions often focused on development within the GRAA, some commented on the MDRAA and SMUAA. Equally, other submitters, as set out above, commented on the appropriateness of denser living and the benefits they considered it would provide (with parts of Wellington City mentioned).
193. The submission from Ms Tindale from AT Better Planning provided extensive detail on the potential for adverse visual appearance (character) effects from poor building design and controls. Her concern was that it is not good enough for PC43 to simply encourage good design, it must provide direction to deliver good design (and enable poor design to be declined). Mr ter Borg noted that PC43 must contain appropriate provisions to deliver high quality design outcomes. We agree and have recommended changes to the matters of discretion and the Design Guide, below.
194. Retention of existing character was an important issue to many submitters.¹³⁸ One submitter commented that PC43 does not fit the ambience of Lower Hutt and "*this is a family city and must be kept that that way for future generations.*"¹³⁹ Another¹⁴⁰ expressed similar sentiments stating "... *our City does provide that dreamed of home with sun nearly all day a sunny rear yard for children to play or that private bbq area ...*".
195. The "*leafy*" nature of Hutt City was mentioned as a key value to retain by many submitters.¹⁴¹ They saw PC43 as putting this key amenity value of the district at risk. Mr Perry stated his concern that PC43 "*empower[s] developers to predate on garden suburb areas at the expense of the amenities of neighbouring properties.*" Mr Arlidge explained that smaller section sizes were not needed and the existing (quarter acre) were better for the Hutt and its environment.
196. Conversely in her submission Ms Kirkland commented that the 'quarter acre dream' was not a sustainable reality and such a dream significant affects the less affluent and vulnerable members of the community.
197. A number of submitters¹⁴² also mentioned Hutt City being the "*garden City*" and the importance of green space, gardens and retaining gardens and trees. They saw intensification through PC43 as potentially destroying these

¹³⁸ Including Petone Action Planning Group, Ms Andrew, Ms Girvan, Mr Darby,

¹³⁹ Ms Andrew.

¹⁴⁰ Ms Girvan.

¹⁴¹ Including Ms Girvan, Mr and Mrs Perry, and paragraph 115 of the s42A Report. It was also addressed at pages 86-87 of the "Planning for the Future" document attached to the s32 Evaluation.

¹⁴² Including Mr and Mrs Steele, Ms Gallen and Mr Doyle, Mr and Mrs Perry, and paragraph 115 of the s42A Report.

values with one submitter describing it as "the concretisation of the valley floor".¹⁴³ Other submitters considered that such values could be retained through good design and public open spaces. As Mr Ter Borg stated, and we agree, "*lets make them [higher densities] enjoyable*".

198. Many submitters¹⁴⁴ argued that intensification would change the character of their area, especially in relation to Petone. Character matters in relation to Petone are addressed in more detail below (and we have recommended a change to the matters of discretion).
199. Some submitters¹⁴⁵ commented on the importance, if PC43 proceeds, for the provision of green spaces and for them to be well maintained and enhanced to meet the needs of people living more densely. We agree. We have already stated that we were impressed from our site visit as to the extent of public open spaces in the Hutt City, and linkages to and between them. It is clear from us that PC43 has been developed to utilise such areas.
200. Overall, with our recommended changes, we consider that PC43 appropriately addresses the potential adverse effects of character/aesthetics/pleasantness. There will be change. But as already decided, we consider that change is necessary to respond to an identified and real housing issue for Hutt City. PC43 as recommended will achieve the purpose of the RMA and give effect to the NPS UDC.

Privacy

201. A number of submitters raised privacy concerns.¹⁴⁶ The submission from AT Better Planning provided considerable detail on this. Some submitters attached photos of a neighbouring development that would, in that submitter's opinion, create adverse privacy effects. Other submitters, as set out above, were not as concerned with such effects in more intensive developments. That was part of modern and future living in order for everyone to have a space and a home with reduced, in their opinions, environmental effects.
202. The "Planning for the Future" report attached to the s32 Evaluation considered that while privacy issues are often raised, they result from poor

¹⁴³ Mr and Mrs Steele. As mentioned above, the Maungaraki Community Association considered it would be the concretisation of the western hills.

¹⁴⁴ Including Maungaraki Community Association, Petone Action Planning Group, Petone 2040, and the Petone Community Board.

¹⁴⁵ Including Hutt City Youth Council, Mr Smith, Mr Ter Borg, Mr and Mrs Steele,

¹⁴⁶ Including Mr Best, Petone Planning Action Group, Ms Barr-Brown, Ms Andrew, AT Better Planning, Mr Darby, Mr Steele, Mr Robinson and paragraph 107 of the s42A Report.

building design. Therefore, they can be readily avoided or mitigated through good design. That is consistent with Mr Compton-Moen's evidence.

203. Again, it comes down to a balance between achieving intensification while appropriately managing its effects, especially during the transition period. There is a definite transitional effect on existing owners (to whom privacy may be more important) as intensification occurs over time, in particular within the MDRAA. We consider that, with the changes we recommend (see below, especially in relation to assessment criteria as opposed to Design Guide), privacy effects have been appropriately addressed and that PC43 achieves sustainable management.

Social issues/safety

204. Some submitters¹⁴⁷ stated that by 'cramming' people together you will get social problems (including begging) that impact on neighbourhoods and the reputation of the area and Hutt City as a whole. Mr Darby explained his fear that PC43 will lead to less desirable housing leading to deprived areas and an influx of criminal elements. Security and increased break-ins were also raised as potential concerns, although before us it was agreed that more people may make areas safer.
205. Other submitters¹⁴⁸ stated that social issues (including health effects) related to the lack and cost of housing are issues that PC43 can, in their view, help address. Mr Matcham urged us to resist submissions raising concerns of ghettos and social ills stating that they are social constructs not related to PC43 and that society must provide for its most vulnerable (on a broader basis including housing). Mr Best raised a concern that if new intensive developments are not well maintained they will become "*a tip*".
206. We adopt the discussion in the s42A Report.¹⁴⁹ In particular we agree that the submissions as to slums and ghetto's is unsupported by evidence. We prefer the submissions, and the officer's opinion, that PC43 will provide social benefits within Hutt City. Our key response to these concerns is that our recommended changes to PC43, while not specifically proposed to address social issues will, through requiring good urban design as matters of discretion, reduce the chances of such outcomes potentially occurring.

¹⁴⁷ Including Ms Andrew, Maungaraki Community Association, Mr Dopson, Mr and Mrs Arlidge, Mr Robinson and paragraph 129 of the s42A Report.

¹⁴⁸ Including Mr Young, Hutt City Youth Council, Regional Public Health and Mr Matcham.

¹⁴⁹ At paragraphs 129-133.

Overall

207. In the s42A Report the Council officers concluded¹⁵⁰ that PC43 "*finds an appropriate balance between enabling further residential development and providing for a level of amenity on properties in the surrounding area. Intensification from suburban to urban does result in a change of amenity. However, in my opinion high quality urban spaces can have high levels of residential amenity. ...*"
208. Mr Compton-Moen concluded in his evidence¹⁵¹ that PC43 as recommended in the s42A Report provided an "*acceptable balance between planning for more residential households in a well-connected locations while minimising effects on existing residential development.*"
209. These conclusions, with which we agree with some amendments to PC43, reflect comments by Solari Architects, and other submitters, that "*urban areas are dynamic places that constantly change over time*". We acknowledge that change creates concerns, and effects, especially during a period of transition of intensification. Managing that change to ensure high quality outcomes (while remaining affordable) is our key concern. As Mr Ter Borg told us, any transition has to be "*done with care*".
210. As set out in the sections below, our recommendation is that PC43 is modified to tighten some of the provisions relaxed by PC43 (in particular the height of CRD) to achieve sustainable environmental outcomes while providing more residential development and giving effect to the NPS UDC.

WHAT ARE THE INFRASTRUCTURE EFFECTS OF THE RESIDENTIAL INTENSIFICATION ENABLED BY PC43 AND ARE THEY APPROPRIATELY MANAGED?

211. Numerous potential infrastructure effects resulting from PC43 were raised by submitters,¹⁵² typically as potential adverse effects should intensification occur. Such effects included 3 waters¹⁵³ (freshwater supply, wastewater, stormwater), schooling,¹⁵⁴ access to health centres,¹⁵⁵ access to Council services¹⁵⁶ and roading/transport. The key issue for all related to capacity

¹⁵⁰ At paragraph 117.

¹⁵¹ At section 10.

¹⁵² As set out in paragraphs 150, 191 and 217 of the s42A Report. In relation to other infrastructure effects we adopt paragraphs 233 to 242 of the s42A Report.

¹⁵³ In relation to 3 waters we adopt the discussion in the s42A Report at paragraphs 169-182, noting the changes proposed in the Council's reply in relation to stormwater provisions (in particular storage tanks).

¹⁵⁴ We adopt the discussion at paragraphs 187-189 of the s42A Report.

¹⁵⁵ We adopt the discussion at paragraphs 184-186 of the s42A Report.

¹⁵⁶ We adopt the discussion at paragraph 190 of the s42A Report.

and costs.¹⁵⁷ Transport and stormwater issues are addressed in greater detail below.

212. The s42A Report¹⁵⁸ provided a robust general discussion on infrastructure capacity issues which we adopt. In particular, Council officers acknowledged that there would need to be infrastructure upgrades over time to respond to greater residential intensification. However, they emphasised that the focus on targeted areas aligned with, and maximised the use of, existing infrastructure.
213. Some submitters¹⁵⁹ made it clear that there needed to be managed improvement of infrastructure by the Council over time to keep pace with intensification. We agree. While we strongly encourage that to occur that is up to the Council to implement and fund in accordance with its statutory responsibilities outside of the RMA. These issues were canvassed within the s42A Report and we adopt that discussion.¹⁶⁰ We agree with the s42A Report¹⁶¹ that the NPS UDC requires councils to provide sufficient housing development that is serviced by development infrastructure at varying levels from short-term to long-term. We also accept that infrastructure is provided through other Chapters in the District Plan.¹⁶²
214. Overall, we consider that the need for, and demands on, infrastructure have been appropriately assessed at each stage of the development of PC43. This was particularly so in relation to the identification of, and removal or reduction in area of some, of the targeted areas.

Transport

215. Many submitters¹⁶³ raised concerns as to adverse roading/traffic effects (especially parking and congestion) of intensification. Some submitters¹⁶⁴ also said that current public transport was already under stress, in particular at peak times, and PC43 would merely add to it.

¹⁵⁷ With other issues listed at paragraph 151 of the s42A Report.

¹⁵⁸ At paragraphs 152-158. The s32 Evaluation also included detailed discussion on infrastructure issues, in particular the "Planning for the Future" report.

¹⁵⁹ Hutt City Youth Council.

¹⁶⁰ As set out in paragraphs 212-216 and 218-222.

¹⁶¹ At paragraph 148.

¹⁶² As set out in paragraph 149 of the s42A Report.

¹⁶³ Including Ms Phillips, Mr Smith, Ms Girvan, Mr Darby, Petone Community Board (in relation to retirement villages), Mr Brathwaite, Mr and Mrs Perry, Mr Opie and Ms Jackson, Mr and Mrs Steele, Mr and Mrs Arlidge, Mr Robinson.

¹⁶⁴ Including Ms Phillips, Ms Girvan, Mr and Mrs Perry.

216. Other submitters¹⁶⁵ (in particular GWRC) noted the importance of the connections with the proposed MDRAA and SMUAA to existing public transport and active transport routes and corridors. Ms Harper from GWRC told us that PC43 aligns with the Regional Transport Plan. Ms Clendon, in particular, sought changes to encourage active transport (and the social and health benefits that would accrue), including amending the Design Guide to include reference to secure storage areas (which could accommodate bikes). As noted above in their reply Council officers recommended¹⁶⁶ such a change and we accept that. PC43 requires active (and public) transport to succeed and we agree with Ms Clendon that secure storage is an important method to facilitate that.
217. We received evidence from Ms Fraser on behalf of the Council in relation to transportation effects.¹⁶⁷ Her evidence considers the relevant submissions and issues raised and that the wider traffic effects associated with PC43 in the GRAA can be expected to be accommodated without causing unreasonable adverse traffic (including parking) effects. In relation to the MDRAA and SMUAA she notes the policy drivers to encourage the use of active modes and public transport and that each target area is appropriately connected to public transport, so residents do not have to rely on private vehicles. Overall, her evidence, and discussion with us during the hearing, is that PC43 is well aligned with transport policies.
218. The s42A Report explains that PC43 responds to transport issues by targeting areas around existing hubs and for CRD requiring resource consent with a discretion related to effects on land transport capacity. We accept, and adopt, the discussion in the s42A Report.¹⁶⁸
219. We find that PC43 has appropriately responded to, and addressed, potential transport effects. We agree with Ms Fraser that PC43 aligns with policy provisions encouraging active modes and the use of public transport. We also agree with Ms Fraser that the potential adverse effects of growth enabled by PC43 in the GRAA can be reasonably accommodated.

¹⁶⁵ Including Mr Young, Hutt City Youth Council, Dr Mead and Mr Ter Borg.

¹⁶⁶ At point 5.

¹⁶⁷ Attached as Appendix 6 to the s42A Report. Ms Fraser also provided a transport assessment attached to the s32 Evaluation.

¹⁶⁸ At paragraphs 159-168.

Stormwater (and flooding)

220. Stormwater¹⁶⁹ and flooding¹⁷⁰ issues were raised by many submitters, in particular in relation to Waiwhetu stream and its catchment (which ties to flooding concerns addressed below). Increased impermeable surfaces resulting from intensification would, it was submitted make flooding issues worse. At the same time climate change is causing sea-level rise and more extreme storm events. This combination, it was submitted, created an issue that PC43 needed to address.
221. In relation to stormwater, the s42A Report emphasised that over 95% of the land affected by PC43 is GRAA and the existing permeable surface area is unchanged. For the SMUAA almost all is presently zoned as Suburban Commercial or General Business with no permeable surface area requirement. Therefore, Council officers concluded that the extra areas would have a minimal effect on stormwater management and noted that CRD within the GRAA must be stormwater neutral. With the changes adopted in the Council's reply (above) we accept and adopt the discussion in the s42A Report.¹⁷¹
222. Some submitters¹⁷² sought that stormwater tanks be added to new development to provide some mitigation. As mentioned above, Council officers now propose that to be permitted new developments must have stormwater retention (rainwater) tanks.¹⁷³ During Council's reply, Mr Fountain, Chief Advisor Stormwater at Wellington Water helpfully explained how these worked and that they were effective in mitigating stormwater effects.
223. We find that with the changes agreed to with GWRC,¹⁷⁴ and proposed by the Council officers in closing (including rainwater tanks with which we accept the explanation from Mr Fountain), that the stormwater effects of more intensive development enabled by PC43 will be appropriately mitigated.
224. In relation to flooding, as mentioned above we heard from a number of submitters in relation to flooding effects at Waiwhetu. These issues mainly focused on stormwater matters addressed above. As also mentioned above,

¹⁶⁹ Including Friends of Waiwhetu Stream, Dr Mead, Mr Smith, Mr Steele, Mr Darby, Mr Dopson, Mr Brathwaite and paragraph 150 and 191 of the s42A Report.

¹⁷⁰ Including Ms Barr-Brown, Friends of Waiwhetu Stream, Ms Andrew, Mr Steele, Mr Darby, Mr Dopson, Mr Brathwaite, Mr and Mrs Arlidge.

¹⁷¹ At paragraphs 195-205.

¹⁷² Including Friends of Waiwhetu Stream, Mr Smith and Ms Andrew and pages 39-41 and 45-47 of the s42A Report.

¹⁷³ See point 22 of the Council's reply.

¹⁷⁴ Including a number relating to objectives and policies.

Council officers and GWRC agreed that under PC43 CRD must achieve stormwater neutrality and that Wellington Water now have an acceptable standard for the provision of rainwater tanks. They also agreed to raise floor level provisions (1:100-year event) and, specifically for Waiwhetu, that part of the MDRAA be removed due to potential flooding effects.

225. In relation to the Alicetown targeted area, due to stormwater and flooding issues Council officers in the s42A Report recommended it be removed from PC43.
226. With the changes mentioned above (and detailed in our recommendations below) we adopt the discussion in the s42A Report.¹⁷⁵ We consider the changes proposed by GWRC and the Council officers will appropriately address potential flooding concerns related to PC43, including at Waiwhetu.
227. The other flooding issue raised by some submitters¹⁷⁶ before us was the effect of the existing Melling Bridge as a choke on floodwaters within the Hutt River, increasing the chances of flooding. These submitters argued that until that issue is resolved further intensification of the valley floor should not occur. In this respect they considered that PC43 was putting the 'cart before the horse'. While we understand there are flood protection works planned, when these will be completed by is uncertain and we were provided with no evidence on that. In the interim we consider that the floor level provision, the stormwater provisions and the identification of the targeted areas, adequately address this issue insofar as it relates to PC43.
228. Overall, we consider that these responses within PC43 create a robust framework to efficiently and effectively manage stormwater and mitigate the effects of greater residential intensification on stormwater systems (and flooding). The requirement that rainwater tanks be required for new developments (as a permitted activity) is an efficient response as retrofitting tanks to existing dwellings is more problematic and expensive. Installation can more simply, and cheaply, occur at the time of a new development. It is also, from the evidence we heard, an effective response to stormwater issues arising from intensification.

¹⁷⁵ At paragraphs 208-210.

¹⁷⁶ Mr and Mrs Arlidge and Mr and Mrs Steele.

Other matters

Need for consents and notification

229. A number of submitters¹⁷⁷ wanted medium density development to require resource consent so that neighbours 'had their say' and get agreement. Dr Mead sought that all medium density and comprehensive developments require resource consent, so neighbours can have their say. Ms Andrew commented that it was "more neighbour friendly". The key theme was that so long as neighbours agreed then intensification was acceptable. Ms Fletcher (for Petone Action Planning Group) stated that she required a resource consent to alter her house and the RMA process worked because she talked to her neighbours.
230. Other submitters also sought consents being necessary to ensure that the Design Guide would apply to all developments. Ms Tindale for AT Better Planning agreed that the Design Guide should not apply to every development but that it was hard to find a trigger point. We consider that the medium density trigger point, as proposed in PC43, is an effective trigger point and will ensure an efficient and appropriately balanced outcome.
231. We accept that it is good to talk to neighbours. But we do not accept that that alone is the reason for requiring a resource consent, nor for requiring notification. Neither would achieve the purpose of PC43. The approach sought by submitters would require a consenting process for intensification that would neither be efficient nor effectively achieve the purpose of PC43. Notification will be considered on a case-by-case basis which again is appropriate given the many circumstances, and types of development. We consider that is an efficient and effective response. While we acknowledge the concerns raised, we consider that the provisions of PC43, with the changes we recommend, provide the appropriate balance between enabling development and appropriately protecting neighbours' amenity values within the affected urban areas of Hutt City.

Natural hazards

232. Flooding issues have been addressed above. A number of submitters¹⁷⁸ raised hazard issues¹⁷⁹ including earthquake issues and climate

¹⁷⁷ Including Petone Action Planning Group, Dr Mead, Ms Gallen and Mr Doyle and Mr Opie and Ms Jackson.

¹⁷⁸ Including Mr Best and Mr Brathwaite.

¹⁷⁹ At paragraphs 244-255 of the s42A Report.

change/resilience¹⁸⁰ effects. As mentioned above, concerns raised by GWRC in its submission have been resolved in discussions, including by amending Policy 4A 3.11.

233. All of these submitters were concerned as to whether PC43 appropriately managed significant risks from natural hazards. In response¹⁸¹ to questions Council officers remained of the opinion that PC43's approach to, and response to, natural hazards is appropriate. As set out in the s32 Evaluation, some existing areas of Hutt City are exposed to high natural hazard risk.¹⁸² The spatial identification of areas has factored that in when identifying targeted areas and this has further evolved with the recommended removal of Alicetown and the reduction in size of the Waiwhetu targeted areas.
234. With the amendments agreed with GWRC, and proposed in the Council's reply, we agree and adopt the discussion in the s42A Report.¹⁸³ In particular, we note that the Council is continuing work on identifying hazard risks and that a policy response will then be developed through a future plan change. We consider that PC43 appropriately recognises and provides for the significant risk of natural hazards within the provisions it contains and that the future plan change process will address outstanding issues.

Property values

235. A number of submitters¹⁸⁴ raised concerns as to the adverse effect of PC43 on property values or their ability to sell their property. These submitters often emphasised that a person's home is their most important asset that they have worked hard to afford. It was unfair to have that value eroded by PC43.
236. Conversely other submitters¹⁸⁵ argued this issue only applied to those who already owned homes and protection from perceived property value effects reflects a key principle in the housing issue.
237. We agree with the discussion in the s42A Report that the ability to intensify typically increases a property's value (over time).¹⁸⁶ However, we see property value effects as being a derivative of amenity effects. As we have stated above, with our recommendations included we consider that PC43

¹⁸⁰ Including Petone Community Board and Mr Steele.

¹⁸¹ Council's reply, point 31.

¹⁸² At page s4-42 and 56-57.

¹⁸³ At paragraphs 256-267.

¹⁸⁴ Including Dr Mead, Ms Phillips, Ms Gallen and Mr Doyle, Mr Opie and Ms Jackson, Mr Darby, and those set out in paragraph 118 of the s42A Report.

¹⁸⁵ Including Hutt City Youth Council.

¹⁸⁶ At paragraph 120, and note this point was made by Mr Arlidge in his submission.

ensures appropriate protection of amenity values while better enabling (and providing for) residential intensification.

OBJECTIVES AND POLICIES

238. In light of our findings on the above matters:

- (a) what are the planning objectives most appropriate to achieve the purpose of the RMA?
- (b) applying the statutory provisions, are the policies and rules the most appropriate way to achieve the objectives?

239. The rationale, and s32 justification, for the proposed objectives and policies is addressed in detail in the s32 Evaluation¹⁸⁷ and also the s42A Report.¹⁸⁸

240. The Council officers have provided extensive assessment and justification and, while we are mindful of, and have assessed the s32A considerations for all changes to the objectives and policies since the notified version, we do not consider we need to repeat the lengthy assessments here. In order to keep this decision focused, except for Polices 4A 3.8 / 4F 3.5 / 5E 3.6 (which all relate to the Design Guide which is addressed below) and Objective 5E 2.4 (which relates to sympathy with surrounding residential areas) we accept and adopt the discussion and the reasoning in the s42A Report and Council's reply, in relation to changes to the objectives and policies since the notification version. The Council's reply, and the proposed amendments to a number of objectives and policies, responded very well to the issues and concerns we had raised during the hearing and we are grateful to the Council officers for that.

241. We consider, for the objectives, these changes to be the most appropriate to achieve the purpose of the RMA, the intent of PC43 and giving effect to the NPS UDC. For the policies we consider they are the most appropriate way to achieve the objectives having considered other options and assessed their efficiency and effectiveness. As we have already mentioned, we find the approach of PC43, and its objectives and policies, to provide a well-reasoned and sustainable response to the identified resource management issue relating to housing (see above).

¹⁸⁷ At pages 64-89.

¹⁸⁸ At pages 85-101 (GRAA), 155-170 (MDRAA) and 208-221.

Objective 5E 2.4

242. HNZ called expert evidence in relation to their opposition to objectives 5E.2.3 and 5E.2.4 in the Suburban Mixed Use Activity Area as they had potentially conflicting outcomes (Amendments 136 and 137 of the s42A Report). Other submitters¹⁸⁹ sought retention of this objective.

243. The s42A Report recommended amendments to Objective 5E.2.4 to resolve the potential conflict. The two objectives, with the s42A Report's recommended changes underlined, are:

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

Built development is of a scale and quality that is ~~compatible with~~ sympathetic to the amenity levels of adjoining residential areas;

244. Mr Lindenberg, considered that the attempt in the s42A report to resolve the potential conflict was not sufficient, and District Plan users would still be required to consider both the amenity levels of medium density mixed use development and of adjoining residential areas, and that this could mean that one or other of the objectives could not be achieved where the two could not both be addressed adequately. There is no hierarchy within the objectives to identify which would fall away in the event a development could not adequately accommodate both.

245. Mr Lindenberg recommended that Objective 5E2.4 be deleted.

246. We accept there is potential for the two objectives to conflict, especially given the lack of any hierarchy and, in our view, the vague language used. The issue is whether the potential conflict may impede giving effect to the purpose of PC43, and whether achieving objective 5E.2.3 would compromise other zones achieving their own objectives. We note that very little SMUAA immediately adjoins GRAA, with most SMUAA adjoining MDRAA, General Business and or General Recreation. Where SMUAA is located in the immediate vicinity of GRAA, they are separated by a road. Given the very limited interface with GRAA, it is unlikely that the scale or quality of a new development within SMUAA would adversely affect amenity levels of that zone. Given the development opportunity within the MDRAA, that interface is

¹⁸⁹ At paragraphs 1391-1394, noting that the AT better Planning submission sought more specificity in this objective.

well managed through rules such as 5E.4.2.2 that requires maintenance of the recession plane of the abutting zone (which will be more onerous). However, Rule 5E 4.2.2 (recession planes) and Rule 5E 4.2.7 (Screening and Storage), as well as Policy 5E 3.7 would be orphaned if we deleted Objective 5E.2.4. Therefore, we do not consider that deletion of Objective 5E.2.4 is appropriate.

247. For the reasons above we support in part the amendment sought by HNZ, as set out in the evidence of Mr Lindenberg, and recommend that Objective 5E.2.4 is amended to make it clear that compatibility of sympathy with the adjoining zone is not the issue – the issue is the interface between the zones. Overall, without this amendment we do not think that Objective 5E.2.4 most appropriately meets the purpose of the RMA, nor serves to achieve the intent of PC43 and is ineffective and inefficient.

Policies 4A 3.8 / 4F 3.5 / 5E 3.6

248. The importance of the Design Guide in ensuring high quality outcomes (as set out above) has resulted in us recommending amendments to the Design Guide and also incorporating some of its key provisions within the plan as matters of discretion (see below).
249. Our recommendations (for the reasons set out above and below) necessitate a change to these policies to remove reference to the Design Guide. Rather, for the reasons set out below, we have made the policy target the achievement of high-quality design outcomes. Also, for the GRAA only we have referred to "*maintaining the historic character in Petone-Moera*" as that links to our proposed reference to "*historic character in Petone-Moera*" as an assessment matter.
250. We also agree with the change proposed by the Council officers to Policy 4A 3.8. For the GRAA this outcome is critical to the long-term success and sustainability of PC43. It necessitates a requirement as opposed to an encouragement.
251. We consider that these changes are required to most appropriately achieve the objectives (in particular in relation to quality and amenity) and to ensure an efficient and effective outcome. It is critical, in our view, for PC43 to ensure robust and certain assessment and to deliver sound design outcomes. We consider, as discussed below, that leaving such outcomes solely to the Design Guide is not certain and will likely lead to arguments

over processes applied and information provided, and not the outcomes achieved.

GWRC

252. For completeness, GWRC submitted that, to meet the requirements of the NPS FM, PC43 would need to better address the effects of urban stormwater on water quality, and to be consistent with the RPS, address provisions for water quantity and natural hazards. As already mentioned prior to the hearing commencing GWRC and Hutt City agreed specific provisions to include in PC43 to satisfy GWRC's submission.¹⁹⁰
253. We support the agreed amendments as provided in the 23 August 2019 memo, and note that with these amendments, PC43 will give effect to the NPS FM and the RPS and will not be inconsistent with the Regional Plans.

RULES AND MATTERS OF DISCRETION

254. Again, we rely on, and adopt, the reasons given in the s32 Evaluation,¹⁹¹ the s42A Officer's Report¹⁹² and the Officer's Reply.
255. The Council officers have provided extensive assessment and justification and, while we are mindful of, and have assessed the s32A considerations for all changes to the rules since the notified version, we do not consider we need to repeat the lengthy assessments here. In order to keep this decision focused, except for Rule 4A 4.2.10, a host of rules that referred to consistency with the Design Guide, and minor changes removing the word abutting, we accept, and adopt the discussion and the reasoning in the s42A Report and Council's reply, in relation to changes to the rules since the notification version. The Council's reply, and the proposed amendments to most of the rules, responded very well to the issues and concerns we had raised during the hearing and we are grateful to the Council officers for that.
256. We consider that the recommended rules are the most appropriate way to achieve the objectives and policies having considered other options and assessed their efficiency and effectiveness. We find the rules support, and deliver, a well-reasoned objective and policy framework and provide a clear and efficient response to the identified resource management issue relating

¹⁹⁰ The agreed provisions are set out in the "Response to Statements of Evidence of Lucy Harper and Sharyn Westlake for Greater Wellington Regional Council" dated 23 August 2019".

¹⁹¹ Pages 67-89.

¹⁹² Pages 101-153 (GRAA), 170-205 (MDRAA) and 221-250 (SMUAA).

to housing (see above) while ensuring the adverse effects of intensification are appropriately managed.

Some general comments and consistent use of wording

257. We raised concerns with the Council officers about the language of PC43, and the various terms used for what appeared to be common points. Ms Tindale, in her presentation to us, raised similar concerns about the definitions and the wording of the policies, which in her opinion, would make it difficult to decline poor design. The Council officers, in their reply to our concerns, agreed that consistency of referencing was appropriate especially around “adjoining sites”, “the surrounding residential area” and “adjoining activity areas”. There are subsequent amendments to PC43 that address this consistency, which will make the administration of the plan change easier and have no material effect on points of submission.
258. As mentioned above, the Council officers have picked these up and we accept the final reply version of the provisions relating to these matters. We have replaced abutting with adjoining for consistency's sake through the PC43 provisions.

Comprehensive Residential Development

259. As already mentioned, PC43 is premised on SMUAA, MDRAA and CRD in the GRAA.
260. We find that SMUAA and MDRAA and the magnitude of intensification signalled in PC43 to be broadly appropriate. They respond logically to passenger transport services and also local goods and services.
261. The possibility of CRD (with consent) in the GRAA, provided certain site conditions are met, provides for development that is greater than the zone otherwise provides for. When we compare these provisions to those that apply generally in the MDRAA, they are largely identical. We therefore find it appropriate to describe the GRAA CRD opportunity as analogous to a ‘spot zone’ of MDRAA within the GRAA.
262. When we considered the submissions and the representations of those submitters that attended the hearing, we identified that most of the concern expressed around PC43 related to the prospect of 3 storey developments scattered across the GRAA that could occur as CRDs. These concerns are set out in more detail above. While we do not wish to take away from the

significance of future development within the MDRAA and the SMUAA to the submitters that were concerned with those, it remains fair to say that the appropriateness of the CRD method in the GRAA formed a key issue of contention before us.

263. As already mentioned, submitters frequently expressed concern with the potential for 3 storey development amongst existing 1-to-2 storey residential areas. These concerns related predominantly to concerns about neighbourhood coherence, about visual privacy and overlooking (and visual dominance associated with that), and a loss of sunlight. The Council officers' response to these matters included specific analysis of sunlight access and amenity, and reference to why the proposed rules would allow for effects of concern to the submitters to be mitigated (such as by virtue of the size of sites required, which would allow the more significant effects of taller buildings to be internalised within those sites and away from neighbours.
264. We find that the CRD method is itself an efficient and practical means of promoting housing choice and the accommodation of housing in Lower Hutt in a way that can remain compatible with existing neighbourhood characteristics. But in our view the likelihood of multiple medium-sized sites being redeveloped as CRDs with existing GRAA activities on three if not all sides is a real one. The likelihood of inappropriate adverse effects on neighbouring properties arising in such constrained circumstances justifies, in our view, much of the submitters' concerns. In that respect, we are satisfied with all of the proposed methods and consent requirements proposed by the Council for CRDs in the GRAA except building height. We find that, other than building height, the provisions reflect a practical balance between maintaining the qualities of existing environments and providing for change that we accept is required within the reasonably foreseeable future.
265. Turning to the matter of building height, we find that the standard GRAA zone height of 8m should apply to CRDs in the GRAA. Not only do we consider that this will result in a more consistent and coherent residential amenity and built form outcome, we find that it will more effectively serve the spatial strategy of PC43 than the notified proposal. We are also mindful of Mr Collin's comment that there is very little density difference between 2 and 3 stories.

266. We recognise that some submitters, such as HNZ, sought, and the Council officers accepted in their s42A Report,¹⁹³ that a small increase (1m for 50% of roof) be provided for to enable roofline variation. However, we consider that a single 8m height limit is appropriate to protect amenity values as addressed above and to provide greater consistency of character across the GRAA. Such a height still allows roofline variation if wanted.
267. We became concerned after our site visit when we considered the spatial scale of the GRAA compared to the MDRAA that over time much more residential density and building scale could occur scattered across the GRAA than focused around railway stations and local services (the SMUAA and MDRAA) as intended by PC43. We find that there is an appropriate justification to reinforce that density and height should be concentrated around those railway stations and service centres. We consider that would better achieve the intent of PC43 while appropriately managing the adverse effects of intensification. Related to that, our observation of several real-world 2-storey medium density residential developments was that they did not create inherently problematic built form or amenity effects either on direct neighbours or their neighbourhoods and were comfortable within the GRAA. This, as addressed above, was also the view of many submissions and representations before us.
268. Having separately identified (see above) that we do not support the HNZ submission to increase the height limit in the SMUAA or to extend the MDRAA beyond what was notified, we were left with reducing the height limit for CRDs in the GRAA as our key option to better reinforce PC43's intended spatial focal points for development. As it happens, this also corresponds neatly with a key issue for a large body of the submitters to PC43.

Sunlight

269. A related concern to submitters, as addressed above, was provision of sunlight. The Council officers presented analysis substantiating their opinion of why the proposed recession planes were appropriate. Many submitters sought more restrictive recession planes, based either on the previous version of the District Plan, or from examples taken from other districts such as Hamilton City. We discussed this topic with several submitters.

¹⁹³ At paragraphs 884 and 908.

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

KiwiRail

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

¹⁹⁴ Point 13.

¹⁹⁵ Point 26.

¹⁹⁶ Point 18.

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

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

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

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

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

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

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

HNZ

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

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

²⁰¹ At paragraph 788.

²⁰² At paragraph 28.

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

the existing provisions to enable intensification. But that intensification must be appropriate. For the reasons given above in relation to amenity effects, we agree with the Council officers that 8m is an appropriate height.

286. HNZ also sought non-notification for CRD where there is compliance with the relevant development standards.²⁰⁴ This submission was not supported by the Council officers in the s42A Report²⁰⁵ on the basis that while full notification is precluded, having the option of limited notification will enable a case-by-case assessment. We discussed the benefits and importance of non-notification with HNZ's representatives and also Council officers during the hearing. Overall, and recognising other submitters views on notification (see above), we consider that, given the importance of "balancing" the effects of CRD in the GRAA, a case-by-case limited notification assessment is appropriate.

THE DESIGN GUIDE

287. As already mentioned, key to managing amenity issues for medium density development is the Design Guide. It must be clear and effective. This was a point emphasised by many submitters. We agree that ensuring high quality outcomes is important and that the matters of discretion, and Design Guide, are key to achieving that. Mr Collin's told us without the Design Guide "*we would be instructed to design rubbish*". We also agree that the Design Guide, and the provisions of PC43, must balance high quality outcomes and affordability (and actual enablement of greater intensity).

288. As mentioned above, AT Better Planning provided extensive submissions on the need for clear, and certain, design provisions. We sought that Ms Tindale provide us with a short summary after her representation, which she did. She provided us with her thoughts as to potential assessment criteria based on reviews of other plans. While we agree with Ms Tindale's view that greater clarity and certainty of the application of the Design Guide is required, we do not accept that greater prescriptive regulation is the most appropriate mechanism. We agree with her support for the Design Guide and have taken that document as the basis for our recommendations, as set out below.

289. As already mentioned, a key part of PC43 is the Design Guide. The Design Guide was notified accompanied by a stand-alone design guideline document prepared by the Council. Some submitters to PC43 sought

²⁰⁴ As raised in paragraph 7.2(b) of HNZ's legal submissions.

²⁰⁵ At paragraph 900. It is also responded to at paragraph 30 of the Council officers' rebuttal evidence.

changes to the guidelines. But most of the submissions that referred to the Design Guide advised that the guidelines were seen as very important if PC43 is to achieve high quality outcomes. Those submitters specifically sought that the guidelines had greater regulatory force than was proposed.

290. As a part of the Council officers' response, it was proposed to add content to the notified Design Guide relating to bicycle storage and also historic character. The latter was in response to the Petone 2040 submission, and specifically expert evidence provided on behalf of that submitter by Mr Chris McDonald.
291. In the Council officers' response, it was confirmed that the Design Guide would be incorporated into the District Plan rather than sit as a purely non-statutory document.
292. We accept the broad principle put to us across multiple submissions, which we will paraphrase for convenience, that for higher density development to be compatible with existing neighbourhoods around it, it is very important that high quality design is achieved. This in our view inevitably leads to the conclusion that some form of design requirement is necessary within PC43 itself. This is a different conclusion to that taken by the Council officers.
293. However, in our questions of the Council officers (and Mr Compton-Moen) and those submitters that were experienced with housing developments or were design professionals, we identified a number of challenges that must be resolved. These are:
- (a) What is meant by high quality design?
 - (b) What does the Design Guide actually say?
 - (c) Is the Design Guide most appropriate as part of the Plan, or outside it?
 - (d) What specific findings are relevant to Petone-Moera?
 - (e) What is the most appropriate overall planning solution?

294. We address each of these questions in turn below.

High quality design

295. There is no definition of “high-quality design” (or similar terms) in the District Plan, PC43 or the RMA that we could identify. The RPS does include at Appendix 2 “regional urban design principles”, but these in turn only took us

to the very broad “Seven C’s” of the New Zealand Urban Design Protocol (“NZUDP”). Unfortunately, that did not help us. As a result, and from the outset of the hearing, we sought clarity on what built form characteristics the Council and submitters were actually seeking.

296. When we tested the issue with submitters and the Council officers, what became apparent to us was that the phrase “high quality design” was not being used to promote any single or particular aesthetic style or preference across the district. We were not directed to any particular architectural model that should be required other than in the spatially confined area of Petone-Moera, based on specific historic heritage concerns identified by the submitter Petone 2040. The responses we received consistently focused instead on matters of building bulk, form, orientation and location (of which we have understood land use density to be one part). Our site visit around the district reinforced to us that the residential amenity values in Lower Hutt are based on a wide variety of dwelling and building types, sizes, styles, materials, and tastes.
297. We have concluded on this matter that what is of concern is the way that buildings are placed and shaped on sites (of which land use density is one influencing factor given its impact on the likely scale and extent of buildings that may arise), so that in general:
- (a) the placement of building height and scale on a site should complement existing buildings and spaces on neighbouring sites and maintain reasonable sunlight and daylight access;
 - (b) the height of buildings and placement of doors and windows on new buildings (and hence the internal room planning) should be designed to maintain reasonable levels of privacy and amenity on neighbouring sites;
 - (c) the form and shape of new buildings should include architectural references (in terms of a design cue or prompt rather than an imitation) to existing dwellings around the site, including roof form and pitch, style, elevation and window proportions, and materials; and
 - (d) buildings should be designed to address streets and parks, and positively contribute to the visual quality of the neighbourhood.
298. We consider that addressing the above, particularly (a) and in part (b) and (d) above, can be sufficiently achieved through fundamental bulk, location and

density controls within the District Plan (which we have determined separately). This would allow considerable aesthetic freedoms to applicants while at the same time setting a clear planning framework for integrating new, higher-density development into existing neighbourhoods.

299. But we do accept that there is a finer-grain level of design refinement such as (c) and in part (b) and (d) above that, based on the larger-scale of buildings likely to result from PC43 across the district than has traditionally been the norm, could result in adverse effects of a severity that warrants careful management. At this point we wish to be very clear that we are interested in the extent to which visual design and detailing within larger-scale developments reasonably mitigate adverse effects stemming from larger-scale buildings, and/or provides appropriate off-setting positive effects for the visual quality of the neighbourhood (consistent with the NPS UDC). We record that we do not consider that there is any valid resource management case for the Council to control visual design preference for its own sake, or to promote built form “sameness” simply because it has been familiar for several decades.
300. We also accept that these design matters are extremely nuanced and require a site-by-site consideration of what could be for any one example dozens of differently configured but equally acceptable outcomes; in summary we do not see how promoting high-quality design can lead to a series of hard-and-fast “architectural design code” type rules that could sit in the District Plan. We therefore conclude that there is an unavoidable need for well-defined regulatory oversight of design, and that this must fall to include a design assessment of merit. We therefore consider that PC43 must be premised on some form of resource consent requirement including both bulk and location rules, and design goal-posts based on applicants making a case for how their design is appropriate. The use of a Design Guide strikes us as one method that could achieve this and at this initial level we support it.
301. These findings then turned us to consider, first, whether and to what extent the Design Guide addresses the above matters, and then secondly whether and to what extent the content of the Design Guide enjoys an appropriate regulatory weight in the context of assessing and determining future resource consent applications. We address these matters, in that order, below.

Content of the guidelines

302. The Council officers' reply version of the proposed Design Guide is a 38 page document split into 4 sections.
303. The first section sets out a number of overall design principles. There are 5 principles. These are stated to have been derived from the NZUDP.
304. The second section sets out specific additional design principles that have been identified as suitable within each of the activity areas that the Design Guide applies to, namely the SMUAA (4 additional principles), MDRAA (5 additional principles), and GRAA (1 additional principle). Each of these additional design principles is supported by indicative illustrations demonstrating various combinations of what are separately identified as “design opportunities”.
305. The third section sets out the “key design elements”. There are 12 proposed. These apply to all developments in all activity areas that the Design Guide would relate to.
306. The final section of the document relates to “design statements”. These are envisaged as being documents that would accompany resource consent applications. They would be prepared by applicants to explain how the various ideas and principles set out in the Design Guide have been considered in the development of a proposal.
307. We find that Section 4 is not a relevant design matter; it is a form of information requirement and our questions of the Council officers confirmed their intention that it would operate close to a rule compelling the provision of information. We were not provided with any evidence to support why the normal Assessment of Environmental Effects-led documentation that accompanies a resource consent application would not be sufficient. We were also not satisfied generally that the Council could not properly understand applications and their merit without this documentation. By the same token, we received no evidence that such documentation would be fundamentally inappropriate or unhelpful, should an applicant wish to produce it. Our concern therefore rests with what weighting or compulsion the design statement tool should enjoy.
308. We see no issue with Sections 1 and 2 of the Design Guide but find that these are intended to be matters of information and context to help shape a design rather than specific indicators or requirements that directly relate to

environmental effects. They serve to describe the activity areas, the rules that apply, and the outcomes that the Council would prefer as much as to identify what design issues and environmental effects are to be addressed.

309. We are then left with Section 3. We consider this to be the key part of the Design Guide that relates directly to the design issues we identified earlier. We note that, with the exception of the additional matter of “historic character”, we consider that these are comprehensive and appropriate. They address the design issues and queries identified by submitters which do not relate instead to ‘fundamental’ building bulk and location (rule) issues.

In or out of the Plan?

310. In addressing this matter, we commenced by reminding ourselves of the nature of the District Plan as a regulatory document (the statutory requirements are summarised above). It is clear to us from this statutory guidance that district plans serve a specific legal role and it follows from this that any text within a district plan must also serve, and be written so as to properly serve, that role. We consider that it is an appropriate discipline to limit the content of planning documents to succinct and necessary content so as to aid their use and administration in a real-world setting.
311. With reference to our analysis of the guidelines content above, we find that the Design Guide simply contains too much unnecessary material that, in its promotion of what the Council regards as desirable design outcomes, blurs the line between the provision of regulatory target-setting, helpful technical information, and generalised design advocacy. As already mentioned one submitter described it as "woolly". A majority of the content is directed to the process that the Council officers recommend applicants follow in identifying a design outcome for a site, rather than on what performance indicators such design outcomes should achieve. We consider the Council should not be troubling itself with whether or not an applicant’s designers have gone about their work in the same way that the Council’s designers might have. There focus should be on good design outcomes.
312. Such material is in our judgement not suitable for incorporation into the District Plan. But at this point we wish to reiterate that we see no flaw in the Council promoting particular outcomes or ways of thinking if it sees those as desirable, including the design process described extensively within the Design Guide. Our concern is limited to the appropriateness of using the regulatory powers conferred on the consent authority under the RMA to

require these preferences of applicants. The established vehicle of a non-regulatory method strikes as much better suited for such guidance.

313. Further, we were uncertain as to how the Design Guide could be used in any certain manner to assist a decision-maker (let alone an applicant trying to use it). If the policy requirement (as was proposed in Council officers reply) is to require consistency with it, and it is vague (and woolly), then it is of no benefit (and will come at a cost). Given its wording we do not consider that the Design Guide is sufficiently clear or certain to undertake such a task in an efficient and effective manner. As Mr Opie and Ms Jackson submitted "the Design Guide is, however, a very broadly drawn document."
314. We find that with the exception of Section 3 of the Design Guide, the document should be regarded as very helpful information and ideas that applicants should be welcome to consider, but not be forced to conform to. That seemed to fit with a number of comments from the Council officers describing it as a "guide", but at the same time stating that designs need to be in general accordance, or consistent, with it.²⁰⁶ We find such an approach confusing and open to uncertainty and inefficiency. This extends to the proposed design statement at Section 4, which we regard as an improperly defined addition to the standard resource consent process.
315. However, and in terms of Section 3 of the Design Guide, we find that the key themes or topics identified, namely the principles identified in the reply version excluding that of "historic character", appropriately and succinctly capture the essence of the technical design issues that applicants should address. These should in our view sit within the District Plan and on that basis, we are satisfied that the Council would enjoy sufficient and appropriately defined regulatory oversight to ensure that high quality design outcomes are achieved. Otherwise, and we agree with Mr Opie and Ms Jackson, there are only a limited number of matters of discretion and encouraging (as it was) consistency with the Design Guide does not appropriately manage potential amenity effects during consenting processes.
316. We find that the examples and guidance provided in this section of the guideline beneath each heading are likely to be very helpful for applicants but

²⁰⁶ Mr Opie and Ms Jackson sought that the Design Guide should include a set of minimum design conditions which have to be applied with. That requires a rule and accords partly with our approach below of taking key elements of the Design Guide into the matters of discretion within PC43 itself. We have addressed above our satisfaction that a rule is not required for all medium density developments as the permitted activity provisions will appropriately and efficiently provide good design outcomes.

not be definitive or exclusive, and that other solutions may be identified on a site-by-site basis that are equally as appropriate.

317. We have identified that an additional matter of discretion could be constructed and inserted into the District Plan text where reference to the design guidelines is proposed as follows:

“The following mixed use and medium density residential development design elements:

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

When considering the above matters, the Council will be principally guided by its Medium Density Design Guide.”

318. We address the matter of “historic character” below.

Specific findings to Petone-Moera

319. We received a comprehensive submission and expert evidence relating to the built form character in Petone and Moera. This included identification of areas of historic character, as well as a wider and more generalised area of distinctive character generally.

320. The submission made by Petone 2040 sought greater recognition of existing character in the consideration of CRD applications made within that area. The submission did not extend to require all new development in the area (such as the proposed permitted activity standards within the GRAA) to be so character-compatible.

321. On our site visit, we appreciated both the consistency of built form character that was of interest to Petone 2040 and its expert design witness Mr

McDonald. We also saw examples of what we would describe as aesthetically incongruent buildings amongst that.

322. After careful consideration, we find that the Petone 2040 submission has raised relevant issues to our consideration of PC43 but the submission was let down by its focus only on comprehensive residential developments. Irrespective of the question of scope, addressed above, that it would remain a permitted activity for most of the dwellings identified by Mr McDonald to be demolished on the basis of single-site redevelopments significantly reduced our confidence that limiting or adding more restrictions to comprehensive residential developments would be efficient or effective at maintaining or protecting that character. Further, given the accepted significance of natural hazard issues in Petone, the appropriateness of any heritage-character protections would need to be carefully considered and evaluated on an efficiency and effectiveness basis. We had no such evidence.²⁰⁷
323. Due to our finding on scope, as mentioned above we recommend that the Council promote a separate historic heritage-related character plan change to properly safeguard areas such as Petone-Moera. We do not agree that it is appropriate for us to add a suite of provisions into PC43 related to protecting historic heritage as sought by Petone 2040. But we do agree that the issue of how a new development relates to an existing neighbourhood's built form character through the Design Guide (now assessment criteria), particularly where there are prevalent or predominant common characteristics shared across many sites such as Petone-Moera, is relevant to PC43 and within our purview.
324. Turning to the matter of the proposed Design Guide, Mr McDonald proposed adding a design element to Section 3 related to "character", with guidelines setting out that new development should maintain and relate to existing character. This was largely agreed with by the Council's officers, who proposed additions to the guideline to that effect.
325. Ultimately, we do not accept Mr McDonald's or the Council officers' revisions to the design guidelines as proposed. The evidence we heard that identified the existence of built form character sensitive to unsympathetic development was limited to Petone-Moera, and in that respect Mr McDonald's evidence was convincing. But, we heard no evidence as to the need or appropriateness of extending the recognition of the importance of existing

²⁰⁷ But Mr Collins told us that over time all of Petone will need to be raised.

neighbourhood character across the district as a whole, which is what Mr McDonald's and the Council officers' recommendations had the effect of doing. As addressed above, Mr Lindenberg, the planner for HNZ, raised the inappropriateness of plan provisions simultaneously seeking and promoting built form change, but at the same time seeking that new development be the same as or very similar to existing built form outcomes. We agree with Mr Lindenberg's general comments; it is not helpful for plans to load resource consent processes where applicants are told that everything is simultaneously important.

326. The Design Guide as proposed, without the 'historic character' element proposed in the Council officers' reply, already discussed the way that built form can be shaped so as to sit compatibly with neighbours, and we see no shortcoming with that. It also discussed visual quality, contributing positively to the street, and managing direct effects on neighbours. We are satisfied that this is collectively sufficient to ensure that new development can contribute high-quality new amenity and character values to neighbourhoods, and at the same time maintain the quality of residential amenity on nearby sites.
327. Our site visit impressed upon us just how visually diverse neighbourhoods, and the building stock in Lower Hutt, are. In that respect we find no relevant resource management justification or environmental effect relating to whether or not new development looks different to existing development. We also record our observation that for many sites we saw, development along the lines promoted by PC43 would be likely to enhance existing character and amenity values rather than detract from them.
328. We find that there is a resource management justification for recognition of the existing historic character of Petone-Moera in the context of development needing a resource consent under PC43 (including with reference to the Petone 2040 Spatial Plan, which we were provided). The way to most appropriately provide for this is to add a matter of discretion that directly recognises this. In terms of the additional matters of discretion we created above, we consider that an additional matter (k) could be added, as follows:

“k.) Historic character in Petone-Moera”.

329. Supporting this, section 3.5 of the Council officers' reply version of the Design Guide would be removed from the 'main' list, renumbered 3.12, and re-named "Historic character in Petone-Moera", with corresponding adjustments

to the proposed text on that page. We recommend further changing the Design Guide so that on the 'contents' page for Section 3 (page 21 of the Council officers' reply version), a new sub-heading be added for items 3.1 - 3.11 (as per our numbering) stating "elements affecting all development". The new 3.12 would sit alone under a separate sub-heading "elements affecting specific locations or types of development". This sets in train the addition of neighbourhood-specific issues and matters over time (this is a matter that was discussed in point 8 of the Council officers' reply), and recognises our prior findings that the Design Guide itself should remain non-statutory and outside of the Plan.

Most appropriate solution

330. Having considered the above and by way of summary, we find that the Design Guide is not appropriate to be incorporated into the District Plan. Most of its content is in the form of explanation or information, and at 38 pages we find that it could not be regarded as an efficient way of achieving a sound planning outcome if in every application the document in its entirety (which is the Council's recommendation) had to be addressed. As already mentioned we find it too vague to require consistency with it in any efficient and effective manner through a consenting process.
331. We are also concerned at the way the proposed design statement acts as a form of indirect information requirement rule. It invites debate between designers on the process that may have been followed by an applicant rather than on the outcome that is proposed.
332. However, we have also found that what we have identified as 'high-quality design' outcome is important. Leaving this matter entirely outside of the District Plan or without any regulatory oversight would not be appropriate either.
333. We identified that the substantive part of the Design Guide is in Section 3, under 11 headings and 1 additional heading relating to Petone-Moera. These are in our view the key design matters that have been identified by the Council. This was substantiated by both Mr Liggett for HNZ, a potential user of the guidelines, and also by the end of the hearing by the Council's urban design consultant Mr Compton-Moen.
334. We have determined that the topic headings identified in Section 3 of the Design Guide should be referenced within PC43 as matters of discretion as

we have drafted. This has the effect of requiring those matters to be considered and addressed, and where appropriate applications could either be granted or refused consent. It also clarifies that other matters discussed or promoted within the Design Guide are not regulatory requirements. To link the identified matters of discretion to the Design Guide, we have resolved to add a reference statement identifying that the Council will use the Design Guide to consider applications against the restriction of discretion. We find that this will send a clear signal to applicants that the Design Guide is an important document that should be carefully considered.

335. We find that this outcome will be the most appropriate solution for the following reasons:

- (a) It will be efficient from the point of view of limiting PC43 to the key words necessary that applicants and interested stakeholders should focus on.
- (b) It will be effective from the point of view of requiring the key design matters addressed in the Design Guide to be matters of discretion that must be addressed and determined.
- (c) It will be efficient and effective from the point of view of allowing the guideline to remain outside of the District Plan, meaning that it could be updated and corrected with new examples of successful design outcomes as they arise over time, without the need for a formal RMA plan change each time.
- (d) It recognises the specific built form (historic) character qualities of Petone-Moera, although we recommend the Council consider a separate historic heritage plan change to protect historic heritage in Petone-Moera and elsewhere within the district.

RECOMMENDED CHANGES AND CONCLUSION

336. Our recommended changes to the Councillors, consistent with our report above, are attached as **Appendix 1**.

337. For the reasons set out extensively above, and for brevity's sake those matters within the s32A Evaluation, s42A Report, and the Council's reply which we have accepted and adopted as set out above, we consider that, with our recommended changes, the requirements of s32 and s32A, and the

other relevant statutory requirements as set out in the statutory framework section, have all be appropriately considered and applied.

338. We accepted the basis of the resource management issue for PC43 of providing housing capacity and variety that meets the needs of existing and future residents. We have emphasised in line with the statutory requirements (especially s32 and s32AA given the detailed evaluation they require) and the NPS UDC that while intensification is to be provided it is not to be so at all costs. We have carefully considered and assessed the adverse effects of intensification, especially on existing home owners of properties that have not intensified during the transition periods. We have also been mindful of the key structuring of PC43 around transport and suburban centre hubs and ensuring that outcome is not diluted by too much development in the GRAA.
339. Overall, with our recommended changes, we consider that PC43 provides the right balance and response to intensification for Hutt City within its scope. As mentioned there will be more plan changes relating to residential development in the future. We consider however that PC43 provides a sound, and sustainable, start for addressing the housing issue within Hutt City. The District Plan needs to respond to provide housing capacity and variety that meets the needs of existing and future generations. The status quo is simply not acceptable and will not achieve the purpose of the RMA (nor give effect to the NPS UDC).

RECOMMENDATIONS IN RELATION TO BOULCOTT AREA

340. As mentioned above, this part of the decision relates solely to the Boulcott area and is a decision of Ms Sinclair and Mr Allen only.
341. Mr and Mrs McLauchlan²⁰⁸ submitted that PC43 is a "*poorly considered kneejerk reaction to a property housing crisis that doesn't exist in the Hutt*" For the reasons given above we do not, on the evidence and submissions provided to us, agree that there is no housing crisis in Hutt City. We also do not think PC43 is a kneejerk response. It has been in development for a long time and we considered, focusing on targeted areas, conscious of infrastructure limitations and efficiently and effectively providing a range of housing choices, it has been well developed by Council officers and appropriately gives effect to the NPS UDC.

²⁰⁸ In relation to concerns they may have with 32A Hathaway Avenue we accept Table 33 of the s32 Evaluation and adopt it.

342. Mr and Mrs McLauchlan's submission sought the removal of the MDRAA (we note that no MDRAA is proposed in the Boulcott area) and also amendments to the recession planes (different depending on the compass boundary) and at a different height/slope. We have addressed recession planes above and for those reasons do not support the changes sought. We consider that the MDRAA is an appropriate and well considered response to housing issues in Hutt City. For the reasons already given, including our site visit to the targeted areas, with the changes we recommended we consider that the MDRAA is an appropriate and sustainable response to the housing availability and flexibility issue PC43 is designed to address.
343. Supporting other submitters positions²⁰⁹ Mr and Mrs McLauchlan seek that PC43 should not be approved. Mr Robinson appeared before us and we have addressed the points raised by him above. As already mentioned he shifted many years ago to New Zealand and does not want Hutt City to become like the industrial north of England. PC43, including with the changes recommended, contains appropriate controls to ensure that the MDRAA, and all areas affected, will provide an appropriate range of residential options for the future wellbeing and vibrancy of Hutt City residents.
344. Dr Page did not appear before us but his submission opposed PC43 in part, recognising that Hutt City is not a static place. He however disagreed with the need for and approach to PC43 (as addressed above). He sought amendment to the Design Guide and changes to many of the bulk/location provisions with a particular concern on areas adjacent to CRD and medium density development (in particular in relation to height and shading). On that matter we have addressed in detail above amenity effects of CRD and medium density development (including zone interfaces) and consider, with the recommendations proposed, including our recommended reduction in height of CRD, that an appropriate balance has been struck by PC43 between enabling intensification and managing its adverse effects.
345. The Boulcott Preservation Society provided a similar submission to Mr and Mrs McLaughlan and we do not accept it for the same reasons already set out.
346. A number of other submitters who lived in the Boulcott area, such as Mr Young, expressed strong support for PC43. In Mr Young's presentation to us

²⁰⁹ Dr Page and Mr David Robinson.

he considered it would sustainably address an acute housing shortage. He also emphasised that Hutt City was "*a story of change*."

347. We therefore consider that the recommendations we have made in relation to PC43 in the GRAA above appropriately apply, for the same reasons already given, to the Boulcott area.

Dated 27 October 2019

David Allen (Chair)

Karyn Sinclair (Commissioner)

Ian Munro (Commissioner)

Appendix 1

Proposed Plan Change 43

Recommended changes from the Hearing Panel

This appendix gives the recommended changes from the Hearing Panel for Proposed Plan Change 43.

Changes initially proposed by Plan Change 43 are shown as underline or ~~strikethrough~~.

Further changes recommended by the Hearing Panel are shown in double underline and ~~double strikethrough~~.

Approved by Council on 4 November 2019.

Recommended changes from the Hearing Panel to Chapter 3 Definitions

AMENDMENT 6 [Chapter 3 Definition]

Add Definition for Communal Carparking

Communal Carparking: means an area or building providing carparking for the exclusive use of residents, visitors and customers of a mixed use, multi-unit, or comprehensive residential development, where those residents have direct and legal access.

AMENDMENT 26A [Chapter 3 Definition]

Introduce new Definition for Stormwater Neutrality

Stormwater Neutrality: the maximum peak stormwater flow in a 10 year and 100 year (ARI) flood event from the site is no greater than it was pre-development.

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

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

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

4A 1 Introduction / Zone Statement

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

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

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

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

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

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

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

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

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

4A 2 Objectives

Objective 4A 2.1

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

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

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

Objective 4A 2.2

Housing capacity and variety are increased.

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

Objective 4A 2.3

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

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

Objective 4A 2.4

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

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

Objective 4A 2.5

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

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

Objective 4A 2.6

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

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

4A 3 Policies

Policy 4A 3.1

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

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

Policy 4A 3.2

Enable a diverse range of housing types and densities.

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

Policy 4A 3.3

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

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

Policy 4A 3.4

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

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

Policy 4A 3.5

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

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

Policy 4A 3.6

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

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

Policy 4A 3.7

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

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

Policy 4A 3.8

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

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

Policy 4A 3.9

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

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

Policy 4A 3.10

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

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

Policy 4A 3.11

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

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

Policy 4A 3.xx

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

AMENDMENT 49 [New Chapter 4A General Residential Activity Area (4A 4 Rules)]
Add a new Section 4A 4 Rules, new Subsection 4A 4.1 Activities and new Rule 4A 4.1.1 Residential Activities

4A 4 Rules

4A 4.1 Activities

Rule 4A 4.1.1 Residential Activities

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

Links to:

Objective 4A 2.1

Policy 4A 3.1

AMENDMENT 50 [New Chapter 4A General Residential Activity Area (4A 4 Rules)]
Add a new Rule 4A 4.1.2 Home Occupation

Rule 4A 4.1.2 Home Occupation

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

- (i) At least one person engaged in the home occupation is permanently living on site.
- (ii) No more than four people in total may work in the home occupation at any one time.
- (iii) Retail activities are limited to:
 - 1. Goods produced on the site; or
 - 2. Goods retailed online and not resulting in customer visits to the site; or
 - 3. Goods ancillary and related to a service provided by the home occupation.
- (iv) The home occupation does not include the repair, alteration, restoration or maintenance of motor vehicles.
- (v) The home occupation does not involve the use of trucks or other heavy vehicles.
- (vi) The operational hours for visitors, customers, clients and deliveries to the home occupation is only between:
 - 1. 8:00am to 7:00pm Monday to Friday; and
 - 2. 9:00am to 6:00pm Saturday, Sunday and public holidays.
- (vii) Daily vehicle trips to and from the site generated by the home occupation do not exceed 20.
- (viii) All materials and goods stored, repaired or manufactured in association with the home occupation and all storage of refuse from the home occupation must be within buildings on the same site or screened from view at ground level.

(b) Home Occupations that do not meet the above permitted activity standards are **restricted discretionary** activities.

Discretion is restricted to

<ul style="list-style-type: none"> (i) <u>The effects on the amenity of the surrounding residential area.</u> (ii) <u>The effects of non-compliance with the permitted activity standard that is not being met.</u>
<p><u>Links to</u> <u>Objective 4A 2.1</u> <u>Policy 4A 3.1</u></p>

AMENDMENT 51 [New Chapter 4A General Residential Activity Area (4A 4 Rules)]
 Add a new Rule 4A 4.1.3 Care Facilities, Residential Facilities, Boarding Houses, Hostels, Visitor Accommodation

Rule 4A 4.1.3 Care Facilities, Residential Facilities, Boarding Houses, Hostels, Visitor Accommodation

<p>(a) <u>Care Facilities, Residential Facilities, Boarding Houses, Hostels and Visitor Accommodation are permitted activities if:</u></p> <ul style="list-style-type: none"> (i) <u>The maximum number of people accommodated on site including guests, staff and permanent residents does not exceed 10.</u>
<p>(b) <u>Care Facilities, Residential Facilities, Boarding Houses, Hostels and Visitor Accommodation accommodating more than 10 people on site including guests, staff and permanent residents are restricted discretionary activities.</u></p> <p><u>Discretion is restricted to:</u></p> <ul style="list-style-type: none"> (i) <u>The effects on the amenity of the surrounding residential area.</u> (ii) <u>The effects on the safe and efficient movement of vehicle and pedestrian traffic.</u>
<p><u>Links to</u> <u>Objective 4A 2.1</u> <u>Policy 4A 3.1</u></p>

AMENDMENT 52 [New Chapter 4A General Residential Activity Area (4A 4 Rules)]
 Add a new Rule 4A 4.1.4 Childcare Facilities

Rule 4A 4.1.4 Childcare Facilities

<p>(a) <u>Childcare and Kohanga Reo Facilities are permitted activities if:</u></p> <ul style="list-style-type: none"> (i) <u>The maximum number of children to be cared for at any one time does not exceed five.</u>
<p>(b) <u>Childcare and Kohanga Reo Facilities that do not meet the above permitted activity standards are restricted discretionary activities, if the number of children to be cared for at any one time does not exceed 30.</u></p> <p><u>Discretion is restricted to:</u></p> <ul style="list-style-type: none"> (i) <u>The effects on the amenity of the surrounding residential area.</u> (ii) <u>The effects on pedestrian safety and the safe and efficient movement of vehicles.</u> (iii) <u>The extent to which the site layout and any proposed landscaping helps to avoid or minimise the impacts on surrounding residential areas, the streetscape and adjoining public space. adjacent streets and public spaces or</u>

adjacent residential sites.
(c) <u>Childcare and Kohanga Reo Facilities are discretionary activities if the number of children to be cared for at any one time exceeds 30.</u>
Links to: <u>Objective 4A 2.1</u> <u>Policy 4A 3.1</u>

AMENDMENT 53 [New Chapter 4A General Residential Activity Area (4A 4 Rules)]
Add a new Rule 4A 4.1.5 Health Care Services

Rule 4A 4.1.5 Health Care Services

(a) <u>Health Care Services with a maximum number of four practitioners (whether fulltime or part time) are restricted discretionary activities.</u>
<u>Discretion is restricted to:</u>
(i) <u>The effects on the amenity of the surrounding residential area.</u>
(ii) <u>The extent to which the site layout and any proposed landscaping helps to avoid or minimise the impacts on surrounding residential areas, the streetscape and adjoining public space. adjacent streets and public spaces of adjacent residential sites.</u>
(b) <u>Health Care Services with more than four practitioners are discretionary activities.</u>
Links to: <u>Objective 4A 2.1</u> <u>Policy 4A 3.1</u>

AMENDMENT 54 [New Chapter 4A General Residential Activity Area (4A 4 Rules)]
Add a new Rule 4A 4.1.6 Community Facilities, Marae, Education Facilities, Places of Assembly and Emergency Facilities

Rule 4A 4.1.6 Community Facilities, Marae, Education Facilities, Places of Assembly and Emergency Facilities

(a) <u>Community Facilities (except for Childcare and Kohanga Reo Facilities), Marae, Education Facilities, Places of Assembly and Emergency Facilities are restricted discretionary activities.</u>
<u>Discretion is restricted to:</u>
(i) <u>The effects on the amenity of the surrounding residential area.</u>
(ii) <u>The extent to which the site layout and any proposed landscaping helps to avoid or minimise the impacts on surrounding residential areas, the streetscape and adjoining public space. adjacent streets and public spaces of adjacent residential sites.</u>
Links to: <u>Objective 4A 2.1</u> <u>Policy 4A 3.1</u>

AMENDMENT 55 [New Chapter 4A General Residential Activity Area (4A 4 Rules)]
Add a new Rule 4A 4.1.7 Retirement Villages

Rule 4A 4.1.7 Retirement Villages

- (a) Retirement Villages are **restricted discretionary** activities.
- Discretion is restricted to:**
- (i) The effects on the amenity of the surrounding residential area.
 - (ii) The extent to which the site layout and any proposed landscaping helps to avoid or minimise the impacts on surrounding residential areas, the streetscape and adjoining public space. ~~adjacent streets and public spaces or adjacent residential sites.~~
 - (iii) Whether the site is subject to any hazards, including being within any natural hazard overlay area.
 - (iv) The capacity of the network infrastructure for water supply, wastewater, stormwater and land transport to service the proposed development.
 - (v) ~~Consistency with the Medium Density Design Guide.~~ The following mixed use and medium density residential development design elements:
 - a) Building height
 - b) Recession planes and setbacks
 - c) Indoor and outdoor living spaces
 - d) Open space and boundary treatments
 - e) Entrances, carparking and garages
 - f) On-site stormwater management
 - g) End / side wall treatment
 - h) Building materials
 - i) Bike parking, storage and service areas
 - j) Privacy and safety
 - k) Landscaping
 - l) Historic character in Petone-Moera
- When considering the matters in (v), the Council will be principally guided by its Medium Density Design Guide.

Links to:
[Objective 4A 2.1](#)
[Policy 4A 3.1](#)

AMENDMENT 56 [New Chapter 4A General Residential Activity Area (4A 4 Rules)]
Add a new Rule 4A 4.1.8 All Other Activities

Rule 4A 4.1.8 ~~All~~ Other Non-Residential Activities

- (a) ~~All other activities not listed above are non-complying activities.~~ Non-residential activities not specifically provided for as permitted, restricted discretionary or discretionary activities are **non-complying activities**.

Links to:

[Objective 4A 2.1](#)
[Policy 4A 3.1](#)

AMENDMENT 57 [New Chapter 4A General Residential Activity Area (4A 4 Rules)]
Add a new Rule 4A 4.1.9 Light Spill

Rule 4A 4.1.9 Light Spill

(a) Activities are **permitted** activities if:

- (i) Artificial light does not result in added illuminance in excess of 8 lux measured at the window of any dwelling house.
- (ii) Light spill is avoided beyond the boundary of the site.

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

Discretion is restricted to:

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

[Links to](#)
[Objective 4A 2.1](#)
[Policy 4A 3.4](#)

AMENDMENT 58 [New Chapter 4A General Residential Activity Area (4A 4 Rules)]
Add a new Rule 4A 4.1.10 Vibration

Rule 4A 4.1.10 Vibration

(a) Activities that would cause vibration are **permitted** activities if:

- (i) The activity is managed and controlled in such a way that no vibration from the activity is discernible beyond the boundary of the site.

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

Discretion is restricted to:

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

[Links to](#)
[Objective 4A 2.1](#)
[Policy 4A 3.4](#)

AMENDMENT 58A [New Chapter 4A General Residential Activity Area (4A 4 Rules)]
Introduce a new Rule 4A 4.1.x Vegetation Removal

Rule 4A 4.1.x Vegetation Removal

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

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

4A 4.2 Development Standards

Rule 4A 4.2.1 Number of Dwellings per Site

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

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

Rule 4A 4.2.2 Site Coverage

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

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

Rule 4A 4.2.3 Building Height

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

Discretion is restricted to:

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

Links to:

Objectives 4A 2.3, 4A 2.4

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

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

Rule 4A 4.2.4 Recession Plane

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

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

Discretion is restricted to:

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

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

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

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

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

Rule 4A 4.2.5 Yards

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

Front yards	3m
Side yards	1m
Rear yards	1m
 - (ii) One accessory building may be located in a side and/or rear yard, provided that the building does not extend more than 6m along the length of any boundary and is not located in a yard that is directly adjoining the rail corridor.
No yards are required along existing or proposed internal boundaries within a site.
Eaves may encroach into any yard by up to 0.6 m.
- (b) Construction or alteration of a building that does not meet the yard requirements is a **restricted discretionary** activity.
Discretion is restricted to:

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

Links to:

Objectives 4A 2.3, 4A 2.4

Policies 4A 3.4, 4A 3.5, 4A 3.6, 4A 3.7

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

Rule 4A 4.2.6 Permeable Surface

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

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

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

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

Links to:
Objective 4A 2.5
Policy 4A 3.9

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

Rule 4A 4.2.7 Outdoor Living Space

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

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

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

Rule 4A 4.2.8 Accessory Buildings

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

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

Rule 4A 4.2.9 Minor Additional Dwelling

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

Links to:

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

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

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

Rule 4A 4.2.10 Comprehensive Residential Developments

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

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

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

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

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

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

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

Front yards 2m

Side yards 1m

Rear yards 1m

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

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

1. Has a minimum area of 20m².

2. Has a minimum dimension of 3m.

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

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

(vi) The development must achieve stormwater neutrality.

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

Discretion is restricted to:

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

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

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

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

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

Rule 4A 4.2.11 Demolition

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

Note 4A 4.3 General Rules

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

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

Rule 4A 4.2.X Stormwater Retention

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

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

AMENDMENT 71 [New Chapter 4A General Residential Activity Area (4A 5 Precincts and Scheduled Sites)]

Add a new Section 4A 5 Precincts and Scheduled Sites

4A 5 Precincts and Scheduled Sites

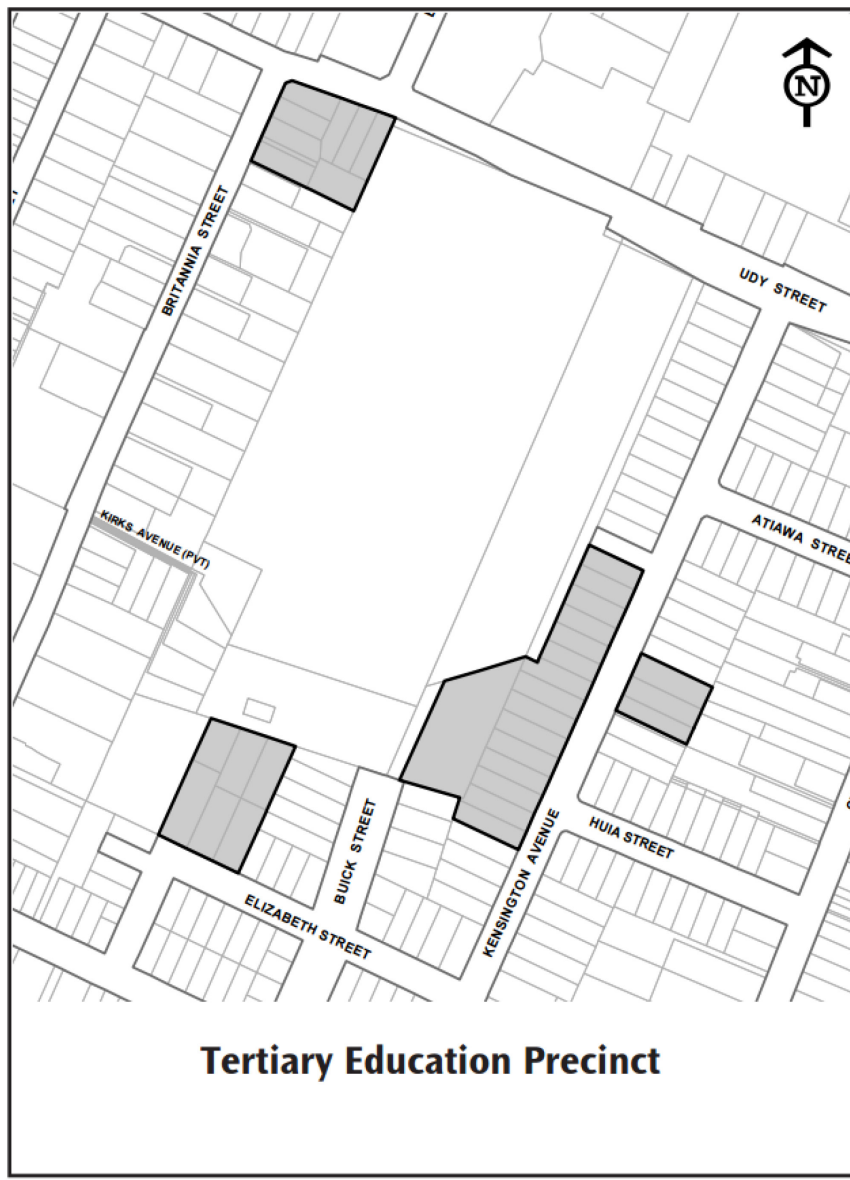
AMENDMENT 72 [New Chapter 4A General Residential Activity Area (4A 5 Precincts and Scheduled Sites)]

Add a new Subsection 4A 5.1 Tertiary Education Precinct (comprising the existing provisions for the Tertiary Education Precinct)

4A 5.1 Tertiary Education Precinct

All residential activities and related developments within the Tertiary Education Precinct must comply with and are assessed against the provisions under 4A 2 Objectives, 4A 3 Policies and 4A 4 Rules. The provisions below do not apply.

All tertiary education activities and development related to tertiary education activities within the Tertiary Education Precinct must comply with and are assessed against the provisions of the underlying General Residential Activity Area unless specified otherwise below.



AMENDMENT 73 [New Chapter 4A General Residential Activity Area (4A 5 Precincts and Scheduled Sites)]

Add a new Subsection 4A 5.1.1 Policies (comprising the existing policies for the Tertiary Education Precinct)

4A 5.1.1 Policies

Policy 4A 5.1.1.1

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.

Policy 4A 5.1.1.2

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

AMENDMENT 74 [New Chapter 4A General Residential Activity Area (4A 5 Precincts and Scheduled Sites)]

Add a new Subsection 4A 5.1.2 Rules and new Rule 4A 5.1.2.1 Activities (comprising existing provisions for the Tertiary Education Precinct relating to activities)

Rule 4A 5.1.2.1 Activities

(a) Principal Tertiary Education Activities are **permitted** activities.

(b) Ancillary Tertiary Education Activities are **restricted discretionary** activities.

Discretion is restricted to

(i) Amenity Values

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

(ii) Traffic Effects

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

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

(iii) Parking Effects

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

~~The proposal should comply with the parking and loading controls contained in Chapter 14A. [deleted by PC 39]~~

(ii) Noise

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

Links to:
Policies 4A 5.1.1.1, 4A 5.1.1.2

AMENDMENT 75 [New Chapter 4A General Residential Activity Area (4A 5 Precincts and Scheduled Sites)]

Add a new Rule 4A 5.1.2.2 Site Coverage (comprising existing provisions for the Tertiary Education Precinct relating to site coverage)

Rule 4A 5.1.2.2 Site Coverage

(a) Construction or alteration of a building for tertiary education purposes is a **permitted activity** if:

(i) For that part of the precinct on the western side of Kensington Avenue

1. The maximum site coverage does not exceed 60%.

(ii) For all other parts of the precinct the requirements of Rule 4A 4.2.2 apply.

(b) Construction or alteration of a building for tertiary education purposes that does not meet the above permitted activity standards is a **restricted discretionary activity**.

Discretion is restricted to:

(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.

Links to:
Policies 4A 5.1.1.1, 4A 5.1.1.2

AMENDMENT 76 [New Chapter 4A General Residential Activity Area (4A 5 Precincts and Scheduled Sites)]

Add a new Rule 4A 5.1.2.3 Building Height (comprising existing provisions for the Tertiary Education Precinct relating to height)

Rule 4A 5.1.2.3 Building Height

(a) Construction or alteration of a building for tertiary education purposes is a **permitted activity** if

- (i) For that part of the precinct on the western side of Kensington Avenue
1. The building or structure does not exceed a maximum height of 12m; and.
 2. No part of any building located between 3m and 8m from the southern boundary is higher than 4m.
 3. No part of any building located between 8m and 12.5m from the southern boundary is higher than 8m.
- 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.
- (ii) For all other parts of the precinct
1. The building does not exceed a maximum height of 8m.

(b) Construction or alteration of a building for tertiary education purposes is a **restricted discretionary** activity if:

- (i) The requirements of (a) (ii) are not met.
- (ii) The building or Structure does not exceed 12m in height.

Discretion is restricted to:

(iii) 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.

(iv) 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.

(v) Streetscape Effects

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

(b) Construction or alteration of a building for tertiary education purposes is **discretionary** if:

- (i) For that part of the precinct on the western side of Kensington Avenue the requirements of (a) (i) are not met.
- (ii) For all other parts of the precinct the building height exceeds 12m.

Links to:
Policies 4A 5.1.1.1, 4A 5.1.1.2

AMENDMENT 77 [New Chapter 4A General Residential Activity Area (4A 5 Precincts and Scheduled Sites)]

Add a new Rule 4A 5.1.2.4 Recession Planes (comprising existing provisions for the Tertiary Education Precinct relating to recession planes)

Rule 4A 5.1.2.4 Recession Planes

(a) Construction or alteration of a building for tertiary education purposes is a **permitted activity** if:

(i) For that part of the precinct on the eastern side of Kensington Avenue the following recession plane requirements are being met:

1. 2.5m + 37.5° for the southern boundary, and
2. 2.5m +45° for all other rear and side boundaries.

(ii) For all other parts of the precinct the following recession plane requirements are being met:

1. 2.5m +45° from all side and rear boundaries.

No recession planes are required from road boundaries and internal boundaries within all areas of the Tertiary Education Precinct.

(b) Construction or alteration of a building for tertiary education purposes that does not meet the above permitted activity standards is a **restricted discretionary activity**.

Discretion is restricted to:

(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.

Links to:
Policies 4A 5.1.1.1, 4A 5.1.1.2

AMENDMENT 78

[New Chapter 4A General Residential Activity Area (4A 5 Precincts and Scheduled Sites)]

Add a new Rule 4A 5.1.2.5 Yards (comprising existing provisions for the Tertiary Education Precinct relating to yards)

Rule 4A 5.1.2.5 Yards

(a) Construction or alteration of a building for tertiary education purposes is a **permitted activity** if:

(i) For those parts of the precinct in Udy Street, on the western side of Kensington Avenue and on the eastern side of Kensington Avenue

1. The minimum yard requirement is 3m for the southern boundary.

Note: For the purpose of this rule “southern boundary on the western side of Kensington Avenue” shall refer to any boundaries of the precinct with Lot 1 DP 5460 and Lot 4 DP 8102.

(ii) For all other parts of the precinct

1. The building is not located within the following yard setbacks:

Front yards 3m

Side yards 1m

Rear yards 1m

Minimum yard requirements do not apply to internal boundaries within all areas of the Tertiary Education Precinct.

(b) Construction or alteration of a building for tertiary education purposes that does not meet the above permitted activity standards is a **restricted discretionary activity**.

Discretion is restricted to:

(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.

Links to:

Policies 4A 5.1.1.1, 4A 5.1.1.2

AMENDMENT 79 [New Chapter 4A General Residential Activity Area (4A 5 Precincts and Scheduled Sites)]

Add a new Rule 4A 5.1.2.6 *Building Frontages* (comprising existing provisions for the Tertiary Education Precinct relating to building frontages)

Rule 4A 5.1.2.6 Building Frontages

<p>(a) Construction or alteration of a building for tertiary education purposes is a permitted activity if:</p> <p>(i) The ground level road frontage of the building is located within a distance no closer than 3m and no further than 5.5m of the road boundary and provides at least one pedestrian entrance to the road.</p> <p>(ii) The building does not create a featureless façade or blank wall wider than 3m at the ground level road frontage. A featureless façade or blank wall is a flat or curved wall surface without any openings or glazing.</p>
<p>(b) Construction or alteration of a building for tertiary education purposes that does not meet the above permitted activity standards is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <p>(i) Streetscape Effects</p> <p>The extent to which the proposal would adversely impact on the streetscape of the area.</p>
<p>Links to: Policies 4A 5.1.1.1, 4A 5.1.1.2</p>

AMENDMENT 80 [New Chapter 4A General Residential Activity Area (4A 5 Precincts and Scheduled Sites)]

Add a new Rule 4A 5.1.2.7 *Corner Sites* (comprising existing provisions for the Tertiary Education Precinct relating to corner sites)

Rule 4A 5.1.2.7 Corner Sites

<p>(a) Construction or alteration of a building for tertiary education purposes is a permitted activity if:</p> <p>(i) On any corner site, the main entrance to any building is to a primary street or at the corner.</p> <p>Note: For the purpose of this rule 'main entrance' shall be the doorway intended for the highest rates of access and egress of people into any building, and 'primary street' shall be the road which is classified highest in the Rooding Hierarchy Classification Schedule in Appendix Transport 1.</p>
<p>(b) Construction or alteration of a building for tertiary education purposes that does not meet the above permitted activity standards is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <p>(i) Streetscape Effects</p> <p>The extent to which the proposal would adversely impact on the streetscape of the area.</p>
<p>Links to: Policies 4A 5.1.1.1, 4A 5.1.1.2</p>

AMENDMENT 81 [New Chapter 4A General Residential Activity Area (4A 5 Precincts and Scheduled Sites)]

Add a new Rule 4A 5.1.2.8 Landscaping and Screening (comprising existing provisions for the Tertiary Education Precinct relating to landscaping and screening)

Rule 4A 5.1.2.8 Landscaping and Screening

<p>(a) <u>Construction or alteration of a building for tertiary education purposes is a permitted activity if:</u></p> <p>(i) <u>All outdoor storage and servicing areas are screened so that they are not visible from a road or public space. 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.</u></p> <p>(ii) <u>Where a site abuts a residential or recreation activity area, all outdoor storage and servicing areas are 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.</u></p> <p>(iii) <u>Where there are 5 or more parking spaces on site and the site abuts a residential or recreation activity area, that area is screened from the street and adjoining properties by a fence or wall not less than 1.5m in height.</u></p>
<p>(b) <u>Construction or alteration of a building for tertiary education purposes that does not meet the above permitted activity standards is a restricted discretionary activity.</u></p> <p><u>Discretion is restricted to:</u></p> <p>(i) <u>The location, nature and degree of proposed landscaping.</u></p> <p>(ii) <u>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.</u></p>
<p><u>Links to:</u> <u>Policies 4A 5.1.1.1, 4A 5.1.1.2</u></p>

AMENDMENT 82 [New Chapter 4A General Residential Activity Area (4A 5 Precincts and Scheduled Sites)]

Add a new Subsection 4A 5.2 Scheduled Site – 32A Hathaway Avenue, Boulcott – Housing for the Elderly (comprising the existing site specific provisions for 32A Hathaway Avenue)

4A 5.2 Scheduled Site – 32A Hathaway Avenue, Boulcott – Housing for the Elderly

All residential activities and related development within the site must comply with and are assessed against the provisions under 4A 2 Objectives, 4A 3 Policies and 4A 4 Rules. The provisions below do not apply.

All Retirement Village activities and related development within the site must comply with and are assessed against the provisions of the underlying General Residential Activity Area unless specified otherwise below.



AMENDMENT 83 [New Chapter 4A General Residential Activity Area (4A 5 Precincts and Scheduled Sites)]

Add a new Subsection 4A 5.2.1 Policies (comprising the existing site specific policies for 32A Hathaway Avenue)

4A 5.2.1 Policies

Policy 4A 5.2.1.1

To enable a comprehensively designed Housing for the Elderly development, that demonstrates positive, varied and visual interest in the form and layout of the development, while ensuring that development achieves the following:

- (i) Development adjacent to a Residential Activity Area boundary is compatible with the scale, location and form of development on the existing Residential Activity Area properties;
- (ii) Development adjacent to the Boulcott School boundary is of a scale and form that responds to the existing scale and intensity of development on the school site;
- (iii) In achieving (i) to (ii) above, development should be planned and designed, constructed and managed in a manner that contributes to a positive relationship to its neighbours through good urban design.

Policy 4A 5.2.1.2

To enable, for a development where Policy 4A 5.2.1.2 above applies, larger buildings and buildings taller than the permitted height of 8m in the General Residential Activity Area to recognise the large site and the opportunity to take advantage of views across the Lower Hutt Golf Course from the edge of the new stopbank where the layout, massing, arrangement and design of all buildings is demonstrated in a comprehensive development to achieve:

- (i) All aspects of Policy 4A 5.2.1.2 above;
- (ii) An appropriate urban design response to the wider context so that the coherence of the adjoining neighbourhood's urban form is not adversely affected to an inappropriate degree;
- (iii) Appropriate visual permeability across the site;
- (iv) An attractive and well designed edge treatment when viewed from the new stopbank and avoids buildings that have inappropriate length or mass.

AMENDMENT 84 [New Chapter 4A General Residential Activity Area (4A 5 Precincts and Scheduled Sites)]

Add a new Subsection 4A 5.2.2 Rules and new Rule 4A 5.2.2.1 Activities (comprising the existing site specific provisions for 32A Hathaway Avenue relating to activities)

4A 5.2.2 Rules

Rule 4A 5.2.2.1 Activities

- | |
|---|
| <p><u>(a) Housing for the Elderly including the construction or alteration of buildings is a restricted discretionary activity if</u></p> <ul style="list-style-type: none"><u>(i) a building setback of no less than 5m from all Residential Activity Area boundaries including that of Boulcott School is provided; and</u><u>(ii) the Development Standards relating to Site Coverage, Recession Planes,</u> |
|---|

Yards, Permeable Surface and not those Development Standards relating to Building Height are complied with, provided that:

1. the length of the northern boundary of the site shall be exempt from the recession plane permitted activity conditions.

Discretion is restricted to:

(i) Traffic Effects

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

(ii) Parking Effects

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

(iii) Construction Effects

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

1. Consistency with NZS 6803:1999;
2. Consistency with BS 5228-2:2009 Code of practice for noise and vibration control on construction and open sites;
3. The provision of a construction traffic and parking management plan;
4. The provision of a construction noise management plan;
5. The provision of a communication and liaison plan.

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

1. The extent to which the proposal would adversely affect the amenity and character values of the surrounding residential and recreational area, including:
 - i. The effects of buildings and structures on neighbouring and surrounding residential and recreational sites, Boulcott School and Boulcott Kindergarten, and, in particular, the location, design, appearance, bulk, spacing and articulation of buildings; and
 - ii. Whether the proposal would cause significant loss of sunlight, daylight or privacy on adjoining residential properties and Boulcott School.
 - iii. The degree to which the proposal meets the Medium Density Design Guide.
2. The degree to which policies 4A 5.2.1.1 and 4A 5.2.1.2 are met.
3. Consideration shall include onsite amenity, including the management of onsite wind effects.

(v) Landscape Effects and Landscape Design

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

(vi) Noise Effects

Consideration shall be given to potential operational noise effects.

(vii) Infrastructure Provision including Infrastructure Capacity and Capability and Stormwater Management

Consideration shall be given to:

1. The capacity of the pump station and provision of a pump station emergency management plan.
2. The capacity within stormwater pipework from both within the site and Hathaway Avenue, including overland flow paths from Hathaway Avenue.
3. The provision of a secondary flow path along the stopbank and serving Hathaway Avenue.
4. The provision of a 100-year piped stormwater system and secondary flow path to serve 18 to 28A Hathaway Avenue.
5. Final design for fire water meeting the appropriate Wellington Water regional water standard.

(viii) Natural Hazards

1. The extent to which the proposal addresses the following risks to the site:
 - i. Liquefaction;
 - ii. Fault rupture;
 - iii. Residual flood risks above a 1 in 100 year flood or stopbank breach or failure.
2. Ensuring that the ongoing structural integrity of the flood protection system is not compromised.
3. Addressing Emergency Evacuation Planning.

(ix) Effects on Tangata Whenua Values

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

(x) Effects on Archaeological Values

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

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

(b) Housing for the Elderly on the site that does not comply with the above restricted discretionary standards is a **discretionary** activity

Links to:
Policies 4A 5.2.1.1, 4A 5.2.1.2

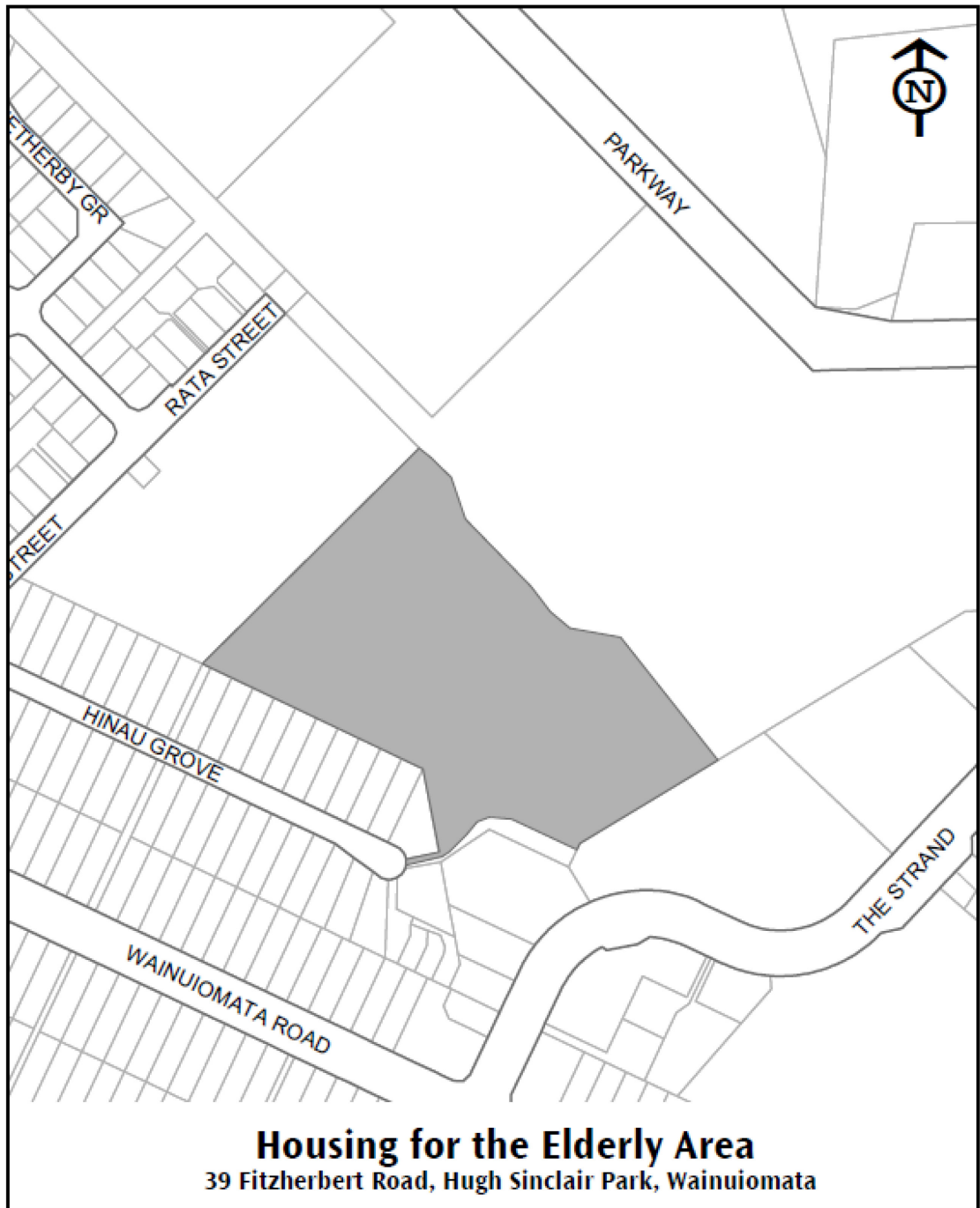
AMENDMENT 85 [New Chapter 4A General Residential Activity Area (4A 5 Precincts and Scheduled Sites)]

Add a new Subsection 4A 5.3 Scheduled Site – 39 Fitzherbert Road, Wainuiomata – Housing for the Elderly (comprising the existing site specific provisions for 39 Fitzherbert Road)

4A 5.3 Scheduled Site – 39 Fitzherbert Road, Wainuiomata – Housing for the Elderly

All residential activities and related development within the site must comply with and are assessed against the provisions under 4A 2 Objectives, 4A 3 Policies and 4A 4 Rules. The provisions below do not apply.

All Retirement Village activities and related development within the site must comply with and are assessed against the provisions of the underlying General Residential Activity Area unless specified otherwise below.



AMENDMENT 86 [New Chapter 4A General Residential Activity Area (4A 5 Precincts and Scheduled Sites)]

Add a new Subsection 4A 5.3.1 Rules and new Rule 4A 5.3.1.1 Activities (comprising the existing site specific provisions for 32A Hathaway Avenue relating to activities)

4A 5.3.1 Rules

Rule 4A 5.3.1.1 Activities

(a) Housing for the Elderly including the construction or alteration of buildings is a **restricted discretionary** activity if it complies with the Development Standards under 4A 4.2.

Discretion is restricted to:

(i) Temporary Construction Effects

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

(ii) Design Guide

~~Consideration shall be given to the degree to which the proposal adheres to the Medium Density Design Guide.~~

The following mixed use and medium density residential development design elements:

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

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

~~(iii) Traffic Generation Effects~~

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

~~(iv) Parking Effects~~

~~The extent to which the proposal appropriately provides for the vehicle parking needs of the activity, without adversely affecting the vehicle parking requirements of the surrounding area. [deleted by PC 39]~~

(iii) Natural Hazards

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

(iv) Geotechnical Matters

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

(v) Amenity Values

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

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

(vi) ~~Pedestrian Connection~~

~~Provision for paved pedestrian pathways that are safe, separate from vehicle lanes wherever practicable, incorporate night lighting, are suitable for use by elderly persons and which provide connection between the site and available public bus routes. [proposed to be deleted by PC 39]~~

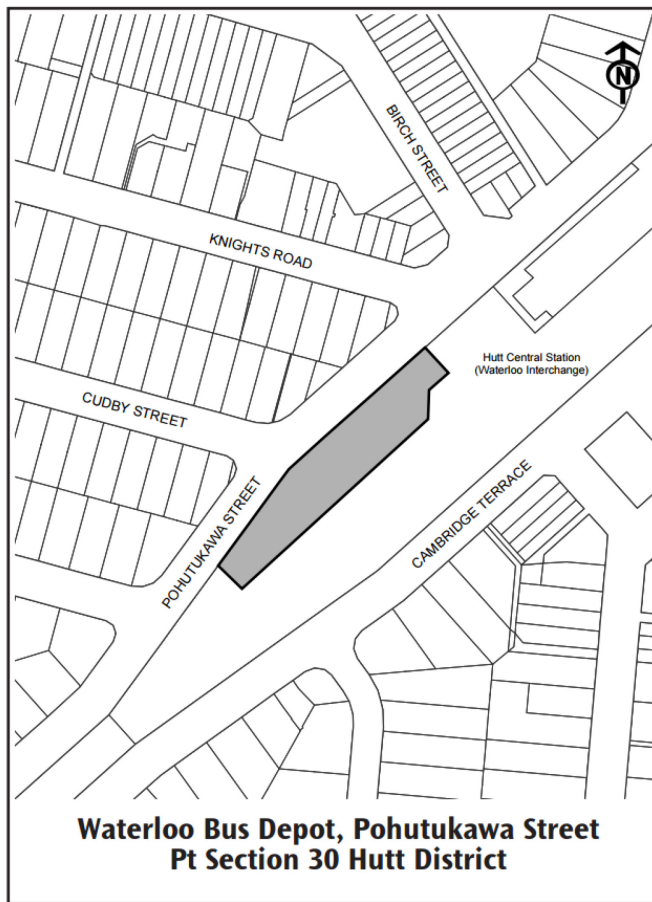
(b) Housing for the Elderly on the site that does not comply with the Development Standards under 4A 4.2 is a **discretionary** activity.

[Links to Objective 4A 2.1](#)
[Policy 4A 3.1](#)

AMENDMENT 87 [New Chapter 4A General Residential Activity Area (4A 5 Precincts and Scheduled Sites)]

Add a new Subsection 4A 5.4 Scheduled Site – Waterloo Bus Depot – Pt Sec 30 Hutt District, new Subsection 4A 5.4.1 Rule and new Rule 4A 5.4.1.1 - Activities (comprising the existing site specific provisions for the Waterloo Bus Depot)

4A 5.4 Scheduled Site – Waterloo Bus Depot – Pt Sec 30 Hutt District



4A 5.4.1 Rule

Rule 4A 5.4.1.1 - Activities

(a) <u>In addition to those activities listed in 4A 4.1 a bus depot or transport infrastructure is a permitted activity.</u>
<u>Links to</u>

AMENDMENT 88 [New Chapter 4A General Residential Activity Area (4A 5 Precincts and Scheduled Sites)]

Add a new Subsection 4A 5.5 Scheduled Site – Sites in Belmont that contain the Building Setback Line (Planning Map E3) and new Subsection 4A 5.5.1 Policies (comprising the existing site specific policies for sites containing the building setback line)

4A 5.5 Scheduled Site – Sites in Belmont that contain the Building Setback Line (Planning Map E3)

4A 5.5.1 Policies

Policy 4A 5.5.1.1

Ensure that all buildings and structures on sites that contain the building setback line are appropriately located to avoid damage from erosion hazards of the Hutt River.

Policy 4A 5.5.1.2

Ensure that all buildings and structures do not create adverse flood hazard effects for other land, buildings and structure off-site.

AMENDMENT 89 [New Chapter 4A General Residential Activity Area (4A 5 Precincts and Scheduled Sites)]

Add a new Subsection 4A 5.5.2 Rule and new Rule 4A 5.5.2.1 – Development Standards (comprising the existing site specific provisions for sites containing the building setback line)

4A 5.5.2 Rule

Rule 4A 5.5.2.1 Development Standards

<p>(a) <u>The construction or alteration of a building on sites in Belmont that contain the Building Setback Line is a permitted activity if it complies with the development standards under 4A 4.2 and:</u></p> <p>(i) <u>No part of any building is constructed on the riverside of the building setback line.</u></p>
<p>(b) <u>Construction or alteration of a building is restricted discretionary if the above permitted development standard is not met.</u></p> <p><u>Discretion is restricted to:</u></p> <p>(i) <u>The degree to which buildings and structures further increase the risk to people of exposure to the erosion hazard; and</u></p> <p>(ii) <u>Any mitigation measures that are proposed.</u></p>
<p><u>Links to:</u> <u>Policies 4A 5.5.1.1, 4A 5.5.1.2</u></p>

AMENDMENT 90 [New Chapter 4A General Residential Activity Area (4A 5 Precincts and Scheduled Sites)]

Add a new Subsection 4A 5.6 Scheduled Site – Buildings and Structures within the 1 in 100-year Flood Extent (Planning Maps D3, E3, G1) and new Subsection 4A 5.6.1 Policies (comprising the existing site specific policies for the above sites)

4A 5.6 Scheduled Site – Buildings and Structures within the 1 in 100-year Flood Extent (Planning Maps D3, E3, G1)

4A 5.6.1 Policies

Policy 4A 5.6.1.1

Ensure that all new and additions to existing buildings and structures on sites within the 1 in 100-year flood extent have appropriate floor levels and gross floor areas.

Policy 4A 5.6.1.2

Ensure that all buildings and structures do not create adverse flood hazard effects for other land, buildings and structure off-site.

AMENDMENT 91 [New Chapter 4A General Residential Activity Area (4A 5 Precincts and Scheduled Sites)]

Add a new Subsection 4A 5.6.2 Rule and new Rule 4A 5.6.2.1 – Development Standards (comprising the existing site specific provisions for the above sites)

4A 5.6.2 Rule

Rule 4A 5.6.2.1 Development Standards

- | |
|---|
| <p>(a) The construction or alteration of a building within the 1 in 100-year Flood Extent is a permitted activity if it complies with the development standards under 4A 4.2 and:</p> <p>(i) The floor level of all buildings is above the 1 in 100-year flood level; except:</p> <ol style="list-style-type: none">1. <u>Minor additions to existing buildings and structures are a Permitted Activity, provided</u>- <u>the floor level of additions is not below the floor level of the existing building or structure; and</u>- <u>the gross floor area of all additions does not exceed 20m² to the gross floor area of the building or structure existing as at 1 March 2005.</u> <p>(ii) New accessory buildings do not exceed a total gross floor area of 20m²</p> |
| <p>(b) Construction or alteration of a building is a restricted discretionary activity if the <u>above permitted development standards are not met.</u></p> <p>Discretion is restricted to:</p> <p>(i) <u>the degree to which buildings and structures further increase</u></p> <ol style="list-style-type: none">1. <u>The risk to people of exposure to the flood hazard; and</u>2. <u>The flood hazard effects for land, buildings and structures off-site.</u> |
| <p><u>Links to:</u>
<u>Policies 4A 5.6.1.1, 4A 5.6.1.2</u></p> |

AMENDMENT 92 [New Chapter 4A General Residential Activity Area (4A 5 Precincts and Scheduled Sites)]

Add a new Subsection 4A 5.7 Scheduled Site – Primary and Secondary River Corridors and new Subsection 4A 5.7.1 Policies (comprising the existing site specific policies for the above sites)

4A 5.7 Scheduled Site – Primary and Secondary River Corridors

4A 5.7.1 Policies

Policy 4A 5.7.1.1

Discourage any new or additions to existing buildings and structures on sites within the Primary and Secondary River Corridors.

Policy 4A 5.7.1.2

Ensure that buildings and structures in the Primary or Secondary River Corridor have no more than minor adverse effects on flood protection structures.

Policy 4A 5.7.1.3

Mitigate the effects of flood hazards on buildings and structures in the Primary and Secondary River Corridors by managing their location, size and scale.

AMENDMENT 93 [New Chapter 4A General Residential Activity Area (4A 5 Precincts and Scheduled Sites)]

Add a new Subsection 4A 5.7.2 Rule and new Rule 4A 5.7.2.1 – Development Standards (comprising the existing site specific provisions for the above sites)

4A 5.7.2 Rule

Rule 4A 5.7.2.1 Development Standards

<p>(a) <u>The construction of a new building or addition to an existing building within the Primary and Secondary River Corridors is a permitted activity if it complies with the development standards under 4A 4.2 and:</u></p> <p>(i) <u>The gross floor area of the building or addition is no more than 20m²; and</u></p> <p>(ii) <u>The building or addition has a setback of at least 20m from a flood protection structure.</u></p>
<p>(b) <u>Construction or alteration of a building is a restricted discretionary activity if the above permitted development standards are not met.</u></p> <p><u>Discretion is restricted to:</u></p> <p>(i) <u>The proximity of buildings to flood protection structures;</u></p> <p>(ii) <u>Adverse effects of the flood hazard on buildings and structures and on flood protection structures; and</u></p> <p>(iii) <u>The risk to people of exposure to the flooding and erosion hazard.</u></p>
<p><u>Links to:</u> <u>Policies 4A 5.7.1.1, 4A 5.7.1.2, 4A 5.7.1.3</u></p>

AMENDMENT 93A [New Chapter 4A General Residential Activity Area (4A 5 Precincts and Scheduled Sites)]

Introduce a new Scheduled Site 4A 5.x Silverstream Retreat - 320 Eastern Hutt Road

4A 5.x Scheduled Site – Silverstream Retreat – 320 Eastern Hutt Road

4A 5.x.xx Rule

Rule 4A 5.x.x.x Activities

<p>(a) <u>Visitor Accommodation, Conference Facilities and Places of Assembly at 320 Eastern Hutt Road are permitted activities if:</u></p> <p>(i) <u>The buildings associated with the activity comply with the development standards under Rule 4A 4.2.</u></p>
<p>(b) <u>Visitor Accommodation, Conference Facilities and Places of Assembly at 320 Eastern Hutt Road where the buildings associated with the activity do not comply with the development standards under Rule 4A 4.2 are restricted discretionary activities:</u></p> <p><u>Discretion is restricted to:</u></p> <p>(i) <u>The effects on the amenity of the surrounding residential area;</u></p> <p>(ii) <u>The effects on the safe and efficient movement of vehicles and pedestrian safety;</u></p>

(iii) The extent to which the site layout and any proposed landscaping helps to avoid or minimise the impacts on surrounding residential areas, the streetscape and adjoining public space.

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

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

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

4F Medium Density Residential Activity Area

4F 1 Introduction / Zone Statement

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

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

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

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

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

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

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

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

4F 2 Objectives

Objective 4F 2.1

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

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

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

Add a new Objective 4F 2.2

Objective 4F 2.2

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

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

Add a new Objective 4F 2.3

Objective 4F 2.3

Housing capacity and variety are increased.

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

Add a new Objective 4F 2.4

Objective 4F 2.4

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

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

Add a new Objective 4F 2.5

Objective 4F 2.5

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

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

Add a new Objective 4F 2.6

Objective 4F 2.6

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

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

Add a new Objective 4F 2.7

Objective 4F 2.7

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

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

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

4F 3 Policies

Policy 4F 3.1

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

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

Add a new Policy 4F 3.2

Policy 4F 3.2

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

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

Add a new Policy 4F 3.3

Policy 4F 3.3

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

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

Add a new Policy 4F 3.4

Policy 4F 3.4

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

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

Add a new Policy 4F 3.5

Policy 4F 3.5

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

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

Add a new Policy 4F 3.6

Policy 4F 3.6

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

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

Add a new Policy 4F 3.7

Policy 4F 3.7

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

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

Add a new Policy 4F 3.8

Policy 4F 3.8

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

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

Add a new Policy 4F 3.9

Policy 4F 3.9

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

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

Add a new Policy 4F 3.10

Policy 4F 3.10

Encourage medium density residential development to be stormwater neutral.

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

Add a new Policy 4F 3.11

Policy 4F 3.11

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

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

Introduce a new Policy 4F 3.xx

Policy 4F 3.xx

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

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

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

4F 4 Rules

4F 4.1 Activities

Rule 4F 4.1.1 Residential Activities

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

Links to:

Objective 4F 2.1

Policy 4F 3.1

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

Add a new Rule 4F 4.1.2 Home Occupation

Rule 4F 4.1.2 Home Occupation

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

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

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

(iii) Retail activities are limited to:

1. Goods produced on the site; or

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

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

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

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

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

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

<p>2. <u>9:00am to 6:00pm Saturday, Sunday and public holidays.</u></p> <p>(vii) <u>Daily vehicle trips to and from the site generated by the home occupation do not exceed 20.</u></p> <p>(viii) <u>All materials and goods stored, repaired or manufactured in association with the home occupation and all storage of refuse from the home occupation must be within buildings on the same site or screened from view at ground level.</u></p>
<p>(b) <u>Home Occupations that do not meet the above permitted activity standards are restricted discretionary activities.</u></p> <p><u>Discretion is restricted to:</u></p> <p>(i) <u>The effects on the amenity of the surrounding residential area.</u></p> <p>(ii) <u>The effects of non-compliance with the permitted activity standard that is not being met.</u></p>
<p><u>Links to:</u> <u>Objective 4F 2.1</u> <u>Policy 4F 3.1</u></p>

AMENDMENT 115 [New Chapter 4F Medium Density Residential Activity Area (4F 4 Rules)]

Add a new Rule 4F 4.1.3 Care Facilities, Residential Facilities, Boarding Houses, Hostels, Visitor Accommodation

Rule 4F 4.1.3 Care Facilities, Residential Facilities, Boarding Houses, Hostels, Visitor Accommodation

<p>(a) <u>Care Facilities, Residential Facilities, Boarding Houses, Hostels and Visitor Accommodation are permitted activities if:</u></p> <p>(i) <u>The maximum number of people accommodated on site including staff and residents does not exceed 10.</u></p>
<p>(b) <u>Care Facilities, Residential Facilities, Boarding Houses Hostels and Visitor Accommodation accommodating more than 10 people on site including staff and residents are restricted discretionary activities.</u></p> <p><u>Discretion is restricted to:</u></p> <p>(i) <u>The effects on the amenity of the surrounding residential area.</u></p> <p>(ii) <u>The effects on the safe and efficient movement of vehicle and pedestrian traffic.</u></p>
<p><u>Links to:</u> <u>Objective 4F 2.1</u> <u>Policy 4F 3.1</u></p>

AMENDMENT 116 [New Chapter 4F Medium Density Residential Activity Area (4F 4 Rules)]

Add a new Rule 4F 4.1.4 Childcare Facilities

Rule 4F 4.1.4 Childcare Facilities

<p>(a) <u>Childcare and Kohanga Reo Facilities are permitted activities if:</u></p> <p>(i) <u>The maximum number of children to be cared for at any one time does not</u></p>
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<u>exceed five.</u>
<p>(b) <u>Childcare and Kohanga Reo Facilities that do not meet the above permitted development controls are restricted discretionary activities, if the number of children to be cared for at any one time does not exceed 30.</u></p> <p>Discretion is restricted to:</p> <p>(i) <u>The effects on the amenity of the surrounding residential area.</u></p> <p>(ii) <u>The effects on pedestrian safety and the safe and efficient movement of vehicles.</u></p> <p>(iii) <u>The extent to which the site layout and any proposed landscaping helps to avoid or minimise the impacts on surrounding residential areas, the streetscape and adjoining public space. adjacent streets and public spaces or adjacent residential sites.</u></p>
<p>(c) <u>Childcare and Kohanga Reo Facilities are discretionary activities if the number of children to be cared for at any one time exceeds 30.</u></p>
<p><u>Links to:</u> <u>Objective 4F 2.1</u> <u>Policy 4F 3.1</u></p>

AMENDMENT 117 [New Chapter 4F Medium Density Residential Activity Area (4F 4 Rules)]

Add a new Rule 4F 4.1.5 Health Care Services

Rule 4F 4.1.5 Health Care Services

<p>(a) <u>Health Care Services with a maximum number of four practitioners (whether fulltime or part time) are restricted discretionary activities.</u></p> <p>Discretion is restricted to:</p> <p>(i) <u>The effects on the amenity of the surrounding residential area.</u></p> <p>(ii) <u>The extent to which the site layout and any proposed landscaping helps to avoid or minimise the impacts on surrounding residential areas, the streetscape and adjoining public space. adjacent streets and public spaces or adjacent residential sites.</u></p>
<p>(b) <u>Health Care Services with more than four practitioners are discretionary activities.</u></p>
<p><u>Links to:</u> <u>Objective 4F 2.1</u> <u>Policy 4F 3.1</u></p>

AMENDMENT 118 [New Chapter 4F Medium Density Residential Activity Area (4F 4 Rules)]

Add a new Rule 4F 4.1.6 Community Facilities, Marae, Education Facilities, Places of Assembly and Emergency Facilities

Rule 4F 4.1.6 Community Facilities, Marae, Education Facilities, Places of Assembly and Emergency Facilities

<p>(a) <u>Community Facilities, Marae, Education Facilities, Places of Assembly and Emergency Facilities except for Childcare Centres are restricted discretionary</u></p>

activities.

Discretion is restricted to:

- (i) The effects on the amenity of the surrounding residential area.
- (ii) The extent to which the site layout and any proposed landscaping helps to avoid or minimise the impacts on surrounding residential areas, the streetscape and adjoining public space. ~~adjacent streets and public spaces of adjacent residential sites.~~

Links to:
Objective 4F 2.1
Policy 4F 3.1

AMENDMENT 119 [New Chapter 4F Medium Density Residential Activity Area (4F 4 Rules)]

Add a new Rule 4F 4.1.7 Retirement Villages

Rule 4F 4.1.7 Retirement Villages

(a) Retirement Villages are **restricted discretionary** activities.

Discretion is restricted to:

- (i) The effects on the amenity of the surrounding residential area.
- (ii) The extent to which the site layout and any proposed landscaping helps to avoid or minimise the impacts on surrounding residential areas, the streetscape and adjoining public space. ~~adjacent streets and public spaces of adjacent residential sites.~~
- (iii) Whether the site is subject to any hazards, including being within any natural hazard overlay area.
- (iv) The capacity of the network infrastructure for water supply, wastewater, stormwater and land transport to service the proposed development.
- (v) ~~Consistency with the Medium Density Design Guide.~~ The following mixed use and medium density residential development design elements:
 - a) Building height
 - b) Recession planes and setbacks
 - c) Indoor and outdoor living spaces
 - d) Open space and boundary treatments
 - e) Entrances, carparking and garages
 - f) On-site stormwater management
 - g) End / side wall treatment
 - h) Building materials
 - i) Bike parking, storage and service areas
 - j) Privacy and safety
 - k) Landscaping

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

Links to:

Objectives 4F 2.1, 4F 2.7
Policies 4F 3.1, 4F 3.9, 4F 3.10, 4F 3.11

AMENDMENT 120 [New Chapter 4F Medium Density Residential Activity Area (4F 4 Rules)]

Add a new Rule 4F 4.1.8 All Other Activities

Rule 4F 4.1.8 All Other Non-Residential Activities

(a) ~~All other activities not listed above are non-complying activities.~~ Non-residential activities not specifically provided for as permitted, restricted discretionary or discretionary activities are non-complying activities.

Links to:
[Objective 4F 2.1](#)
[Policy 4F 3.1](#)

AMENDMENT 121 [New Chapter 4F Medium Density Residential Activity Area (4F 4 Rules)]

Add a new Rule 4F 4.1.9 Light Spill

Rule 4F 4.1.9 Light Spill

(a) Activities are **permitted** activities if:
(i) Artificial light does not result in added illuminance in excess of 8 lux measured at the window of any dwelling house.
(ii) Light spill is avoided beyond the boundary of the site.

(b) Activities that do not meet the above permitted activity development standards are **restricted discretionary** activities.

Discretion is restricted to:

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

Links to:
[Objective 4F 2.1](#)
[Policy 4F 3.1](#)

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

Add a new Rule 4F 4.1.10 Vibration

Rule 4F 4.1.10 Vibration

(a) Activities that would cause vibration are **permitted** activities if:
(i) The activity is managed and controlled in such a way that no vibration from the activity is discernible beyond the boundary of the site.

(b) Activities that do not meet the above permitted activity development standard are **restricted discretionary** activities.

Discretion is restricted to:

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

Links to:
[Objective 4F 2.1](#)
[Policy 4F 3.1](#)

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

Introduce a new Rule 4F 4.1.x Vegetation Removal

Rule 4F 4.1.x Vegetation Removal

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

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

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

4F 4.2 Development Standards

Rule 4F 4.2.1 Site Coverage

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

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

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

Discretion is restricted to:

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

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

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

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

a) Building height

b) Recession planes and setbacks

c) Indoor and outdoor living spaces

d) Open space and boundary treatments

e) Entrances, carparking and garages

f) On-site stormwater management

g) End / side wall treatment

h) Building materials

i) Bike parking, storage and service areas

j) Privacy and safety

k) Landscaping

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

Links to:

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

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

Add a new Rule 4F 4.2.2 Building Height

Rule 4F 4.2.2 Building Height

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

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

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

Add a new Rule 4F 4.2.3 Recession Planes

Rule 4F 4.2.3 Recession Planes

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

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

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

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

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

Discretion is restricted to:

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

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

Links to:

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

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

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

Add a new Rule 4F 4.2.4 Yards

Rule 4F 4.2.4 Yards

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

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

Front yards 2m

Side yards 1m

Rear yards 1m

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

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

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

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

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

Discretion is restricted to:

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

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

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

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

a) Building height

b) Recession planes and setbacks

c) Indoor and outdoor living spaces

d) Open space and boundary treatments

e) Entrances, carparking and garages

f) On-site stormwater management

g) End / side wall treatment

h) Building materials

i) Bike parking, storage and service areas

j) Privacy and safety

k) Landscaping

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

Links to:

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

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

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

Add a new Rule 4F 4.2.5 Permeable Surface

Rule 4F 4.2.5 Permeable Surface

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

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

Add a new Rule 4F 4.2.6 Outdoor Living Space

Rule 4F 4.2.6 Outdoor Living Space

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

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

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

Add a new Rule 4F 4.2.7 Accessory Building

Rule 4F 4.2.7 Accessory Building

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

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

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

Add a new Rule 4F 4.2.8 Screening and Storage

Rule 4F 4.2.8 Screening and Storage

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

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

Add a new Rule 4F 4.2.9 Demolition

Rule 4F 4.2.9 Demolition

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

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

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

Add a new Note 4F 4.3 General Rules

Note 4F 4.3 General Rules

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

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

Introduce a new Rule 4F 4.2.X Stormwater Retention

Rule 4F 4.2.X Stormwater Retention

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

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

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

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

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

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

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

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

Discretion is restricted to:

(i) The effects on the stormwater system.

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

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

Links to:

Objective 4F 2.6

Policy 4F 3.9

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

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

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

5E Suburban Mixed Use Activity Area

5E 1 Introduction / Zone Statement

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

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

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

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

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

5E 2 Objectives

Objective 5E 2.1

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

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

Objective 5E 2.2

Land is efficiently used for medium density mixed use development.

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

Objective 5E 2.3

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

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

Objective 5E 2.4

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

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

Objective 5E 2.5

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

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

Objective 5E 2.x

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

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

5E 3 Policies

Policy 5E 3.1

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

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

Policy 5E 3.2

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

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

Policy 5E 3.3

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

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

Policy 5E 3.4

Recognise the functional and operational requirements of activities and development.

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

Policy 5E 3.5

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

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

Policy 5E 3.6

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

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

Policy 5E 3.7

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

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

Policy 5E 3.8

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

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

Policy 5E 3.9

Require rainwater tanks and encourage development to be stormwater neutral.

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

Policy 5E 3.xx

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

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

5E 4 Rules

5E 4.1 Activities

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

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

Links to:
Objective 5E 2.1
Policy 5E 3.1

AMENDMENT 149 [New Chapter 5E Suburban Mixed Use Activity Area (5E 4 Rules)]
Add new Rule 5E 4.1.2 Service Industries and Cottage Industries

Rule 5E 4.1.2 Service Industries and Cottage Industries

<p>(a) Service industries and cottage industries are permitted activities if:</p> <p>(i) The gross floor area of the activity does not exceed 500m².</p> <p>(ii) For sites abutting adjoining a Residential Activity Area:</p> <ol style="list-style-type: none">1. Servicing hours are limited to 7.00am to 10.00pm.2. All outdoor storage and servicing areas are screened so they are not visible from abutting adjoining residential sites.
<p>(b) Service industries and cottage industries that do not meet the above permitted activity standards are restricted discretionary activities.</p> <p><u>For non-compliance with (a) (i) above discretion is restricted to:</u></p> <p>(i) The effects arising from the scale and intensity of the activity.</p> <p>(ii) The effects on visual the amenity and of the streetscape.</p> <p>(iii) The need to provide for the functional requirements of the activity.</p> <p><u>For non-compliance with (a) (ii) above discretion is restricted to:</u></p> <p>(iv) The effects on the night time amenity of nearby the surrounding residential areas.</p> <p>(v) The effects on the visual amenity of adjacent properties adjoining sites.</p>
<p>Links to: Objective 5E 2.1 Policies 5E 3.1, 5E 3.3</p>

AMENDMENT 150 [New Chapter 5E Suburban Mixed Use Activity Area (5E 4 Rules)]
Add new Rule 5E 4.1.3 Community Activities and Health Activities incl. Libraries, Marae, Childcare Centres, Education Facilities, Places of Assembly and Health Care Services

Rule 5E 4.1.3 Health Care Services, Community Facilities, Marae, Education Facilities and Places of Assembly

<p>(a) Health Care Services, Community Facilities, Marae, Education Facilities and Places of Assembly are permitted activities if:</p> <p>(i) The gross floor area of the activity does not exceed 500m².</p> <p>(ii) For sites abutting adjoining a Residential Activity Area</p> <ol style="list-style-type: none">1. Servicing hours are limited to 7.00am to 10.00pm.2. All outdoor storage and servicing areas are screened so they are not visible from abutting adjoining residential sites.
<p>(b) Health Care Services, Community Facilities, Marae, Education Facilities and Places of Assembly that do not meet the above permitted activity standards are restricted discretionary activities.</p> <p><u>For non-compliance with (a) (i) above discretion is restricted to:</u></p> <p>(i) The effects arising from the scale and intensity of the activity.</p> <p>(ii) The effects on visual the amenity and of the streetscape.</p>

(iii) The need to provide for the functional requirements of the activity.

For non-compliance with (a) (ii) above discretion is restricted to:

(i) The effects on the night time amenity of ~~nearby~~ the surrounding residential areas.

(ii) The effects on the visual amenity of ~~adjacent properties~~ adjoining sites.

Links to:

Objective 5E 2.1

Policy 5E 3.1

AMENDMENT 151 [New Chapter 5E Suburban Mixed Use Activity Area (5E 4 Rules)]
Add new Rule 5E 4.1.4 Residential Activities

Rule 5E 4.1.4 Residential Activities

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

(i) The dwelling is located above the ground floor; or

(ii) The dwelling is located on the ground floor but has no frontage to public open spaces including streets except for access.

(b) Residential Activities that do not meet the above permitted activity standards are **restricted discretionary** activities.

Discretion is restricted to:

(i) The effects on the continuity of the design and appearance of the frontage of buildings including display windows and verandahs.

(ii) The effects on the amenity of the streetscape and public open space.

(iii) The effects on the privacy and amenity of ~~the~~ residents of the site.

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

a) Building height

b) Recession planes and setbacks

c) Indoor and outdoor living spaces

d) Open space and boundary treatments

e) Entrances, carparking and garages

f) On-site stormwater management

g) End / side wall treatment

h) Building materials

i) Bike parking, storage and service areas

j) Privacy and safety

k) Landscaping

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

Links to:

Objective 5E 2.1

Policies 5E 3.1, 5E 3.2

AMENDMENT 152 [New Chapter 5E Suburban Mixed Use Activity Area (5E 4 Rules)]
 Add new Rule 5E 4.1.5 Care Facilities, Residential Facilities, Boarding Houses, Hostels and Visitor Accommodation

Rule 5E 4.1.5 Care Facilities, Residential Facilities, Boarding Houses, Hostels and Visitor Accommodation

<p>(a) Care Facilities, Residential Facilities, Boarding Houses, Hostels and Visitor Accommodation are permitted activities if</p> <ul style="list-style-type: none"> (i) Any habitable rooms are located above ground floor; or (ii) Any habitable rooms located on the ground floor have no frontage to public open spaces including streets.
<p>(b) Care Facilities, Residential Facilities, Boarding Houses, Hostels and Visitor Accommodation that do not meet the above permitted activity standards are restricted discretionary activities.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> (i) The effects on the continuity of the design and appearance of the frontage of buildings including display windows and verandahs. (ii) The effects on the amenity of the streetscape and public open space. (iii) The effects on the privacy and amenity of the residents of the site. (iv) Consistency with the Medium Density Design Guide. <u>The following mixed use and medium density residential development design elements:</u> <ul style="list-style-type: none"> a) <u>Building height</u> b) <u>Recession planes and setbacks</u> c) <u>Indoor and outdoor living spaces</u> d) <u>Open space and boundary treatments</u> e) <u>Entrances, carparking and garages</u> f) <u>On-site stormwater management</u> g) <u>End / side wall treatment</u> h) <u>Building materials</u> i) <u>Bike parking, storage and service areas</u> j) <u>Privacy and safety</u> k) <u>Landscaping</u> <p><u>When considering the matters in (iv), the Council will be principally guided by its Medium Density Design Guide.</u></p>
<p>Links to: <u>Objective 5E 2.1</u> <u>Policy 5E 3.1</u></p>

AMENDMENT 153 [New Chapter 5E Suburban Mixed Use Activity Area (5E 4 Rules)]
Add new Rule 5E 4.1.6 Emergency Facilities

Rule 5E 4.1.6 Emergency Facilities

<p>(a) Emergency Facilities are restricted discretionary activities.</p> <p>Discretion is restricted to:</p> <p>(i) The effects on the amenity of nearby the surrounding residential areas.</p>
<p>Links to: Objective 5E 2.1 Policy 5E 3.1</p>

AMENDMENT 154 [New Chapter 5E Suburban Mixed Use Activity Area (5E 4 Rules)]
Add new Rule 5E 4.1.7 Commercial Garages and Service Stations

Rule 5E 4.1.7 Commercial Garages and Service Stations

<p>(a) Commercial Garages and Service Stations are restricted discretionary activities</p> <p>Discretion is restricted to:</p> <p>(i) The effects of the activity on the amenity of the surrounding areas.</p> <p>(ii) The effects on the streetscape and on pedestrian amenity.</p>
<p>Links to: Objective 5E 2.1 Policies 5E 3.1, 5E 3.3</p>

AMENDMENT 155 [New Chapter 5E Suburban Mixed Use Activity Area (5E 4 Rules)]
Add new Rule 5E 4.1.8 All other Activities

Rule 5E 4.1.8 ~~All~~ Other Activities

<p>(a) All other activities not listed above are non-complying activities. Activities not specifically provided for as permitted, or restricted discretionary activities are non-complying activities.</p>
<p>Links to: Objective 5E 2.1 Policies 5E 3.1, 5E 3.3</p>

AMENDMENT 156 [New Chapter 5E Suburban Mixed Use Activity Area (5E 4 Rules)]
Add new Rule 5E 4.1.9 Light Spill

Rule 5E 4.1.9 Light Spill

<p>(a) Activities are permitted activities if:</p> <p>(i) <u>Artificial light does not result in added illuminance in excess of 8 lux measured at the window of any dwelling.</u></p> <p>(ii) <u>Light spill is avoided beyond the boundary of the site.</u></p>
<p>(b) <u>Activities that do not meet the above permitted activity development standards are restricted discretionary activities.</u></p>

Discretion is restricted to:

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

Links to:

Objectives 5E 2.1, 5E 2.3

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

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

Rule 4F 4.1.x Vegetation Removal

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

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

5E 4.2 Development Standards

Rule 5E 4.2.1 Building Height

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

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

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

Discretion is restricted to:

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

- (ii) The effects on the privacy of ~~adjoining sites, properties~~.

- (iii) The effects on shading of ~~adjoining sites, properties~~.

- (iv) The effects on the amenity of ~~adjoining Residential Activity Areas~~, the streetscape and adjoining public space.

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

a) Building height

b) Recession planes and setbacks

c) Indoor and outdoor living spaces

d) Open space and boundary treatments

e) Entrances, carparking and garages

f) On-site stormwater management

g) End / side wall treatment

h) Building materials

i) Bike parking, storage and service areas

j) Privacy and safety

k) Landscaping

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

its Medium Density Design Guide.

Links to

Objectives 5E 2.2, 5E 2.3

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

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

Rule 5E 4.2.2 Recession Planes

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

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

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

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

Discretion is restricted to:

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

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

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

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

Links to:

Objectives 5E 2.2, 5E 2.3

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

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

Rule 5E 4.2.3 Yards

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

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

Rule 5E 4.2.4 Outdoor Living Space

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

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

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

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

Discretion is restricted to:

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

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

Links to:

Objectives 5E 2.2, 5E 2.3

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

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

Rule 5E 4.2.5 Building Frontage, Verandahs and Display Windows

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

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

Discretion is restricted to:

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

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

a) Building height

b) Recession planes and setbacks

c) Indoor and outdoor living spaces

d) Open space and boundary treatments

e) Entrances, carparking and garages

f) On-site stormwater management

g) End / side wall treatment

h) Building materials

i) Bike parking, storage and service areas

j) Privacy and safety

k) Landscaping

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

Links to:

Objective 5E 2.3

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

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

Rule 5E 4.2.6 Parking

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

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

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

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

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

Discretion is restricted to:

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

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

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

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

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

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

Links to:

Objectives 5E 2.2, 5E 2.3

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

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

Rule 5E 4.2.7 Screening and Storage

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

i) Bike parking, storage and service areas

j) Privacy and safety

k) Landscaping

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

Links to:

Objectives 5E 2.4

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

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

Rule 5E 4.2.8 Demolition

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

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

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

Note 5E 4.3 General Rules

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

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

Rule 5E 4.2.X Stormwater Retention

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

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

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

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

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

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

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

Discretion is restricted to:

(i) The effects on the stormwater system.

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

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

Links to:
Objective 5E 2.5
Policy 5E 3.9

New Medium Density Design Guide, with recommended changes from the Hearing Panel

Note: In the following Medium Density Design Guide, recommended changes are in red.



HUTT CITY

MEDIUM DENSITY DESIGN GUIDE

AMENDED HEARING VERSION
FINAL ISSUE / REVISION 0.4



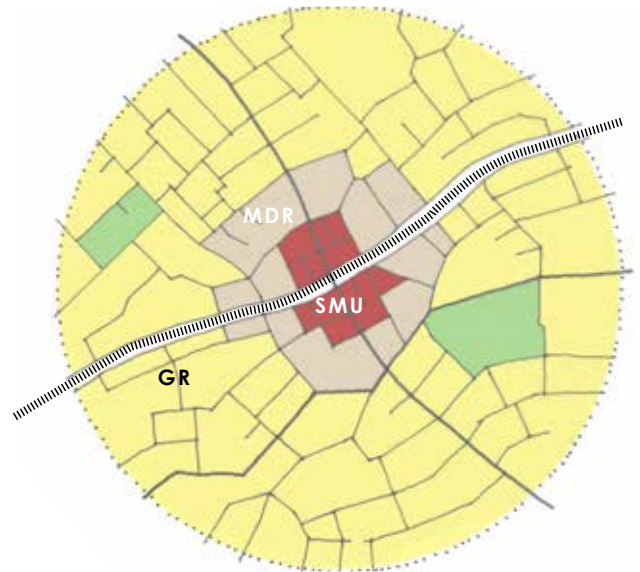
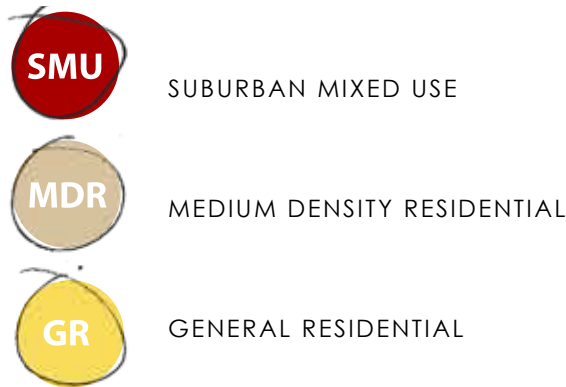
CONTENTS

	MEDIUM DENSITY DESIGN GUIDE	
	How to use this design guide	3
STEP 1	OVERALL DESIGN PRINCIPLES	4
STEP 2	KEY DESIGN PRINCIPLES FOR THE ACTIVITY AREA	6
	SUBURBAN MIXED USE	8
	MEDIUM DENSITY RESIDENTIAL	12
	GENERAL RESIDENTIAL	15
STEP 3	KEY DESIGN ELEMENTS	21
	<i>Elements affecting all development</i>	
	3.1 Building Height	22
	3.2 Recession Planes and Setbacks	23
	3.3 Indoor and Outdoor living spaces	24
	3.4 Open Space Design and Boundary Treatments	26
	3.5 Entrances, Carparking and Garages	27
	3.6 On site Stormwater Management	29
	3.7 End/Side Wall Treatment	30
	3.8 Building and Materials	32
	3.9 Bike Parking, Storage and Service Areas	33
	3.10 Privacy and Safety	34
	3.11 Landscaping	35
	<i>Elements affecting specific locations or types of development</i>	
	3.12 Historic Character in Petone-Moera	37
STEP 4	DESIGN STATEMENT	38

MEDIUM DENSITY DESIGN GUIDE

HOW TO USE THIS GUIDE

The Medium Density Design Guide (MDDG) promotes good design to achieve high quality built environments with high levels of amenity, while providing for growth in a developing city. The MDDG applies to the following zones:



The use of the MDDG is required for built development that triggers resource consent and refers to the MDDG as a matter of discretion. The MDDG will help development proposals deal with externalities (effects beyond the boundary).

Key design elements addressed in this Design Guide are:



Below is a 4 step process for using the MDDG:

- STEP 1** is to consider the overall design principles that apply to all 3 Activity Areas;
- STEP 2** is to consider the design principles for the Activity Area your proposal is in;
- STEP 3** is to apply the key design elements to your proposal;
- STEP 4** is to prepare a Design Statement to form part of the resource consent application when consent is required.

Steps 1 and 2 give an overall feel for the outcomes being sought. Step 3 provides specific ways of dealing with design issues. Step 4 sets out your design response.

STEP 1

CONSIDER THE OVERALL DESIGN PRINCIPLES THAT APPLY TO ALL 3 ACTIVITY AREAS

The MDDG focuses on built form and the relationship of buildings with the street as opposed to the type of activities that may occupy a building.

The following urban design principles, based on the seven 'c's of the New Zealand Urban Design Protocol, have been used in the development of this guide and are intended to encourage ~~walkability~~ **active transport (walking and cycling)**, improve the relationship between buildings and the street, promote the principles of Crime Prevention Through Environmental Design (CPTED) principles and encourage designs which are adaptable to multiple uses and flexible to change in future.

CONSOLIDATE ACTIVITIES ADDRESSING THE STREET

Developments should seek to consolidate activities, creating a strong built edge to the streetscape while allowing flexibility for various activities in suburban commercial areas. Residential development should address the street.

RESPOND TO THE ENVIRONMENT

Designs should recognise the importance of maximising natural surveillance over public and communal spaces within a development. This is an important concept to meet CPTED principles. Each dwelling should include a private outdoor living area which has a high level of accessibility, is private, and receives adequate sunlight. The amenity (privacy, sunlight or outlook) of an adjoining residential property should be acknowledged where a development exceeds permitted development standards and controls.

CREATE A SENSE OF PLACE

Developments should create a strong sense of place through the design of safe, memorable environments and buildings in order to provide places to meet, play and relax. Incorporating landmarks and unique spaces into the design will increase the legibility (understanding) of the development for its users and the ownership within the community. Each unit /dwelling should be clearly definable with each development having a degree of uniqueness with modulation, variety and cohesion incorporated into designs.

INTEGRATE WITH THE STREET AND NEIGHBOURHOOD

Developments should contribute to the character of a streetscape and provide good walkability to the neighbourhood. Encourage developments which relate to the street. Designs should seek to maximise connections using walkways, shared spaces and barrier free access.

PROVIDE DIVERSITY AND INTEREST

Developments should seek to encourage diversity in building stock, unit type (number of bedrooms) and character, providing for a wide range of the community (budget and family type) which will encourage growth and greater community interaction.

The **Urban Design Protocol** identifies seven **essential design qualities (the seven 'c's)** that together create quality urban design:

- **Context:** seeing buildings, places and spaces as part of whole towns and cities;
- **Character:** reflecting and enhancing the distinctive character, heritage and identity of our urban environment;
- **Choice:** ensuring diversity and choice for people;
- **Connections:** enhancing how different networks link together for people;
- **Creativity:** encouraging innovative and imaginative solutions;
- **Custodianship:** ensuring design is environmentally sustainable, safe and healthy;
- **Collaboration:** communicating and sharing knowledge across sectors, professions and with communities.



The potential intensification of a suburban centre

STEP 2

CONSIDER THE DESIGN PRINCIPLES FOR THE ACTIVITY AREA OF YOUR PROPOSAL

SMU

Introduction to the 3 Activity Areas

SUBURBAN MIXED USE ACTIVITY AREA (SMU)

The Suburban Mixed Use Activity Area applies to selected suburban centres generally located in areas of good public transport. It primarily provides for the local convenience needs of surrounding residential areas including local retail, commercial services and offices as well as residential use above ground floor. The Suburban Mixed Use Activity Area provides the opportunity for mixed use projects where regeneration of existing buildings and construction of new buildings is promoted to provide business and residential opportunities. Buildings up to 12 metres high are provided for as permitted activities.

Effects from this zone to properties in adjoining residential zones are managed by recession planes and setback requirements. Within Suburban Mixed Use zone permitted activity standards to provide certainty as well as flexibility in building bulk and location. Emphasis is placed on achieving a strong built edge to the street and providing active street frontages while encouraging design flexibility for ground floors to provide for changes in use at a later date. Refer to pages 8-10 of this design guide and Chapter 5E of the District Plan.



Mixed use intensification can be up to 12m in height and house a mix of uses.



Mixed use development allows for retail, commercial and residential uses in a building.



A local florist with residential above.

MDR

MEDIUM DENSITY RESIDENTIAL ACTIVITY AREA (MDR)

The Medium Density Residential Activity Area provides for a variety of residential developments enabling a greater intensity of development than General Residential. The appearance of the neighbourhood will change over time with increased opportunities for terrace housing and low rise apartments. The MDDG outlines medium density residential development options that are encouraged within this zone and identifies how these can promote high quality buildings. This includes how additional density can be provided without creating large, monolithic developments that lack character and warmth. Options are presented on how diversity of form and unit size, sense of place can be achieved while providing for increased residential density and growth. Refer to pages 11-13 and Chapter 4F of the District Plan.



Colour change is an important element to provide identity and character, avoiding monotony.



Small variations and detailing can provide interest and a unique identity to each unit without adding significant cost.



This residential development has a strong relationship to the street, being built close to the front with carparking placed behind.



GENERAL RESIDENTIAL ACTIVITY AREAS (GR)

The General Residential Activity Area is the city's main residential zone. It is characterised by mostly one to two storey detached houses set back from property boundaries. The General Residential Activity Area enables some intensification while overall maintaining the low to medium density character. Within the General Residential Activity Area, opportunities are available for medium densities through Comprehensive Residential Development on larger sites, Multi-Unit Developments and Minor Dwellings such as tiny houses or granny flats on smaller sites. Options for outdoor living space, design of entrances and the treatment of end walls (for a block of terraces) are provided. Development options for multi-unit developments are presented showing ways to improve amenity and legibility for residents and visitors. Refer to pages 14-19 and Chapter 4A of the District Plan.



Large windows overlooking the street provide natural surveillance while a mix of solid and open fencing provide both semi-private and private spaces.



Both units relate well to the street with garaging at the rear of the site. The buildings varying slightly to provide interest.



This residential development has a strong relationship to the street as well as north facing outdoor living space.

STEP 2

CONSIDER THE DESIGN PRINCIPLES FOR THE ACTIVITY AREA OF YOUR PROPOSAL

SMU

SUBURBAN MIXED USE ACTIVITY AREA

Built forms with a strong built edge to the streetscape contribute to an active and vibrant community

Buildings up to 12m high (3 storeys) are expected in this zone, to cater for a variety of activities. Specific development standards are dealt with in Step 3 Key Design Elements but the following design principles should be addressed in a Suburban Mixed Use development:

ACTIVE FRONTAGES

The creation of 'active' frontages adds vitality and interest to a streetscape, especially when businesses such as cafes and restaurants 'spill out' into the street.

Active frontages are an important aspect of lot design and building layout, both for residential and commercial situations.

Placing buildings with display windows close to or on the road boundary creates a positive interaction between the pedestrian environment and private property (integrating with the street and neighbourhood). However, when car parking is placed on-site directly in front of buildings this 'positive interaction' and well-defined street edge are diminished.



The building is a mix of retail, offices and apartments. The restaurant 'spills' out into the street.



A small commercial office occupies the ground floor with direct access from both frontages.

GROUND FLOOR USES

Businesses are continuing to change to meet market demands. Some traditional house forms such as terraces, and older style industrial warehouses constructed from permanent materials, lend themselves to conversion for alternative business or living purposes.

Some newer developments are less flexible in their design and less able to accommodate other uses.

New buildings should be built to the front boundary and a ground floor ceiling height of 3.5m is encouraged. This allows adaption as the market and people's jobs, workplaces and housing expectations change.

CORNER SITES

Corner sites have the greatest potential for commercial exposure and can play an important role in the character of a city, by creating landmarks and improving legibility (creating character and sense of place).

PLACEMENT OF CARPARKING

The location and extent of surface car parking can have a major impact on the character and feel of the streetscape within commercial or small business zones.

Large expanses of car parking are often placed in front of buildings reflecting the desire to have visible car parking for customers and create the most cost effective carpark design. However, good practice is for all on-site car parking to be sited at the rear of the building, thereby allowing for active street frontages to be developed.



A hotel, restaurant and apartments occupy this building with a number of entrances fronting the street.



The sketch shows a development with two active frontages, spilling out into the public realm.



The sketch shows a development with one active frontage, but misses an opportunity to activate the corner site.



The sketch shows a development turning its back on the street with access provided at the rear off the carpark.

OTHER COMMERCIAL ACTIVITIES

Commercial activities with functional and/or operational layout and design requirements

Some commercial activities, such as service stations and commercial garages, may have a functional need to locate in mixed-use activity areas, despite having functional and operational requirements that require a different built form to that generally anticipated in these areas. While these activities can be difficult to integrate into the type of built environment generally anticipated by the design guide, developments should aim to contribute positively to streetscape and character.

DESIGN OPPORTUNITIES:

LAYOUT AND DESIGN

- 1 Buildings should have clearly defined frontages.
- 2 An accessible pedestrian entrance should be clearly defined and conveniently located, ideally facing the street frontage.
- 3 Landscaping can be used to enhance the visual appearance of the site from the street, although it should not inhibit visibility into the site or pedestrian accessibility
- 4 Parking should be consolidated and positioned to allow buildings to have a strong physical relationship with the street.
- 6 Mechanical plant and equipment should be positioned away from street frontages and screened from public viewpoints.

PROVIDE ACTIVE FRONTAGE

- 7 Encourage buildings to positively relate to street frontages to improve accessibility and provide passive surveillance over the street.

SKETCH SUBURBAN MIXED USE

CONSOLIDATE ACTIVITIES

- 1 12m high buildings are permitted. Additional height is a restricted discretionary activity.
- 2 Fewer vehicle crossings improve the walking experience for pedestrians as well as allowing more space for on-street parking and street trees.

PROVIDE DIVERSITY AND INTEREST

- 3 An active frontage allows the cafe to 'spill' out on to the footpath, creating an ideal informal meeting place for residents and visitors.
- 4 A minimum of 50% of the ground floor street frontage are display windows or clear glazing providing good visibility to the outside, limiting blank walls and creating a strong relationship between the street and the interior.

ALLOW ADAPTABILITY / FLEXIBILITY

- 5 Ground floors are encouraged to have a minimum height of 3.5m. A high ceiling height allows for future changes of use as well the potential for a mezzanine level.

RESPOND TO THE ENVIRONMENT

- 6 Residential activities above ground floor need outdoor living space in the form of a balcony or roof terrace with a minimum of 5m² and a minimum dimension of 2m.

Residential activities are permitted on the ground floor only where they have no frontage to public open space including streets (except for access).

INTEGRATE WITH THE STREET AND NEIGHBOURHOOD

- 7 Car parking should be located within, under, at the rear or at the side of buildings, with the frontage free of parking areas and access ways to create a strong built edge to the street with direct pedestrian access from the footpath.
- 8 A continuous verandah is required along street frontages where there is a pedestrian footpath. **This should be designed to integrate with the building design while not inhibiting vehicle movements.**

CREATE CHARACTER AND SENSE OF PLACE

- 9 Provide modulation (variation) in built form and material use.
- 10 Encourage corner sites with two frontages and a mix of unit sizes which allow for small 'hole in the wall' operations through to larger developments – diversity is key.
- 11 Encourage landscape planting to soften blank walls and provide additional amenity.



A potential SMU development incorporating the design principles appropriate to the zone and the key design elements of Step 3.

STEP 2

CONSIDER THE DESIGN PRINCIPLES FOR THE ACTIVITY AREA YOUR PROPOSAL IS IN

MDR

MEDIUM DENSITY RESIDENTIAL ACTIVITY AREA

A variety of dwelling types and sizes cater for a wide range of community needs

Buildings up to 10 + 1m high (3 storeys + roof) are expected in this zone to house mainly residential activities. Specific development standards are dealt with in Step 3 Key Design Elements. The following design principles should be addressed in a Medium Density Residential development:

BUILDING TYPOLOGY AND DENSITY

The siting and layout of buildings should recognise the existing built character and patterns of a neighbourhood to a certain degree but not at the expense of achieving good quality, compact urban environments. There will be a change in development types compared to other residential activity areas, with greater height and site coverage being provided for. Developments should cater for a diversity of dwelling types and increase housing choice. A wide range of unit sizes, from studios through to 4 or 5 bedroom units can help to create diverse and demographically balanced neighbourhoods, catering for a wide variety of housing needs and responding to different income levels.

VARIATION AND LEGIBILITY

With higher density developments there is a risk that buildings become bigger and lack detailing at the human scale, making it difficult for residents to relate to or imposing adversely on the receiving streetscape. This can be prevented by using a number of simple design measures. For example, dwellings should be clearly definable as individual units, designed and articulated to provide a sense of individuality.

STREET RELATIONSHIP

Developments should relate to the street. Often long narrow sites are developed as a series of dwellings accessed by a long driveway without any relationship to the street. There is little opportunity for residents to interact, and the parking areas can be unattractive. A preferred design option is to maximise (as far as practicable) the number of dwellings that front the street to create a strong built edge to the street and encourage a sense of community.

COMMUNAL ACCESS, CARPARKING, LANEWAYS

Ideally car parking should be located either underground or at the rear of a site with shared access ways to reduce the number of potential conflict points with pedestrians walking along the street. Car parking at the front of the development often results in numerous vehicle crossings and reduces opportunities for street trees and on street parking and should therefore be avoided. Garaging, large areas of driveway and vehicles parked in clear view of the street can have a significant adverse visual impact. With increased density also comes the need for more efficient land use, including more creative responses

to on-site parking. Communal or shared facilities are one response but must be designed well. Safe and convenient access for pedestrians and, in larger developments, cyclists and service vehicles should also be provided.

INDOOR AND OUTDOOR LIVING SPACES

Sunlight is important for living spaces. Outdoor living space has to be provided for each unit, either on the ground floor or by way of a balcony or roof terrace. It should be directly accessible from the unit it belongs to and may not be occupied by accessory buildings, parking areas or accessways. Ideally living spaces should be either north, west or east facing to ensure **some** direct sunlight is received.



While the garage door is forward of the front door, this is offset by glazing on the door and the side window which provide a strong visual connection between the house and the street.



The most desirable outcome for outdoor living spaces is to provide direct access and large glazing to allow free movement between indoors and out.



The photo above shows how building placement has reduced potential effects on the adjoining residential dwelling by positioning garaging and access to the side, providing a buffer with the adjoining residential property. The building design also includes modulation, windows and material variation.



Outdoor living space has been provided as balconies facing the street, to capture views and sunlight, Eastbourne.



Communal parking at the rear allows buildings to front the street and minimises manoeuvring space for multi unit developments.

SKETCH MEDIUM DENSITY RESIDENTIAL ACTIVITY AREA

CONSOLIDATE ACTIVITIES

- 1 Compact forms with higher densities. Variation in the building type and style as well unit size and number of bedrooms.
- 2 Privacy between units should be maintained with landscaping and balconies set back to prevent views back into adjoining residence's living area.
- 3 Direct access is provided from the dwelling to the outdoor living space with a minimum size of 20m² and a minimum dimension of 3m at ground level or minimum size of 10m² and a minimum dimension of 2m if provided in form of a balcony or roof terrace.

INTEGRATE WITH THE STREET AND NEIGHBOURHOOD

- 4 Developments should be externally facing, maximising the number of units which address the street.
- 5 Communal parking areas, underground parking and laneways behind buildings are encouraged to create a strong built edge to the street. All vehicle parking spaces, car-ports and garages would ideally be accessed from the rear of the properties via the laneway. This provides a 'clean' pedestrian environment along the front.
- 6 Refuse bins and drying facilities should be located in the rear yard, out of public sight or screened (not shown this picture). For larger developments communal facilities can be considered.

ALLOW ADAPTABILITY / FLEXIBILITY

- 6 Consider the use of 'party' walls and attached buildings to eliminate unusable narrow side yard spaces.

PROVIDE DIVERSITY AND INTEREST

- 7 Colour variation of architectural elements such as front doors is a cost effective way of getting variation (The Design Guide does not specify colours, it encourages variety.)
- 8 Windows and variation in materials should be provided on the end wall of each block of units.

RESPOND TO THE ENVIRONMENT

- 9 Building recession planes are required within the Medium Density Residential zone as well as where development adjoins other Residential Activity Areas.
- 10 Tree planting and landscaping are encouraged.
- 11 Fencing should be a combination of planting, see-through sections and walls to provide natural surveillance over the street while still providing privacy for ground floor residents. Outdoor living areas should ideally be either north, east or west facing or a combination.

CREATE CHARACTER AND SENSE OF PLACE

- 12 Modulation of the front façade and roof profile is encouraged to avoid the creation of large blank walls.
- 13 Pedestrian entrances should face the street and individual units should be readily recognisable.
- 14 Providing colour or material variation in the dwellings improves legibility and interest.



A medium density residential development adjacent to a general residential property

STEP 2

CONSIDER THE DESIGN PRINCIPLES FOR THE ACTIVITY AREA YOUR PROPOSAL IS IN

GR

GENERAL RESIDENTIAL ACTIVITY AREA

This section includes the following development types:

- a. Comprehensive Residential Development
- b. Multi-unit Development
- c. Minor Additional Dwelling

a. Comprehensive Residential Development

Encourage good quality multi unit developments while protecting neighbouring amenity

Comprehensive Residential Development is a medium density type of development that allows for the more intensive development of sites over 1,400m², with flexible development internal to the overall site and protection of neighbours beyond the overall site.

Development standards of this typology are:

- 8m height limit
- 60% site coverage **maximum**;
- Existing recession planes are retained along external boundaries but not required on internal boundaries between proposed dwellings or the road boundary;
- Minimum 2m front yard setback;
- Outdoor living – directly accessible from the dwelling to which it relates of 20m² with a minimum dimension of 3m;
- 1 on-site car parking space (either garage, carport or parking space) for each dwelling with the option of communal carparking.

ORIENTATION AND RELATIONSHIP WITH THE STREET

For front units that are north facing, the outdoor living space should front the street. Parking is then provided at the rear or in a communal area.

Developments should be oriented towards and have good visibility to the street, incorporating features such as pedestrian entrances, windows and architectural features including balconies, gables and finer detailing on the front façade.

Open frontages from residential properties onto the street and reserves allow unobstructed sight lines and a greater sense of security for both homeowners and pedestrians. Surveillance or the placing of legitimate 'eyes on the street', increases the perceived risk to potential offenders and helps to create safer neighbourhoods.

Buildings should be orientated to the street and should have internal layouts and outdoor living spaces positioned to maximise the amount of sunlight they receive and provide good visual contact between residents and the streets.



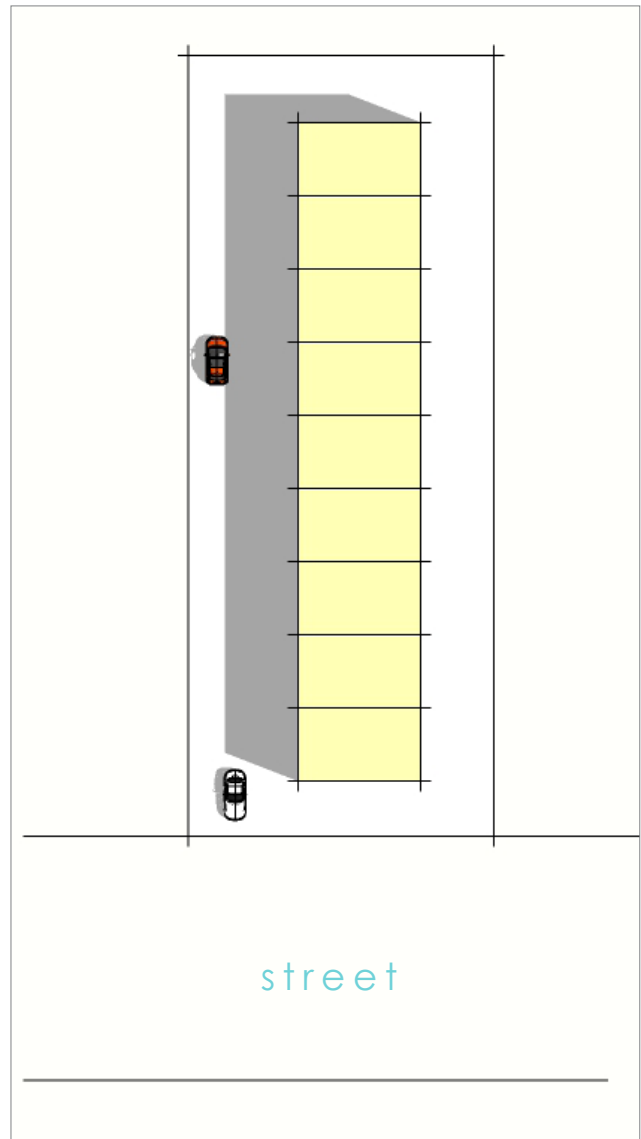
All units have a strong relationship to the street with an individual street address. Private outdoor living areas are provided on the north facing side.



This design has a high level of modulation to provide interest and reduce the perceived bulk.



A preferable design option is for buildings to face the street, with their own street address, to avoid long 'sausage' developments.



The sketch shows an 8 unit development on a 1600m² site which does not meet good design principles. It has a poor relationship with the street and the site is dominated by vehicle manoeuvring areas.

SKETCH COMPREHENSIVE RESIDENTIAL DEVELOPMENT

CONSOLIDATE ACTIVITIES

- 1 Communal shared space within a development supports the consolidation of activities / space.

PROVIDE DIVERSITY AND INTEREST

- 2 Diversity in dwelling types, number of bedrooms and layouts cater for different sectors of the community.

INTEGRATE WITH THE STREET AND NEIGHBOURHOOD

- 3 Fewer vehicle crossings reduces impacts on the streetscape.
- 4 Encourage open yards and avoid fencing where it is not required. This helps to maximise natural surveillance of the street from dwellings.

RESPOND TO THE ENVIRONMENT

- 5 Recession planes are required on boundaries with neighbouring sites but not to the road boundary.
- 6 Recession planes are not required on internal boundaries within the site.

- 7 Tree planting and landscaping are encouraged.

ALLOW ADAPTABILITY AND FLEXIBILITY

- 8 The front setback on the south side can be reduced to 2m to maximise the amount of space available for north facing outdoor living space.
- 9 Refuse bins and drying facilities are located in the rear yard, out of public sight or are screened (not shown). For larger developments communal facilities are encouraged.
- 10 Outdoor living areas are located with a north, west or east facing aspect and are required to be a minimum of 20m² in area with a minimum dimension of 3m.

CREATE CHARACTER AND SENSE OF PLACE

- 11 The number of dwellings facing the street is maximised to create a strong built edge and improve legibility.
- 11 Where appropriate recognise the historic character of adjoining properties. In Petone-Moera recognise the historic character of adjoining properties.



A comprehensive residential development on a 1,600m² site (minimum area of 1,400m² for a CRD) with 8 potential units and houses up to 8m in height

b. Multi-unit Development

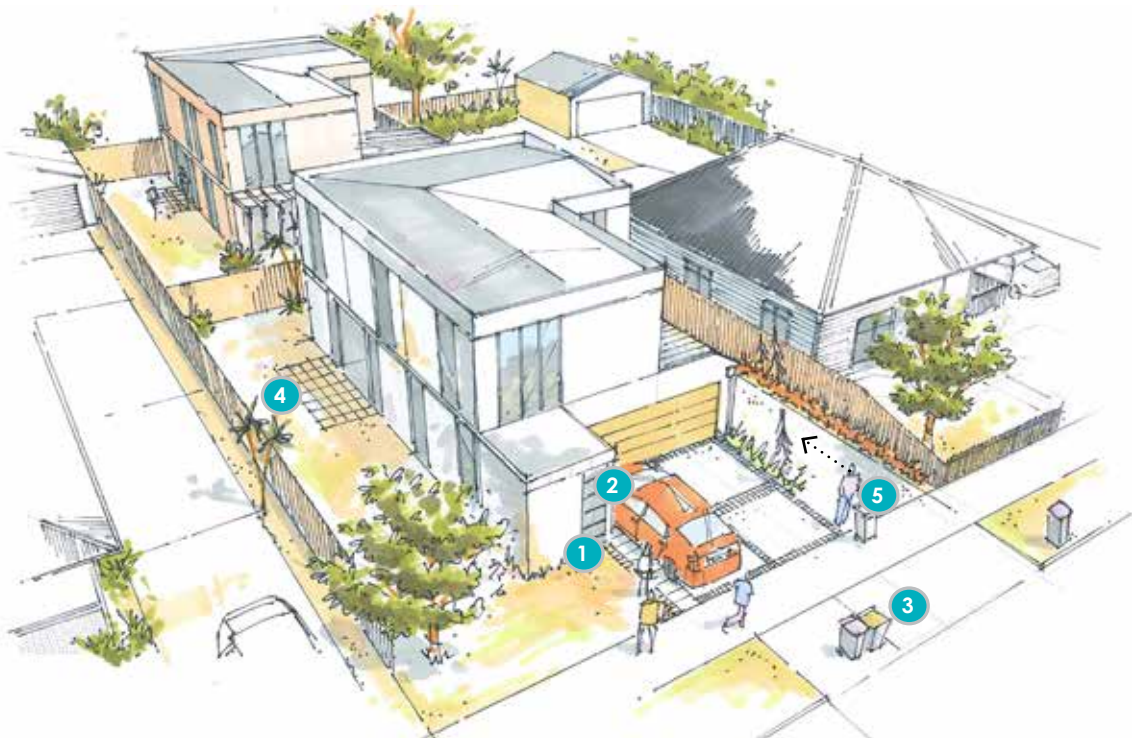
Provide for traditional infill and multi-unit development

2 & 3 UNIT DEVELOPMENT OPTIONS

Three different development options below show alternatives that maximise sunlight into outdoor living areas (ideally north, west or east facing) and maximise the number of units fronting a street to improve legibility. All options show 40% site coverage.

DESIGN OPPORTUNITIES:

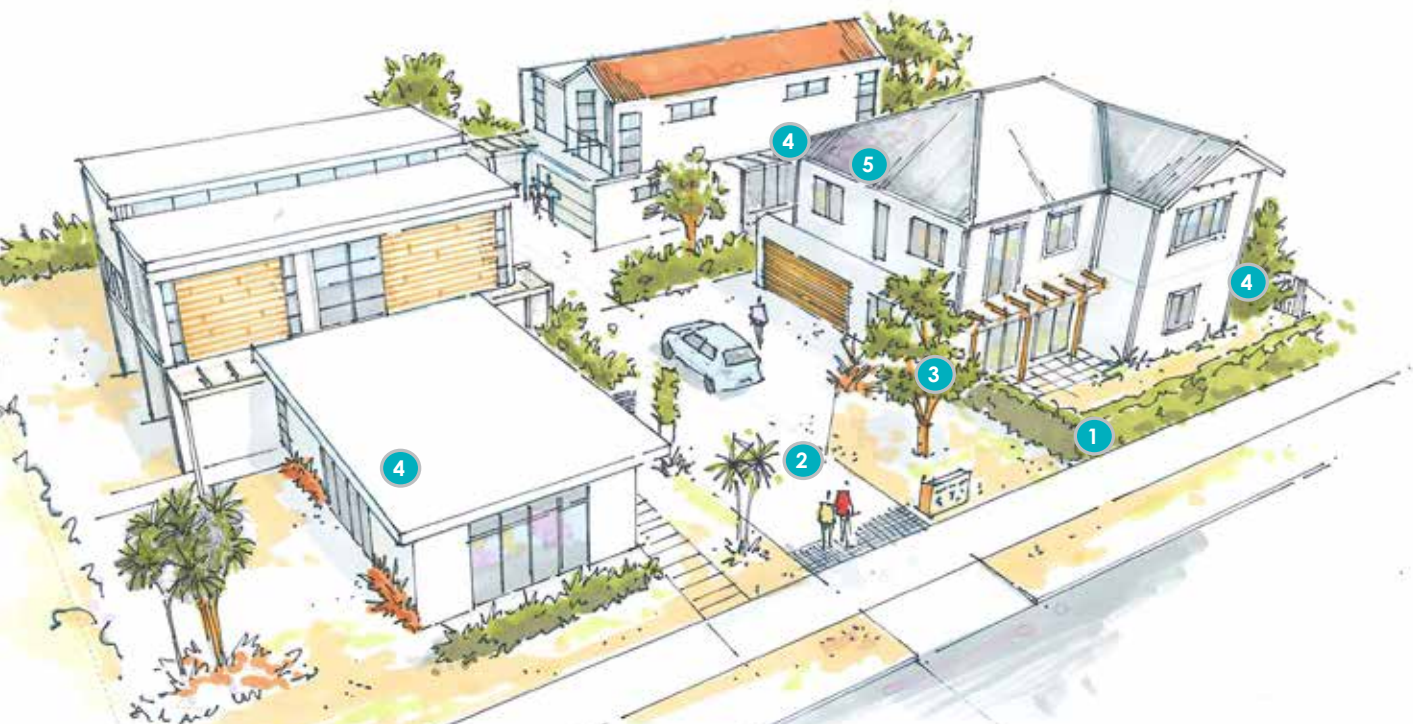
- 1 Maximise the number of units which front the street and avoid long, 'sausage' like developments which are characterised by surface car-parking, driveways and limited legibility.
- 2 Front doors should be located in front of the garage door so pedestrians and visitors can easily find it.
- 3 Investigate sharing access ways and minimise vehicle crossings. By doing so, a greater amount of on-street parking is possible along with street tree planting and reduced pedestrian-vehicle conflict points.
- 4 50m² outdoor living area which is directly accessible from the dwelling it relates to with a minimum dimension of 4m.
- 5 Service bins should be screened from sight, either by location or planting/fencing.



- a** Option A above shows a typical townhouse development with a front and rear unit. Some sharing of the vehicle crossing is possible although this does not always happen. The driveway is located on the southern side to allow each dwelling to have a private outdoor living area of 50m² which is north facing and directly accessible from internal living areas.



b Option B above shows a duplex house option where two dwellings share a common wall. This allows for construction efficiencies as well as maximizing the amount of outdoor living space which is available to each dwelling. A negative aspect of this option though is the creation of two separate vehicle crossings.



c Option C above shows a 1200m² lot being developed into 3 dwellings. The 3 housing units face the street. Each unit has a north facing outdoor living area. Note that a 3 dwelling development would be restricted discretionary.

c. Minor Additional Dwelling

Enable a minor additional dwelling on a smaller site

The provision for minor additional dwellings such as granny flats or tiny houses allows for increased density without noticeable changes to the character of a suburb. This sketch illustrates one way the development form could be configured.



DESIGN OPPORTUNITIES:

- 1 The gross floor area of the minor dwelling house does not exceed 50m².
- 2 Outdoor living space of at least 20m² is provided for the sole use of the minor dwelling directly accessible from the dwelling to which it relates.
- 3 The minor additional dwelling may be screened from view of the primary dwelling house if required.
- 4 At least one parking space is available on the site for the sole use of the residents of the minor dwelling.
- 5 The parking areas for both the primary and minor dwelling houses should be accessed from the same vehicle access.

STEP 3

KEY DESIGN ELEMENTS - APPLY THE KEY DESIGN ELEMENTS TO YOUR DEVELOPMENT PROPOSAL

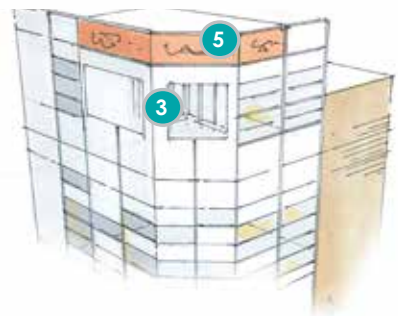
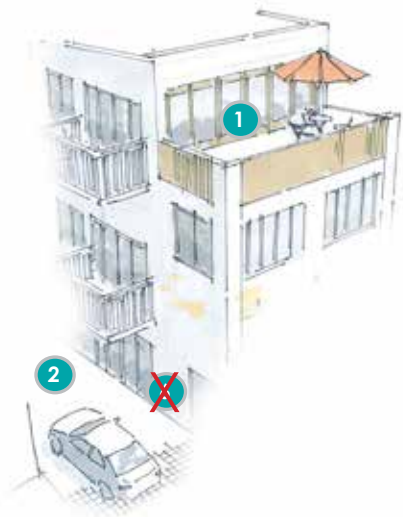
The MDDG focuses on buildings and the relationship of buildings with neighbouring properties, the street and the wider block or suburb. The MDDG assists in managing adverse effects beyond the boundary.

The following key design elements are identified and discussed below.

3.1 BUILDING HEIGHT	3.2 RECESSION PLANES AND SETBACKS
3.3 INDOOR AND OUTDOOR LIVING SPACES	3.4 OPEN SPACE AND BOUNDARY TREATMENTS
3.5 ENTRANCES, CARPARKING AND GARAGES	3.6 ON-SITE STORMWATER MANAGEMENT
3.7 END/SIDE WALL TREATMENT	3.8 BUILDING MATERIALS
3.9 BIKE PARKING, STORAGE AND SERVICE AREAS	3.10 PRIVACY AND SAFETY
3.11 LANDSCAPING	3.12 HISTORIC CHARACTER IN PETONE-MOERA

3.1 BUILDING HEIGHT

Reduce shading and privacy impacts on adjoining sites



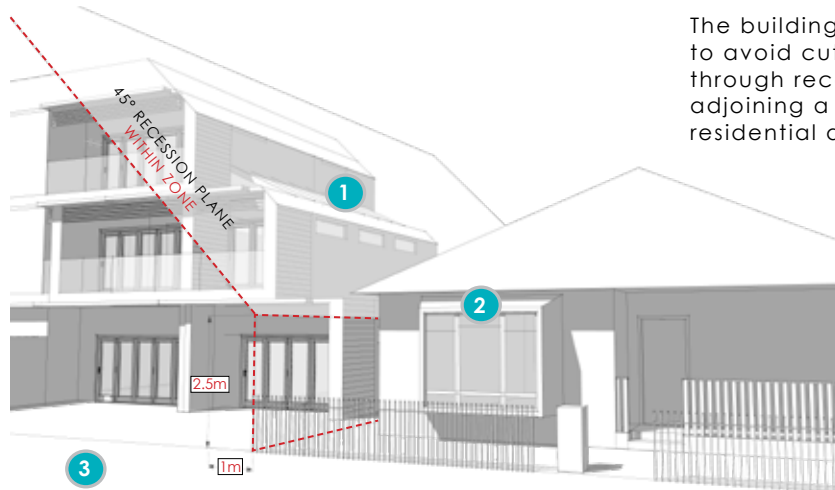
DESIGN OPPORTUNITIES:

- 1 Shading may be reduced by setbacks or modulation of the top storey.
- 2 Adding roof details like gables, dormer windows, balconies or parapets create visual interest and can make roof space useable without a great increase in height or effects on privacy or shading.
- 3 Mitigate effects on amenity of the adjoining residential areas, the streetscape and adjoining public space by modulating the building frontage.
- 4 Reduce privacy effects on adjoining properties by using high windows or placing any accessways between the building and neighbours to increase the physical distance between buildings.
- 5 If on a corner site, additional height may be looked upon favourably if it emphasizes the corner and creates a landmark / focal point.
- ~~6 In Suburban Mixed Use areas of additional height may be looked upon favourably if a higher ground floor stud is provided.~~
- 7 Accessways can provide a buffer to adjoining properties.

3.2 RECESSION PLANES AND SETBACKS (DISTANCE FROM BOUNDARY)

Manage building location and building height in relation to boundaries

INTERFACE WITH GENERAL RESIDENTIAL ZONE



The building is modified to avoid cutting through recession plane adjoining a general residential activity zone

INTERFACE WITHIN MEDIUM DENSITY RESIDENTIAL ZONE



The building is modified to avoid cutting through recession plane adjoining another medium density residential property

DESIGN OPPORTUNITIES:

- 1 Look at ways to minimise shading effects on neighbouring properties by modulating the built form or setting back buildings from the boundary.
- 2 Minimise effects on amenity of the adjoining residential areas, the streetscape and adjoining public space by varying the built form and avoiding long, linear walls.
- 3 No recession plane to road boundaries provides the opportunity to build higher up to the street edge.
- 4 Design and locate verandahs, balconies and windows to avoid overlooking adjacent outdoor living areas of existing residential developments.

3.3 INDOOR AND OUTDOOR LIVING SPACES

Provide outdoor living spaces that are directly accessible from an indoor living area to which they relate and ideally face north, west or east to receive direct sunlight



In Suburban Mixed Use Activity Areas each dwelling must have a minimum outdoor living space area of 10m², with a minimum dimension of 2m.

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



In the Medium Density Residential Activity area, each dwelling must have a minimum outdoor living space over 20m² with a minimum dimension of 3m.

For a dwelling located entirely above ground floor, the outdoor living space requirement can be satisfied by providing a balcony or roof terrace with a minimum area of 10m² with a minimum dimension of 2m.



In the General Residential Activity Area each dwelling must have a minimum outdoor living area of 50m² with a minimum dimension of 4m. The minimum outdoor living area in a Comprehensive Residential Development is 20m² with a minimum dimension of 3m.

For a dwelling located entirely above ground floor the outdoor living space can be a balcony or roof terrace with a minimum area of 10m² with a minimum dimension of 2m.

In many instances the outdoor living space will be a dwelling's primary space for outdoor entertainment, relaxing and recreation. Its quality and accessibility can have a significant impact on amenity. Outdoor living space should be directly accessible from the dwelling to which it relates, ideally from living areas.

Indoor and outdoor living space should have a reasonable level of privacy from adjoining units, good access to sunlight, shelter from prevailing winds, and a sense of openness. In some developments, a unit's outdoor living space may be located in the front yard.

Linking outdoor areas with the main living areas of a dwelling, e.g. lounge or dining room, it encourages their use, provides a pleasant outlook and allows greater flexibility for small spaces by allowing them to function as extensions to the indoor areas of the house.



The most desirable option is to provide direct access and large glazing to allow free movement between indoors and out.



25m² outdoor living spaces adjacent to a reserve / open space

DESIGN OPPORTUNITIES:

- 1 Direct access is provided from living areas to the north facing outdoor living space.
- 2 If not located on the ground floor, the outdoor living space is provided as a balcony or roof terrace.
- 3 Privacy between units should be maintained with screening. Balconies should be set back to prevent views into adjoining dwellings.
- 4 A mix of hard and soft landscape materials provides variety.
- 5 Tree and landscape planting should be incorporated into the landscape design and set back to prevent views back into adjoining dwellings.
- 6 Open style fencing is provided where a yard opens out onto a reserve or a communal open space.

3.4 OPEN SPACE DESIGN AND BOUNDARY TREATMENTS

Connect well to open space to provide high levels of amenity

Well-designed open space, whether public, private or communal, can add a high level of amenity and significant value to a development. Open space should not be thought of as 'left over' space but as an opportunity to enhance the character of a development. The most effective spaces integrate well with adjoining dwellings, are highly accessible and enjoy a high level of natural surveillance from private living areas. Successful designs can be a real focal point to build a community and a sense of place. Boundary fences can have a significant adverse effect on the amenity of a development and how people interact with a space or building. Front fences and walls should be designed of materials compatible with the overall development to appear integrated and should enable occupants to see out to the street. Ideally fences should not be constructed along the front boundary unless the yard is a dwelling's principle outdoor living area (north, west or east facing only). The use of trees and hedges should be considered to enhance privacy, provide screening and delineate property boundaries. Low fencing, raised planters or planting provides demarcation of private and public space while retaining natural surveillance of the street. An alternative is a combination of see-through and solid sections of fencing, which can be planted with low level shrubs and trees to provide a degree of privacy screening whilst still maintaining an essentially open feel that allows for views between the dwelling and the street. Trees along the street boundary should be pruned to allow sightlines through.



Accessible communal open space can provide high quality amenity

DESIGN OPPORTUNITIES:

- 1 Open style fencing should surround a public/communal open space to provide security to residents while maintaining natural surveillance over the space.
- 2 Solid fencing can be appropriate where privacy is required for outdoor living areas and to screen views into dwellings.
- 3 Centrally located communal outdoor space with a high level of natural surveillance from adjoining properties provides excellent amenity.
- 4 Lockable gates improve connectivity, encouraging properties to access the reserve/open space directly.
- 5 A mix of hard and soft landscape materials provides amenity while minimising large areas of hardstand.

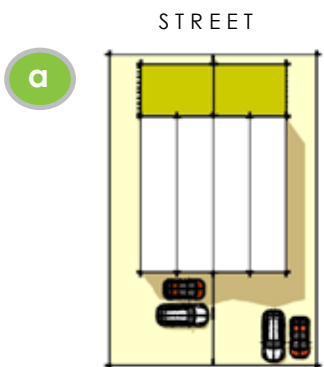
3.5 ENTRANCES, CARPARKING AND GARAGES

Strong relationships with the street. Reduce the visual dominance of vehicle parking and garaging

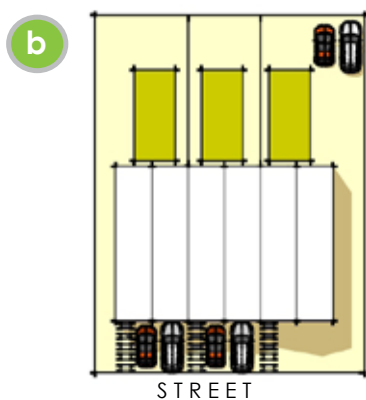
Often front yards are seen as the domain of the car with all other aspects, including pedestrian movement, considered secondary. As residential densities increase, private car ownership typically starts to decrease, particularly where frequent and reliable public transport facilities are available.

The design of front yard spaces should focus on pedestrian movement and the way a building relates to a streetscape. Streetscapes dominated by large garage doors are to be avoided where possible.

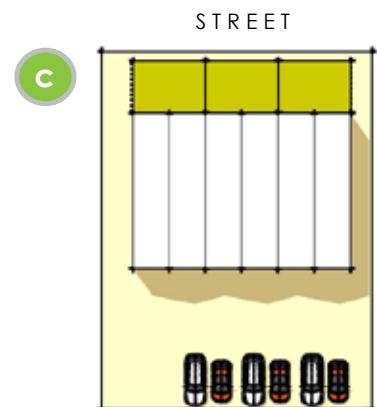
Three different design solutions shown below suggest some options for managing car parking for multi-unit developments. Clearly visible entrances contribute to the overall appearance. The provision of car parking and vehicle access often plays a role in design development at the expense of other amenities. A preferred design solution is for vehicle movements and parking to play a secondary role to pedestrian movements and streetscape amenity, creating active frontages and/or north facing outdoor living spaces. Ideally car parking should be located at the rear of a site and accessed via a shared laneway to reduce the number of potential conflict points with pedestrians walking along the street. Underground parking can be considered.



North facing outdoor living spaces with parking in the rear, accessed by side driveways.



North facing outdoor living spaces in the rear yard with parking in the front.



Communal parking in the rear yard.



Minor changes to detailing can lessen the visual impact of garages

DESIGN OPPORTUNITIES:

- 1 Front entrance doors located in front of the garage door are easier for pedestrians and visitors to find.
- 2 Decorative paving and saw cuts to break up large expanses of concrete or asphalt and guide pedestrian movements.
- 3 Tree and landscape planting should be provided.
- 4 The use of natural material such as timber and finer grain detailing assist with providing visual interest and reduce monotony.
- Service bins should be screened from sight, either by location or a 1.2m high fence. (Not shown)
- Multiple, wide vehicle crossings in close proximity to each other should be avoided as they reduce the potential for on-street parking or street trees. (Not shown)

3.6 ON SITE STORMWATER MANAGEMENT

Deal with stormwater on site as much as practicable

Low impact stormwater solutions can be incorporated on-site to minimize stormwater runoff and peak flows of regularly occurring rainfall events, reducing the impact of new development on existing storm water infrastructure. **These solutions can also remove contaminants and improve stormwater quality before it reaches streams and coastlines. Use of rainwater storage tanks also increases resilience preparedness.** On-site systems are cost effective if incorporated during the design phase (as opposed to being retrofitted) but require maintenance to ensure their ongoing effectiveness.



Low Impact Stormwater Solutions

DESIGN OPPORTUNITIES:

- 1 Living roofs to capture rainfall - 80/150kg/m² substrate based green roof.
- 2 Capture of rainfall from hard surfaces into rainwater storage tanks on the roof or on the ground.
- 3 Rain gardens.
- 4 Hanging gardens on the front edge of balconies - runoff from hard surfaces directed into the beds before continuing down to the discharge point.
- 5 Swale (planter) running along the property boundary.
- 6 Permeable pavers for the driveway and carpark area (400m²) (the paver has a flowrate of no less than 30l/s/m²).

3.7 END/SIDE WALL TREATMENT

Avoid large blank walls which give the appearance of an unfinished development

The design and treatment of 'end walls' should avoid large blank walls which give the appearance a development is unfinished or does not take account of its setting. This is particularly relevant for comprehensive residential development where more building 'replication' is expected.

Many past and recent developments have a 'typical' building design which is replicated to achieve build efficiencies. This results in the end units being no different from the middle unit but can result in a reduction of natural surveillance over public spaces or a side yard which is largely inaccessible.

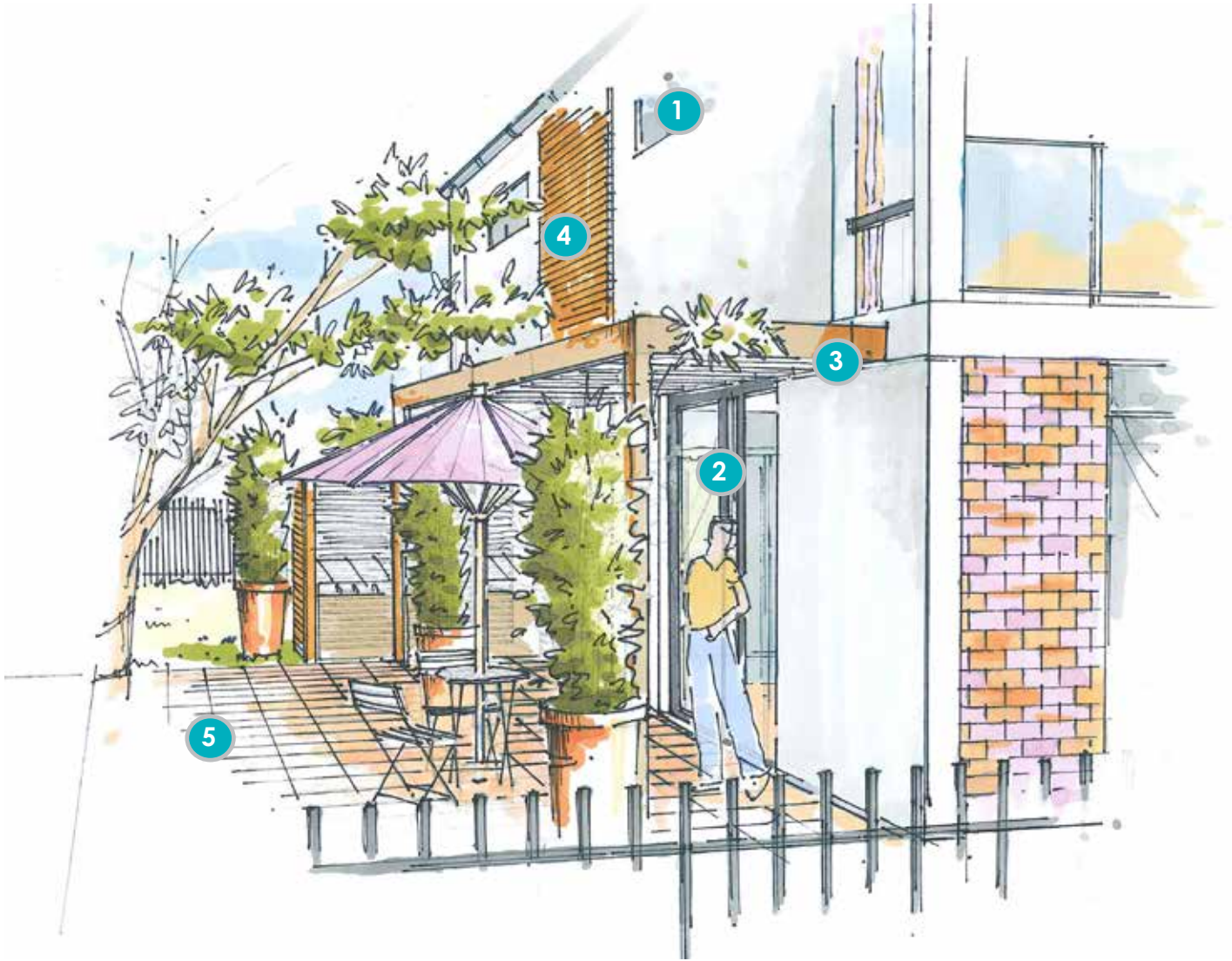
Windows, doors and material changes in the end elevation combine to avoid the adverse effects outlined above while providing a point of difference between units which may appeal to different residents. End units with additional windows or doors benefit from additional natural light. The units are typically on slightly larger lots where the additional space can be used as a sitting or play space.



Large blank walls should be avoided at the end of a row to avoid an incomplete look. Blank walls do not provide passive surveillance or an active amenity to the streetscape.



Windows provide natural surveillance over the adjoining public open space, playground and carpark.



End walls can provide additional value and amenity

DESIGN OPPORTUNITIES:

- 1 Windows in the end wall provide natural surveillance over the adjoining space.
- 2 Doors leading out into the side yard allow the space to be a usable outdoor living area .
- 3 A pergola provides visual interest and modulation as well as shade and shelter.
- 4 A material change assists with reducing the visual mass of an end wall.
- 5 The outside space provides additional amenity to residents and adds value to the house.

3.8 BUILDING MATERIALS

High quality materials and variation create visual interest and amenity

Building materials can strongly affect perceptions of quality as well as actual long-term maintenance requirements. Materials that require less maintenance with a longer design life are more suitable for higher density developments, particularly when multiple parties are involved. The durability of materials can be improved by ensuring adequate protection from the corrosive effects of the elements, e.g. by using eaves and flashing.



✓ Standard bricks provide a finer grain texture which is complemented with timber and steel cladding.



✓ Weatherboards, either timber or fibre cement board, provide a typical NZ cladding which is often in keeping with existing buildings.



✓ Fibre cement board and similar products provide a low maintenance solution with subtle changes providing variation.



✓ Timber cladding and material changes between units provides character. Each unit is clearly definable.



✓ The garage on the right has been clad in a black panel providing a strong contrast with the main house.

3.9 BIKE PARKING, STORAGE AND SERVICE AREAS

Bike parking, storage and service areas should be readily accessible, functional and screened

In the Suburban Mixed Use Activity Area all outdoor storage and service areas must be screened so that they are not visible from neighbouring residential sites or streets and public space. Rubbish storage areas in particular should be conveniently located and well contained to avoid odours affecting nearby residents. As residential developments become denser with a greater number of people living in a smaller area, the provision of space for **bike parking**, storage and servicing functions becomes more important. These spaces free up internal space by providing storage and space for recreational or maintenance equipment, larger household items or clothes lines. With larger developments, individual large 'wheelie' bins may not be practicable for each unit. Therefore options for communal storage and collection systems are encouraged. The placement of bins should aim to minimise adverse visual effects. Ideally bins should not be located in the front yard, but where this cannot be avoided they should be screened and should not affect access to the front door. They should be located away from main living areas, the street and neighbouring properties.



Lockable, readily accessible storage units, can easily be incorporated into a multi-unit development if considered at the design stage. In these examples the units are 2.4 x 1.0m allowing for AC units and bike parking as well as other equipment.



Bins, gas bottles and other equipment have been hidden behind timber screens but are integrated into the landscape design. Storage / service areas should be provided where they are either not visible from the street or screened. Development of communal storage areas for bins or use of alternative shared systems are encouraged for larger developments.

3.10 PRIVACY AND SAFETY

Encourage privacy and safety

Issues relating to a loss of privacy (whether actual or perceived) are often associated with the development of higher density projects. Many effects are the result of poorly designed developments where the indoor living areas of one unit look directly into the indoor or outdoor living area or an adjoining unit or where there is insufficient space between buildings. All of these effects can be mitigated either through building design, site layout, landscape elements or a combination of the three. Windows and doors should be oriented to the street and to shared spaces to provide an outlook while maintaining privacy for the dwelling.



Privacy and safety can be achieved with a mix of see-through and solid fencing

DESIGN OPPORTUNITIES:

- 1 Setting back balconies from the main wall as opposed to extending the balcony out forward of any party wall.
- 2 Solid or semi-solid fencing between units to a height of 1.8m. Slat fencing can be used but slats must be close enough to ensure direct views through are minimised.
- 3 Raising the ground floor level of the development above the street level to allow people to clearly see out but not in (not shown).
- 4 Placing higher kitchen windows on the frontage so that occupants are often looking out over the street (not shown).
- 5 Design and locate verandahs, balconies and windows to avoid overlooking adjacent outdoor living areas of existing residential developments.

3.11 LANDSCAPING

Landscape materials (surfacing, letterboxes, seats, fencing) and planting, developed as part of low impact design solutions outlined earlier, should be low maintenance but of a quality and style which enhance the amenity of a development. They should be designed to integrate with the building development and site layout so that the site is used efficiently. Retaining existing vegetation, especially large trees, can give a development a sense of establishment and character.

The appearance of extensive paved or hardstand areas can be improved by adding detailing, material changes or different finish treatments such as honing or decorative saw cuts. Detailing can also be used to delineate car parking areas to avoid painted white lines.

Planting can be used to delineate property boundaries, giving a softer, more aesthetically pleasing appearance than a solid timber fence. Open fencing should be used where fencing is required but privacy is not an issue.

Suitably sized trees should be incorporated, including large trees where possible. Trees provide significant amenity and privacy.

Provision of a landscape plan is recommended. A landscape plan should outline hard surfaces (both permeable and impermeable), finishes, storage areas, lighting and planting including the location of any large trees. The following list contains suggests species that work well in urban Hutt City. Another useful resource is the Wellington Regional Native Plant Guide, available at GW.GOV.T.NZ

Note: Ground conditions, aspect and exposure to wind will need to be considered when selecting plant material. This list only provides a basic guide for getting started. As a general rule, a good grade for purchasing plants is PB3 or PB5. For trees, PB40 to PB95 is generally suggested.

E = Exotic **N** = Native

TREES (MEDIUM)



E
Gordonia
(*Gordonia yunnanensis*)



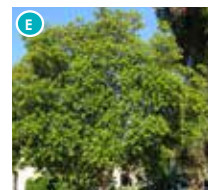
N
Lemonwood (tarata)
(*Pittosporum eugenioides*)



N
Kowhai
(*Sophora microphylla*)



N
Cabbage tree
(*Cordyline australis*)
(not in lawns)



E
Water gum
(*Tristaniaopsis laurina*)

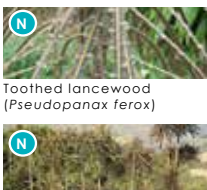


N
Five Finger (Puahou)
(*Pseudopanax arboreus*)

TREES (SMALL)



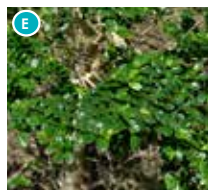
N
Marble leaf (Putaputaweta)
(*Carpodetus serratus*)



N
Toothed lancewood
(*Pseudopanax ferox*)



N
Lancewood (horoeta)
(*Pseudopanax crassifolius*)



E
Boxleaf azara / Vanilla tree
(*Azara microphylla*)



E
Camellia
(*Camellia sasanqua*)



E
Flowering crab apple
(*Malus tschonoskii*)



E
New South Wales
Christmas Bush
(*Ceratopetalum
gummiferum*)

SHRUBS (MEDIUM - SMALL)



Monro's daisy
(*Brachyglottis monroi*)



Rose
(*Rosa* - flower carpet form)



Rose 'Frau Dagmar Hastrup'
(*Rosa rugosa*)



Crimson rata (shrubby form)
(*Metrosideros carminea*)



Pittosporum 'Golf Ball'
(*Pittosporum tenuifolium*)



Mexican orange blossom
(*Choisya ternata*)



Silverbush
(*Convolvulus cneorum*)



Oakleaf hydrangea
(*Hydrangea quercifolia*)



Mingimingi
(*Coprosma virescens*)



Hebe
(*Hebe* spp.)



Marlborough rock daisy
(*Pachystegia insignis*)



Woolly grevillea
(*Grevillea lanigera*)



Viburnum
(*Viburnum x burkwoodii*)

GROUNDCOVERS



Rengarenga lily
(*Arthropodium cirratum*)



NZ iris
(*Liberia peregrinans*)



Creeping fuchsia
(*Fuchsia procumbens*)



Pohuehue
(*Muehlenbeckia axillaris*)



NZ daphne
(*Pimelea prostrata*)



Heartleaf burgenia
(*Bergenia cordifolia*)



Day lily
(*Hemerocallis* spp.)



French lavender
(*Lavandula stoechas*)



Jerusalem sage
(*Phlomis russelliana*)



Prostrate coprosma
(*Coprosma acerosa*
'Hawera')

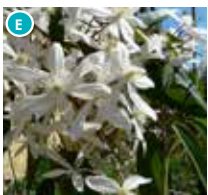


Flax lily
(*Dianella* 'Tas Red')

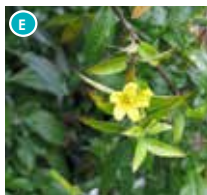


Rosemary
(*Rosmarinus officinalis*)

CLIMBERS



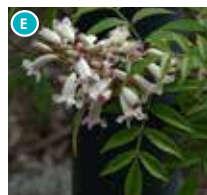
Clematis
(*Clematis arandii*)



Yellow jasmine
(*Gelsemium sempervirens*)



Climbing rata
(*Metrosideros carminea*)



Wonga wonga vine
(*Pandorea pandorana*)



Star Jasmine
(*Trachelospermum*
jasminoides)

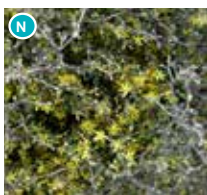


Happy wanderer
(*Hardenbergia violacea*)

HEDGES



Coprosma Middlemore
(*Coprosma* 'Middlemore')



Korokia
(*Corokia* cultivars)



Shrubby tororaro,
Mingimingi
(*Muehlenbeckia astonii*)



Escallonia
(*Escallonia* cultivars)



Broadleaf, Kapuka
(*Griselinia littoralis*)



Grey box
(*Westringia* 'Grey Box')

3.12 HISTORIC CHARACTER IN PETONE-MOERA

Recognise the historic character of adjoining properties and the neighbourhood within Petone-Moera

Petone-Moera has a historic character resulting from the underlying cadastral pattern, block size, cohesive age and condition of many buildings, and building placement. When designing a new development of a higher density it is important to recognise the underlying characteristics of the neighbourhood and how these can be incorporated into a new design. The sketch below shows how a Comprehensive Residential Development could approach a site layout, respecting the existing historic character but providing additional housing options:



Providing intensification while respecting the underlying cadastral pattern

DESIGN OPPORTUNITIES:

- 1 Take design cues and incorporate architectural references from existing proportions, forms, roof pitches and angles, patterns, materials and embellishments on historic buildings adjacent to the development site.
- 2 Recognise the underlying shape and form of the existing cadastral pattern;
- 3 Attempt to maximise the number of dwellings addressing the street while minimising the visual impact of vehicle parking and manoeuvring on the streetscape character - the design should reflect the existing character;
- 4 Acknowledge building setbacks from both front and side boundaries, noting in older areas these can be relatively small;
- 5 While fencing is not controlled in the district plan, recognise its influence on the character of the streetscape

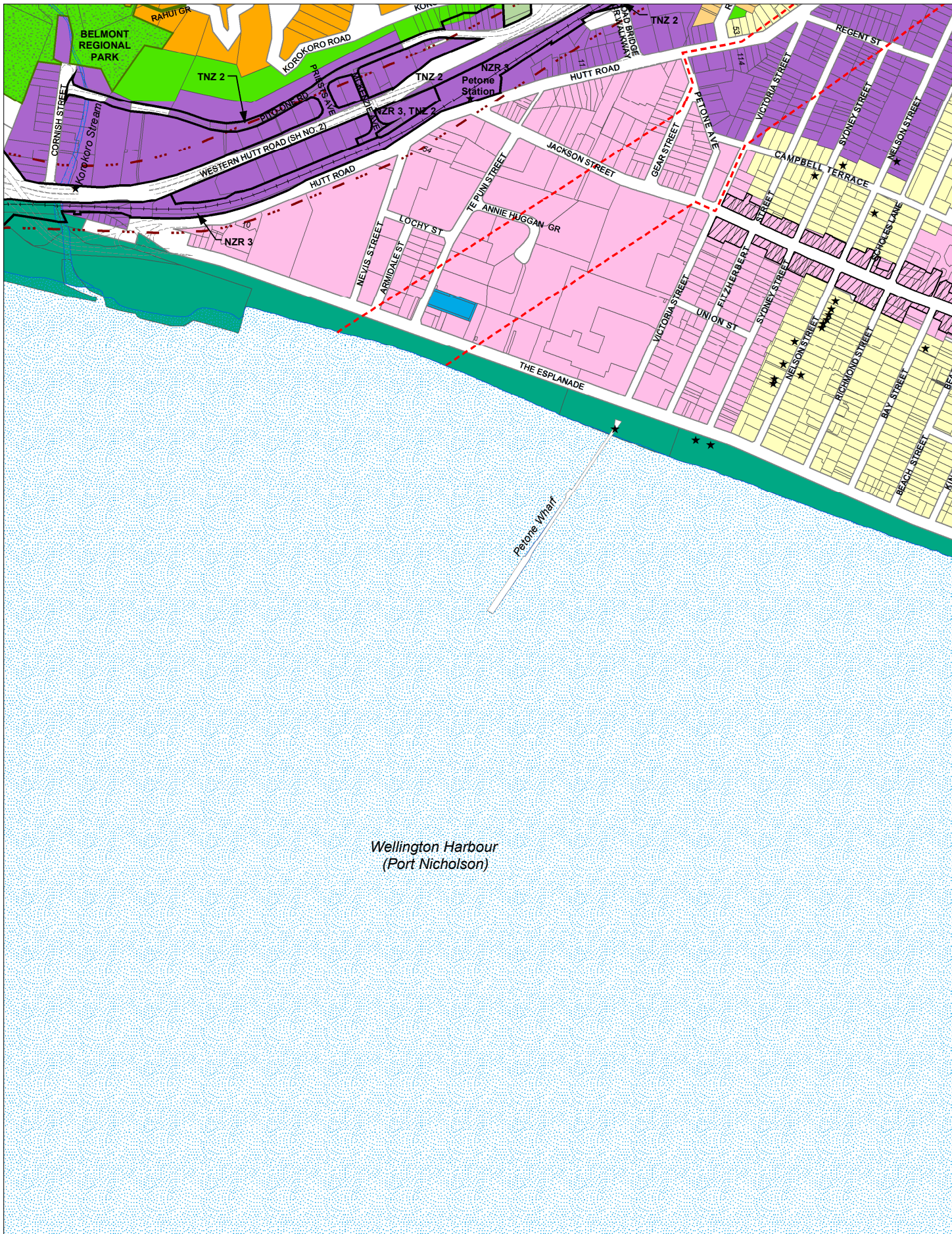
STEP 4

DESIGN STATEMENT



The Design Statement forms part of your resource consent application. Your Design Statement should discuss the relevant provisions of the District Plan, the relevant design principles and key design elements of the MDDG and show how your development proposal is addressing effects beyond the boundary and leading to high quality built environments.

**Amended Planning Maps, with recommended changes from the Hearing
Panel**



ACTIVITY AREAS

	General Residential		Central Commercial		Extraction
	Special Residential		Petone Commercial		General Recreation
	Historic Residential		Suburban Commercial		Special Recreation
	Hill Residential		Special Commercial		River Recreation
	Landscape Protection		Suburban Mixed Use		Passive Recreation
	Medium Density Residential		General Business		Community Health
	Rural Residential		Special Business		Community Iwi
	General Rural		Avalon Business		

ANNOTATIONS

	Designation		Regional/Forest Park
	Wellington Faultline		Heritage Area
	Special Study Area		Primary River Corridor
	Hydraulic Line		Secondary River Corridor
	Flood Protection Bank		1 in 100 Year Flood Extent
	Railway Line		Building Setback Line
	National Grid Corridor		Notable Tree
	National Grid Yard		Historic Place
	State Highway and Railway Corridor Buffer Overlays		



A4	B4
	B5

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ACTIVITY AREAS

- | | | |
|----------------------------|---------------------|--------------------|
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| Medium Density Residential | General Business | Passive Recreation |
| Rural Residential | Special Business | Community Health |
| General Rural | Avalon Business | Community Iwi |

ANNOTATIONS

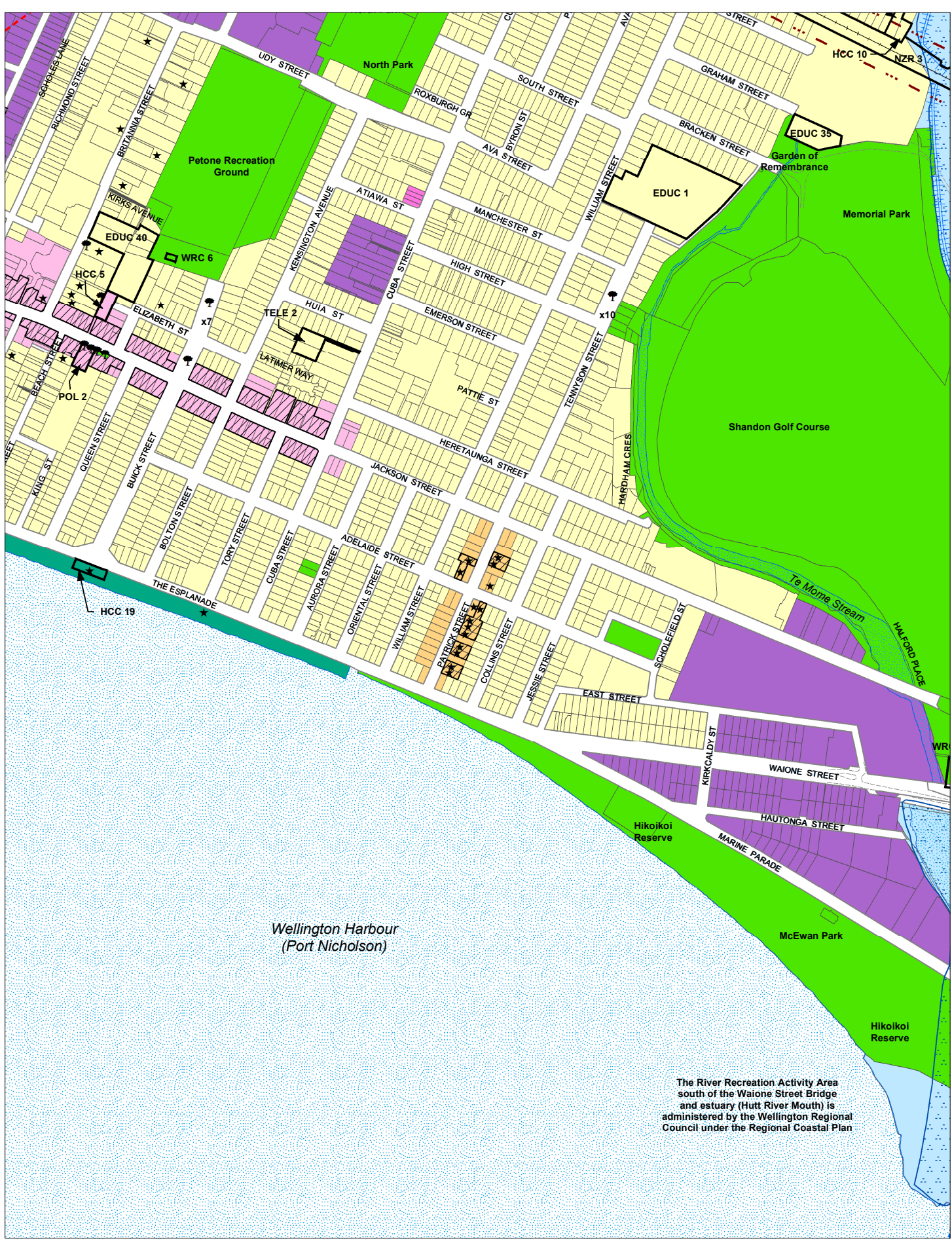
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A3	B3	C3
A4	B4	C4
A5	B5	C5

District Plan - City of Lower Hutt scale 1:6000 **B4**

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The River Recreation Activity Area south of the Waione Street Bridge and estuary (Hutt River Mouth) is administered by the Wellington Regional Council under the Regional Coastal Plan

ACTIVITY AREAS

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| Medium Density Residential | General Business | Community Health |
| Rural Residential | Special Business | Community Iwi |
| General Rural | Avalon Business | |

ANNOTATIONS

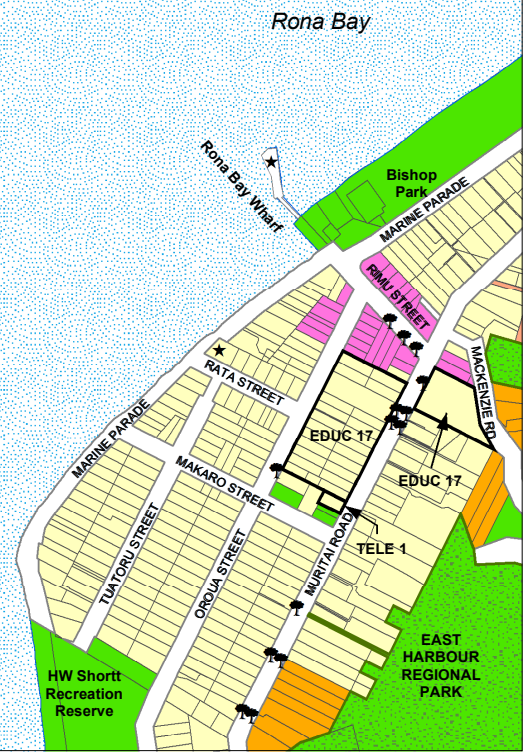
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| National Grid Yard | Historic Place |
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A4	B4	C4
A5	B5	C5
		C6

District Plan - City of Lower Hutt Scale 1:6000 B5

Wellington Harbour
(Port Nicholson)



ACTIVITY AREAS

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	General Rural		Avalon Business		

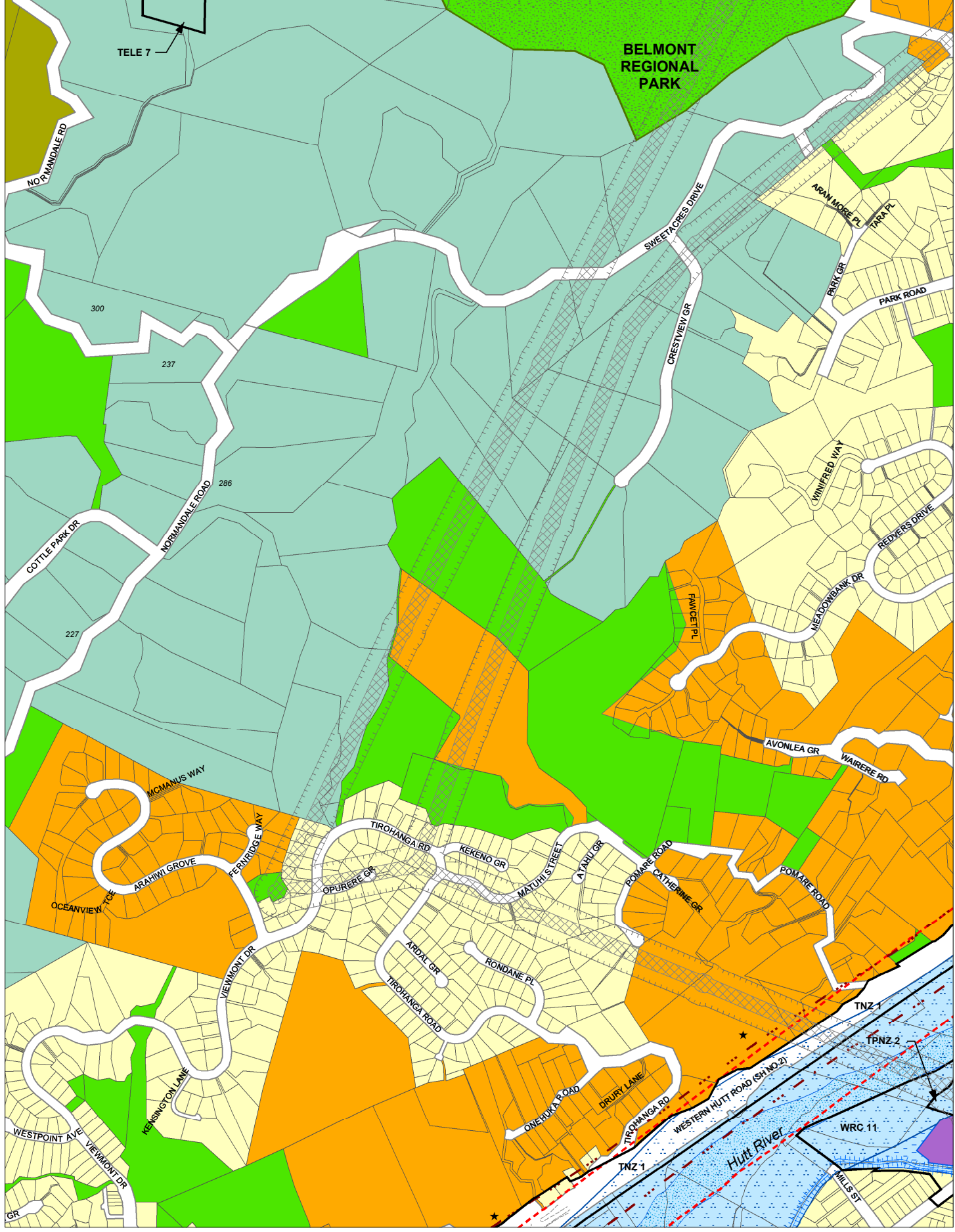
ANNOTATIONS

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	C7
	C8
B9	C9

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ACTIVITY AREAS

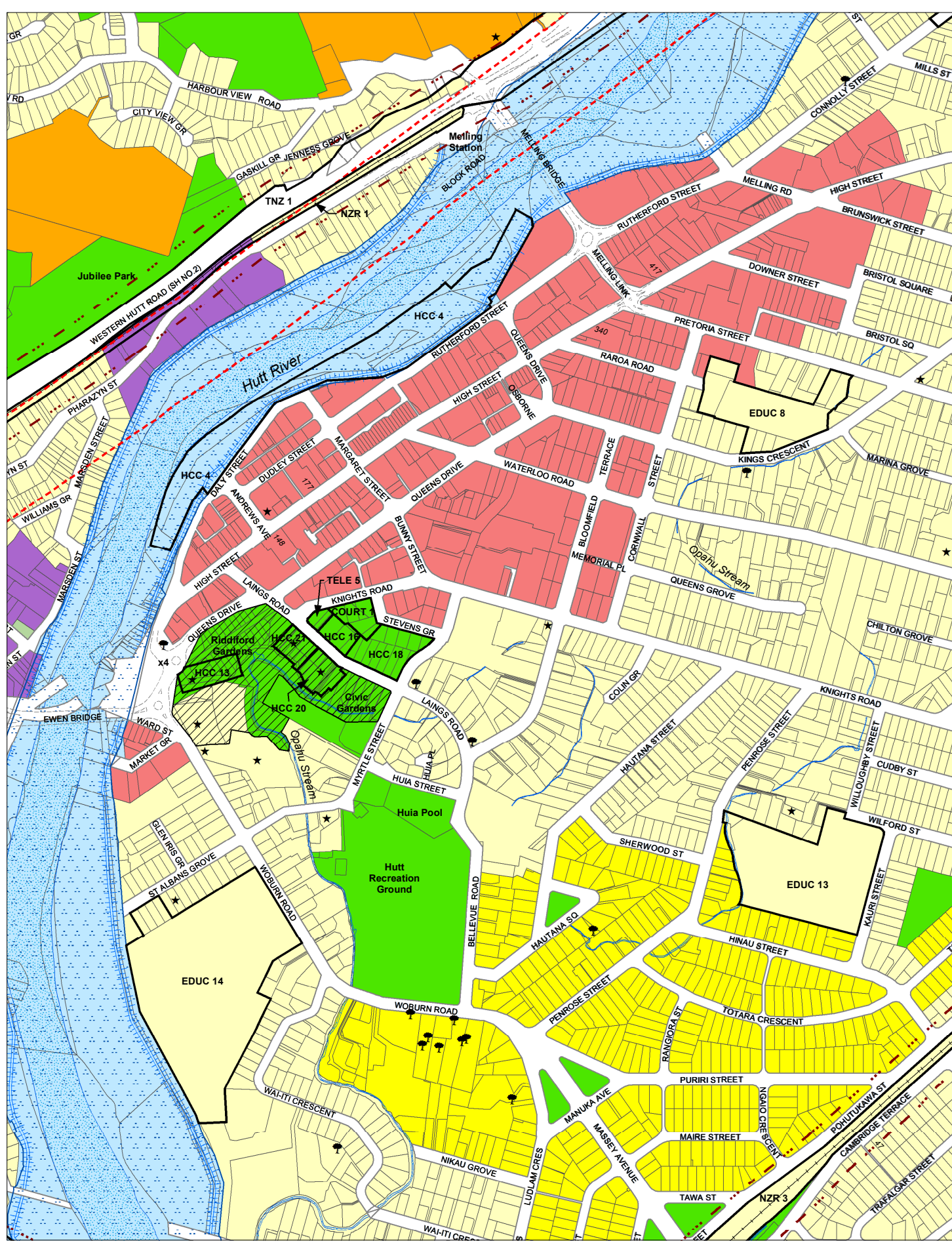
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		D2
B3		D3
B4	C4	D4



ACTIVITY AREAS

- General Residential
- Special Residential
- Historic Residential
- Hill Residential
- Landscape Protection
- Medium Density Residential
- Rural Residential
- General Rural
- Central Commercial
- Petone Commercial
- Suburban Commercial
- Special Commercial
- Suburban Mixed Use
- General Business
- Special Business
- Avalon Business
- Extraction
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- Special Recreation
- River Recreation
- Passive Recreation
- Community Health
- Community Iwi

ANNOTATIONS

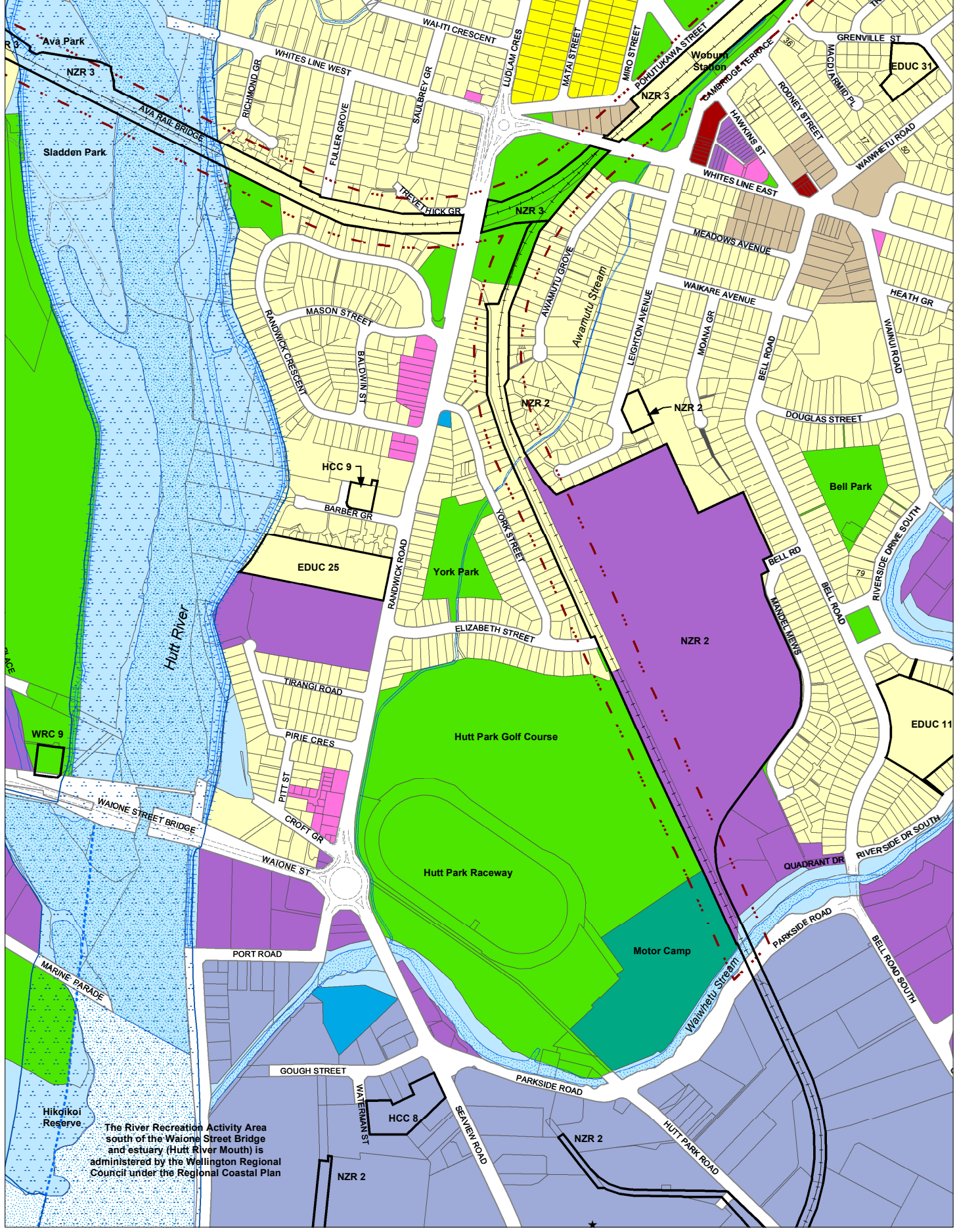
- Designation
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- Flood Protection Bank
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- Regional/Forest Park
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- Secondary River Corridor
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- Building Setback Line
- Notable Tree
- Historic Place



B3	C3	D3
B4	C4	D4
B5	C5	D5

District Plan - City of Lower Hutt Scale 1:6000 C4



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ACTIVITY AREAS

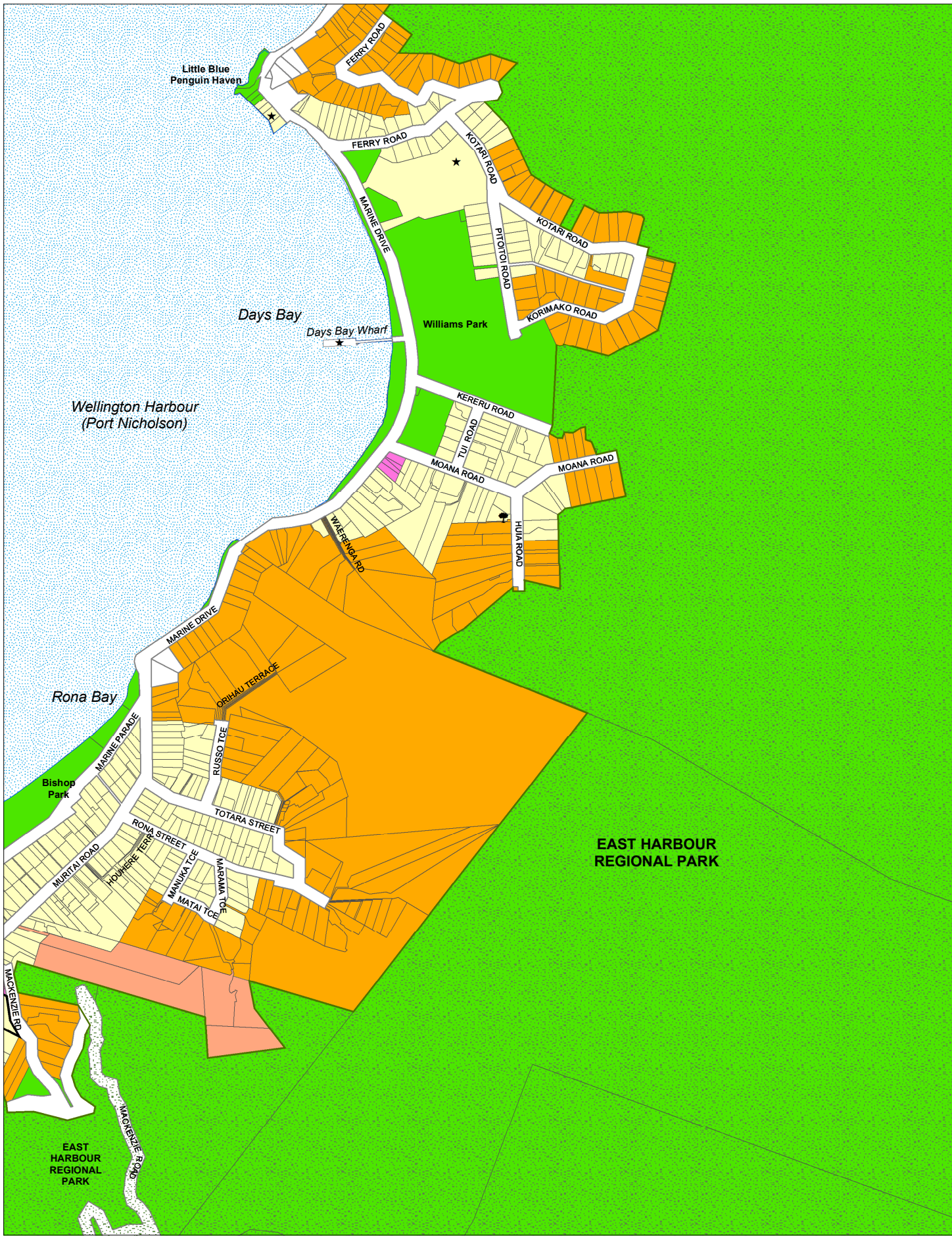
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ANNOTATIONS

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B4	C4	D4
B5	C5	D5
	C6	D6



ACTIVITY AREAS

- | | | |
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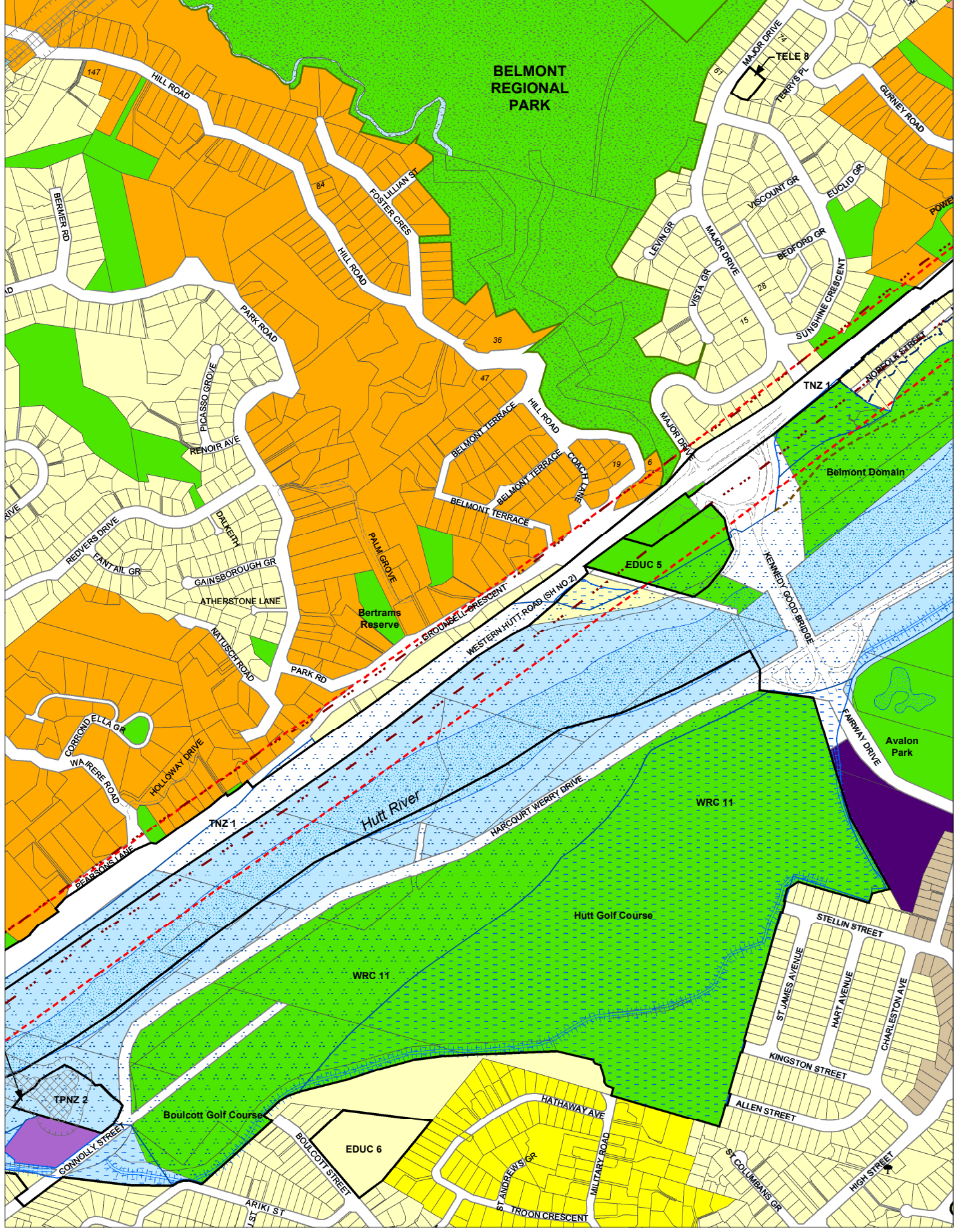
ANNOTATIONS

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	C7	D7
B8		
B9	C9	

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ACTIVITY AREAS

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ANNOTATIONS

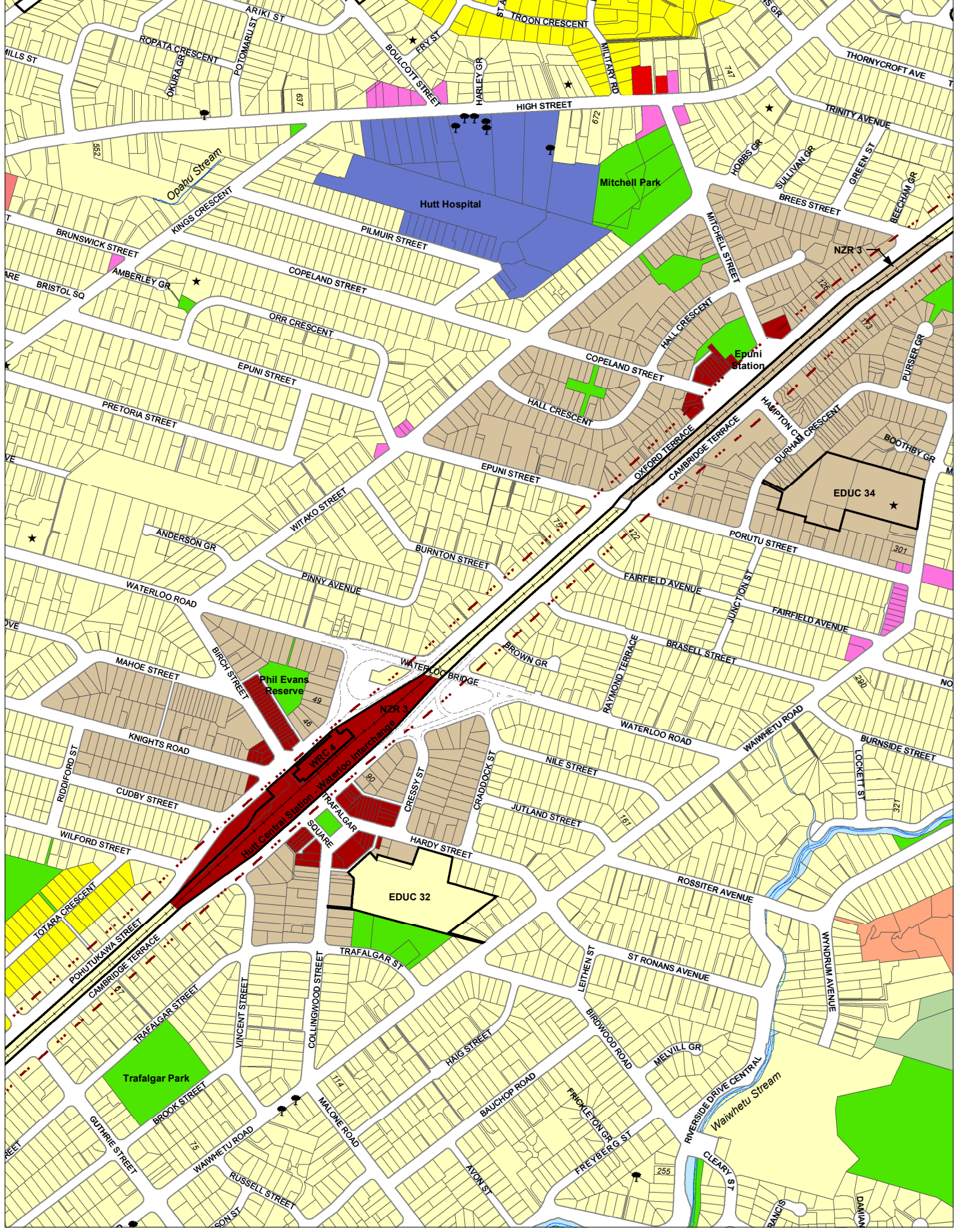
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	D2	E2
C3		E3
C4	D4	E4

District Plan - City of Lower Hutt Scale 1:6000 D3

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ACTIVITY AREAS

- | | | | | | |
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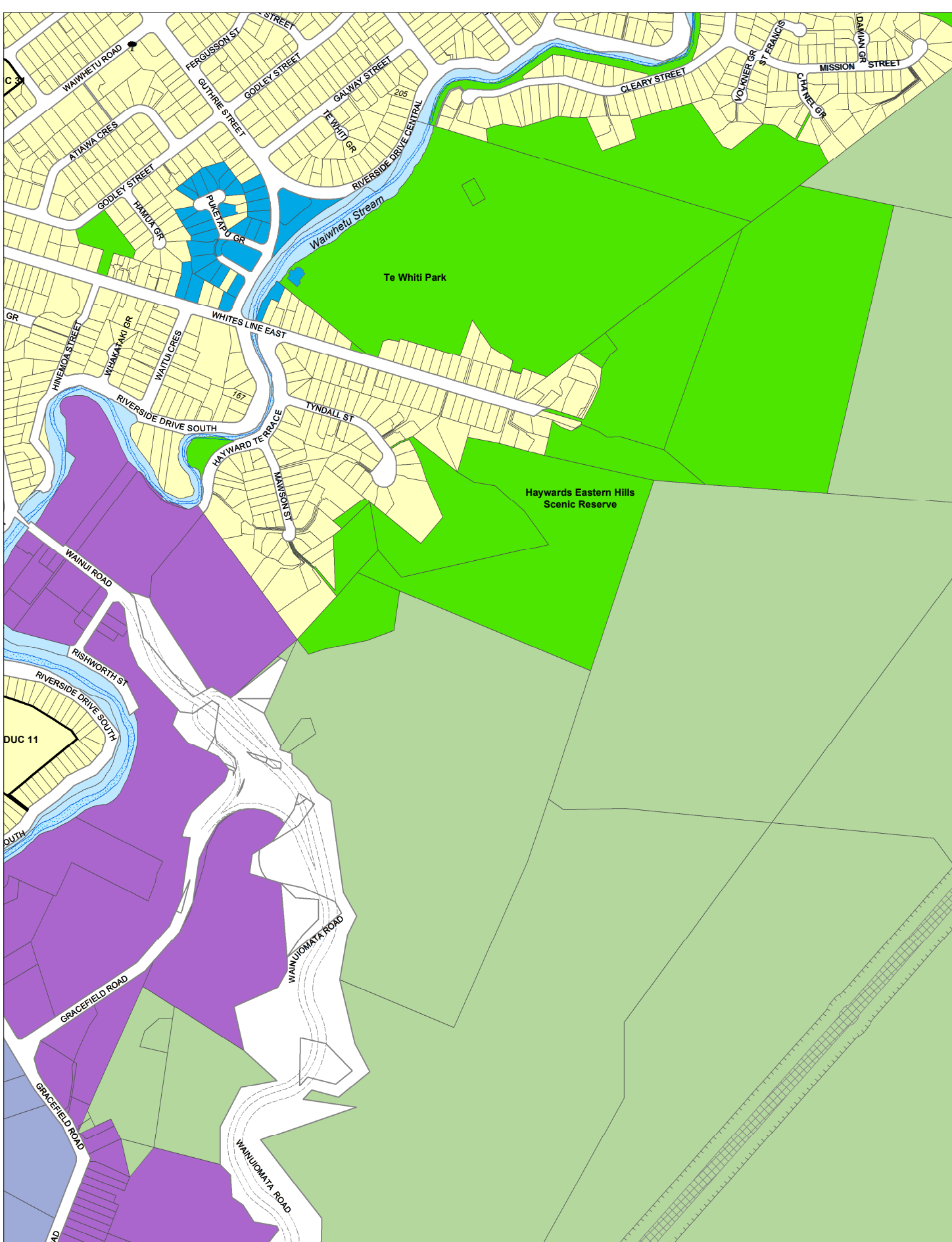
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C3	D3	E3
C4		E4
C5	D5	E5

District Plan - City of Lower Hutt Scale 1:6000 **D4**



ACTIVITY AREAS

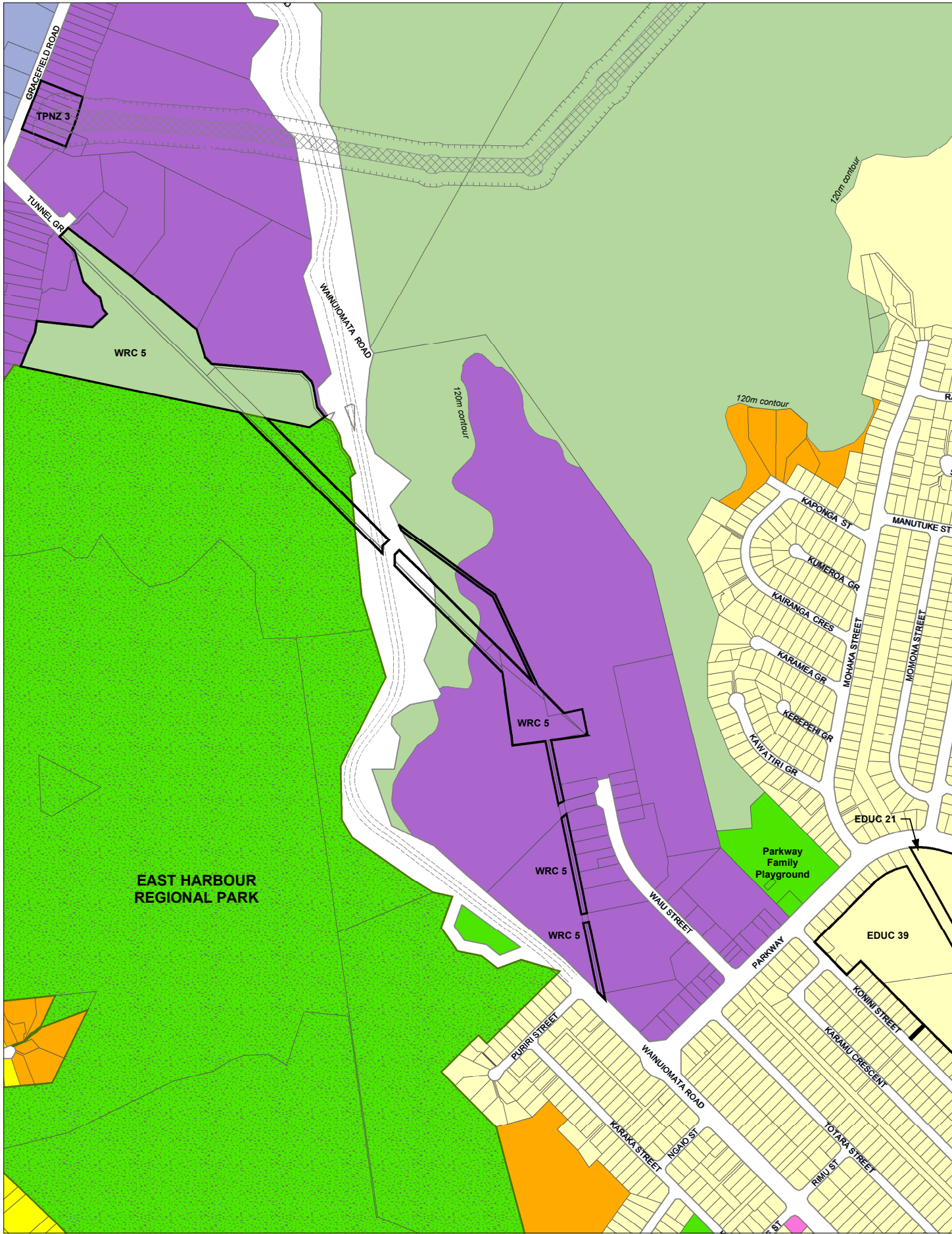
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| General Residential | Central Commercial | Extraction |
| Special Residential | Petone Commercial | General Recreation |
| Historic Residential | Suburban Commercial | Special Recreation |
| Hill Residential | Special Commercial | River Recreation |
| Landscape Protection | Suburban Mixed Use | Passive Recreation |
| Medium Density Residential | General Business | Community Health |
| Rural Residential | Special Business | Community Iwi |
| General Rural | Avalon Business | |

ANNOTATIONS

- | | |
|--|----------------------------|
| Designation | Regional/Forest Park |
| Wellington Faultline | Heritage Area |
| Special Study Area | Primary River Corridor |
| Hydraulic Line | Secondary River Corridor |
| Flood Protection Bank | 1 in 100 Year Flood Extent |
| Railway Line | Building Setback Line |
| National Grid Corridor | Notable Tree |
| National Grid Yard | Historic Place |
| State Highway and Railway Corridor Buffer Overlays | |



C4	D4	E4
C5	D5	E5
C6	D6	E6



ACTIVITY AREAS

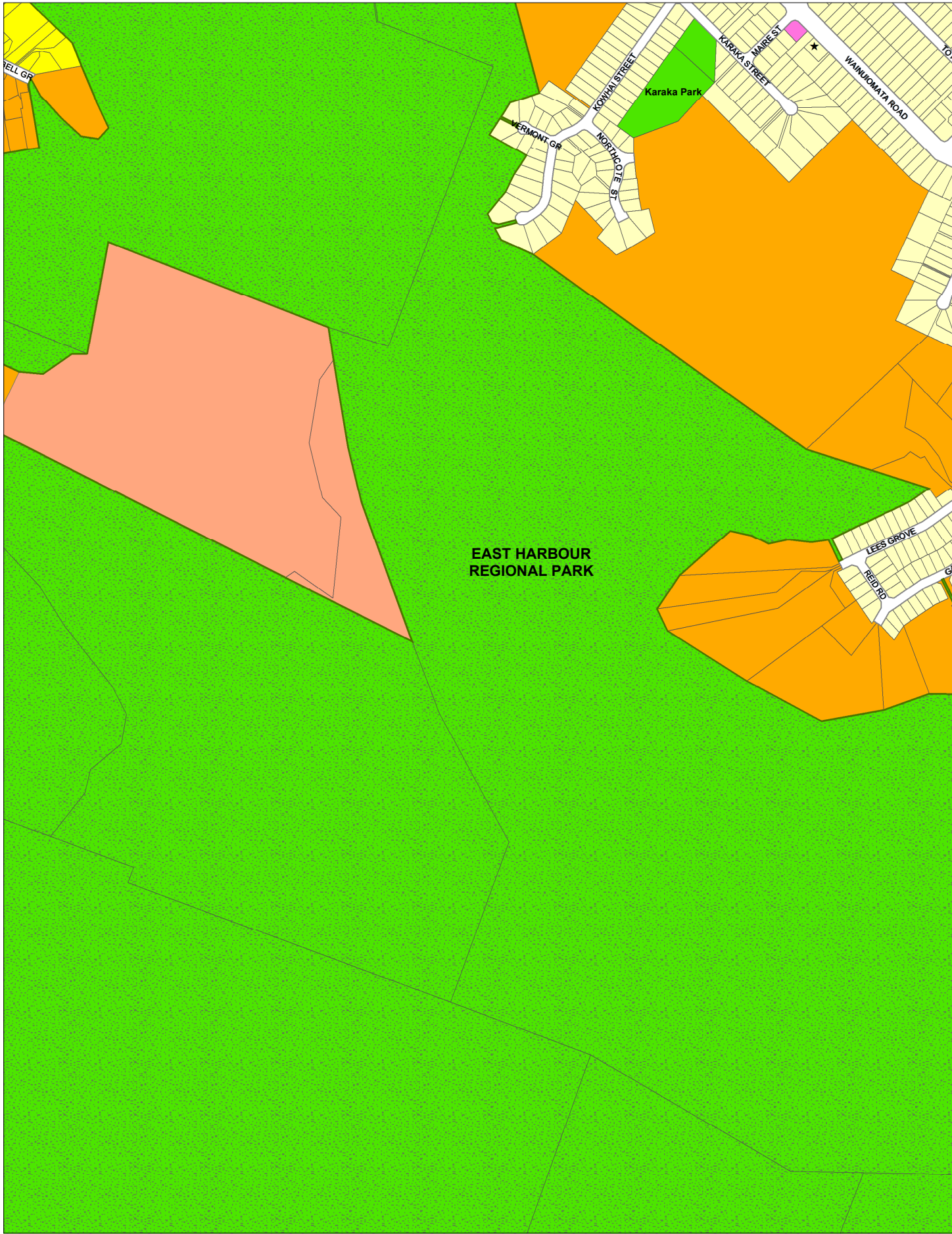
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| General Residential | Central Commercial | Extraction |
| Special Residential | Petone Commercial | General Recreation |
| Historic Residential | Suburban Commercial | Special Recreation |
| Hill Residential | Special Commercial | River Recreation |
| Landscape Protection | Suburban Mixed Use | Passive Recreation |
| Medium Density Residential | General Business | Community Health |
| Rural Residential | Special Business | Community Iwi |
| General Rural | Avalon Business | |

ANNOTATIONS

- | | |
|--|----------------------------|
| Designation | Regional/Forest Park |
| Wellington Faultline | Heritage Area |
| Special Study Area | Primary River Corridor |
| Hydraulic Line | Secondary River Corridor |
| Flood Protection Bank | 1 in 100 Year Flood Extent |
| Railway Line | Building Setback Line |
| National Grid Corridor | Notable Tree |
| National Grid Yard | Historic Place |
| State Highway and Railway Corridor Buffer Overlays | |



C5	D5	E5
C6	D6	E6
C7	D7	E7



ACTIVITY AREAS

	General Residential		Central Commercial		Extraction
	Special Residential		Petone Commercial		General Recreation
	Historic Residential		Suburban Commercial		Special Recreation
	Hill Residential		Special Commercial		River Recreation
	Landscape Protection		Suburban Mixed Use		Passive Recreation
	Medium Density Residential		General Business		Community Health
	Rural Residential		Special Business		Community Iwi
	General Rural		Avalon Business		

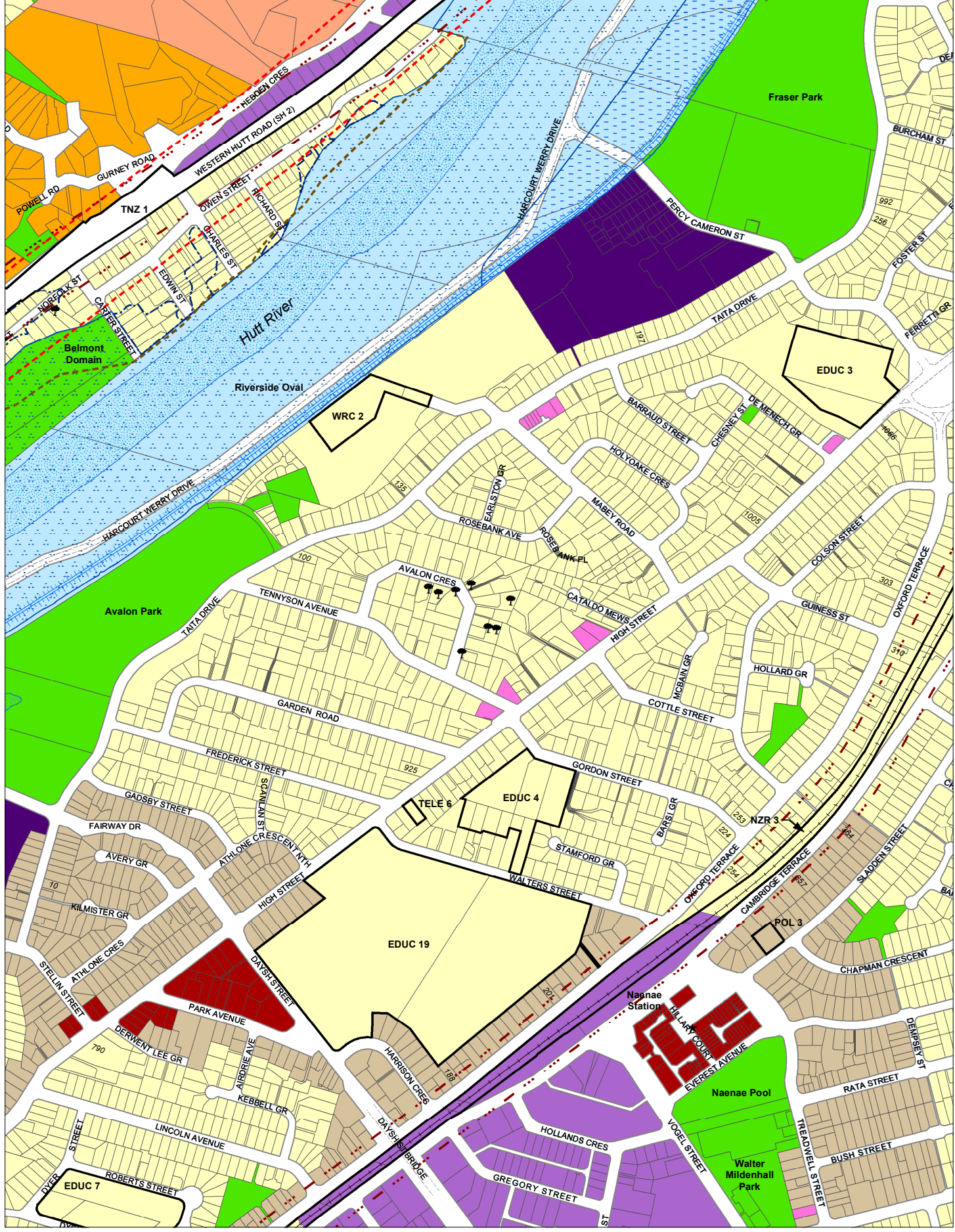
ANNOTATIONS

	Designation		Regional/Forest Park
	Wellington Faultline		Heritage Area
	Special Study Area		Primary River Corridor
	Hydraulic Line		Secondary River Corridor
	Flood Protection Bank		1 in 100 Year Flood Extent
	Railway Line		Building Setback Line
	National Grid Corridor		Notable Tree
	National Grid Yard		Historic Place
	State Highway and Railway Corridor Buffer Overlays		



C6	D6	E6
C7		E7
C8		E8

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ACTIVITY AREAS

- | | | |
|----------------------------|---------------------|--------------------|
| General Residential | Central Commercial | Extraction |
| Special Residential | Petone Commercial | General Recreation |
| Historic Residential | Suburban Commercial | Special Recreation |
| Hill Residential | Special Commercial | River Recreation |
| Landscape Protection | Suburban Mixed Use | Passive Recreation |
| Medium Density Residential | General Business | Community Health |
| Rural Residential | Special Business | Community Iwi |
| General Rural | Avalon Business | |

ANNOTATIONS

- | | |
|--|----------------------------|
| Designation | Regional/Forest Park |
| Wellington Faultline | Heritage Area |
| Special Study Area | Primary River Corridor |
| Hydraulic Line | Secondary River Corridor |
| Flood Protection Bank | 1 in 100 Year Flood Extent |
| Railway Line | Building Setback Line |
| National Grid Corridor | Notable Tree |
| National Grid Yard | Historic Place |
| State Highway and Railway Corridor Buffer Overlays | |



D2	E2	F2
D3	E3	F3
D4	E4	F4

District Plan - City of Lower Hutt Scale 1:6000 E3



ACTIVITY AREAS

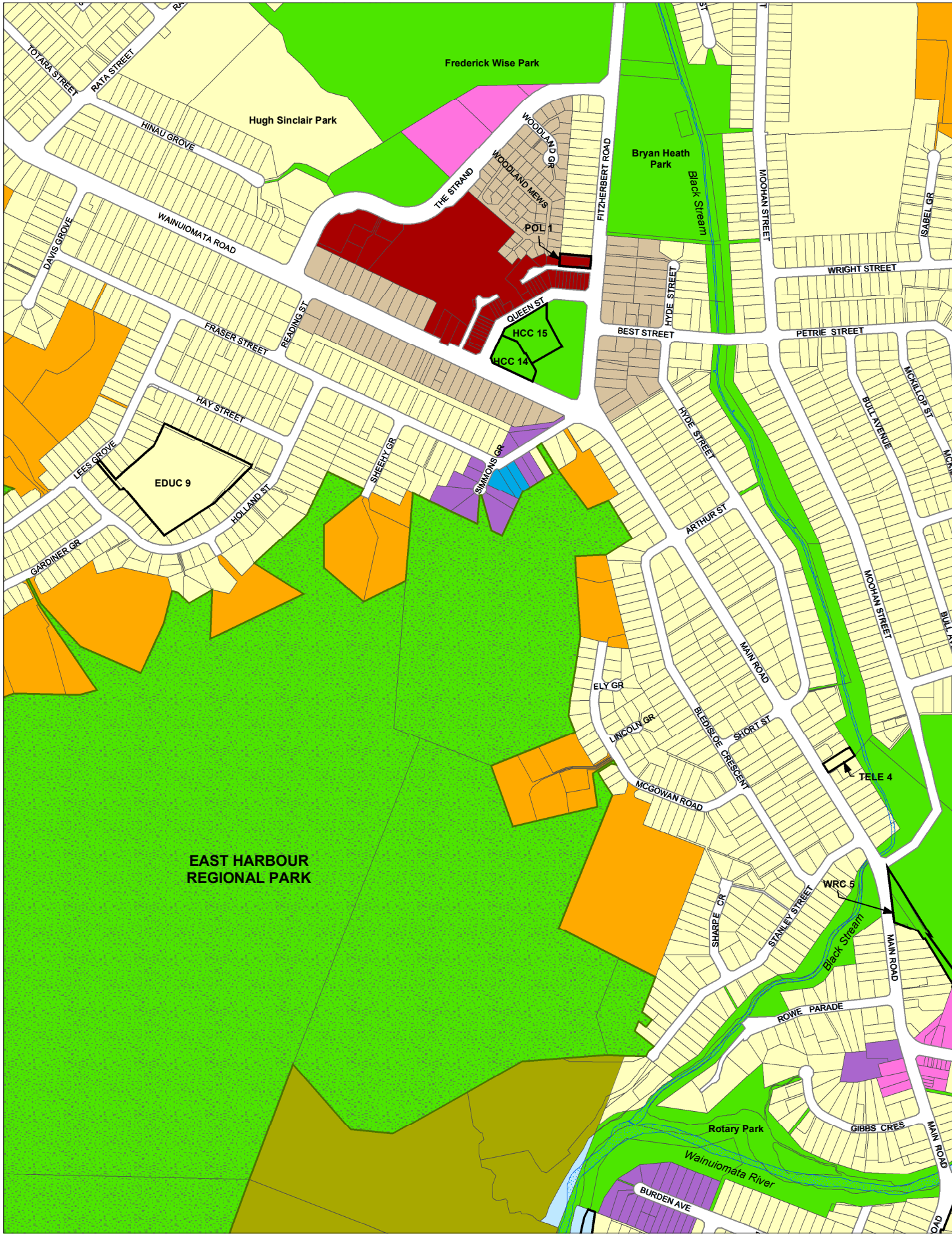
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| General Residential | Central Commercial | Extraction |
| Special Residential | Petone Commercial | General Recreation |
| Historic Residential | Suburban Commercial | Special Recreation |
| Hill Residential | Special Commercial | River Recreation |
| Landscape Protection | Suburban Mixed Use | Passive Recreation |
| Medium Density Residential | General Business | Community Health |
| Rural Residential | Special Business | Community Iwi |
| General Rural | Avalon Business | |

ANNOTATIONS

- | | |
|--|----------------------------|
| Designation | Regional/Forest Park |
| Wellington Faultline | Heritage Area |
| Special Study Area | Primary River Corridor |
| Hydraulic Line | Secondary River Corridor |
| Flood Protection Bank | 1 in 100 Year Flood Extent |
| Railway Line | Building Setback Line |
| National Grid Corridor | Notable Tree |
| National Grid Yard | Historic Place |
| State Highway and Railway Corridor Buffer Overlays | |



D3	E3	F3
D4		F4
D5	E5	F5



ACTIVITY AREAS

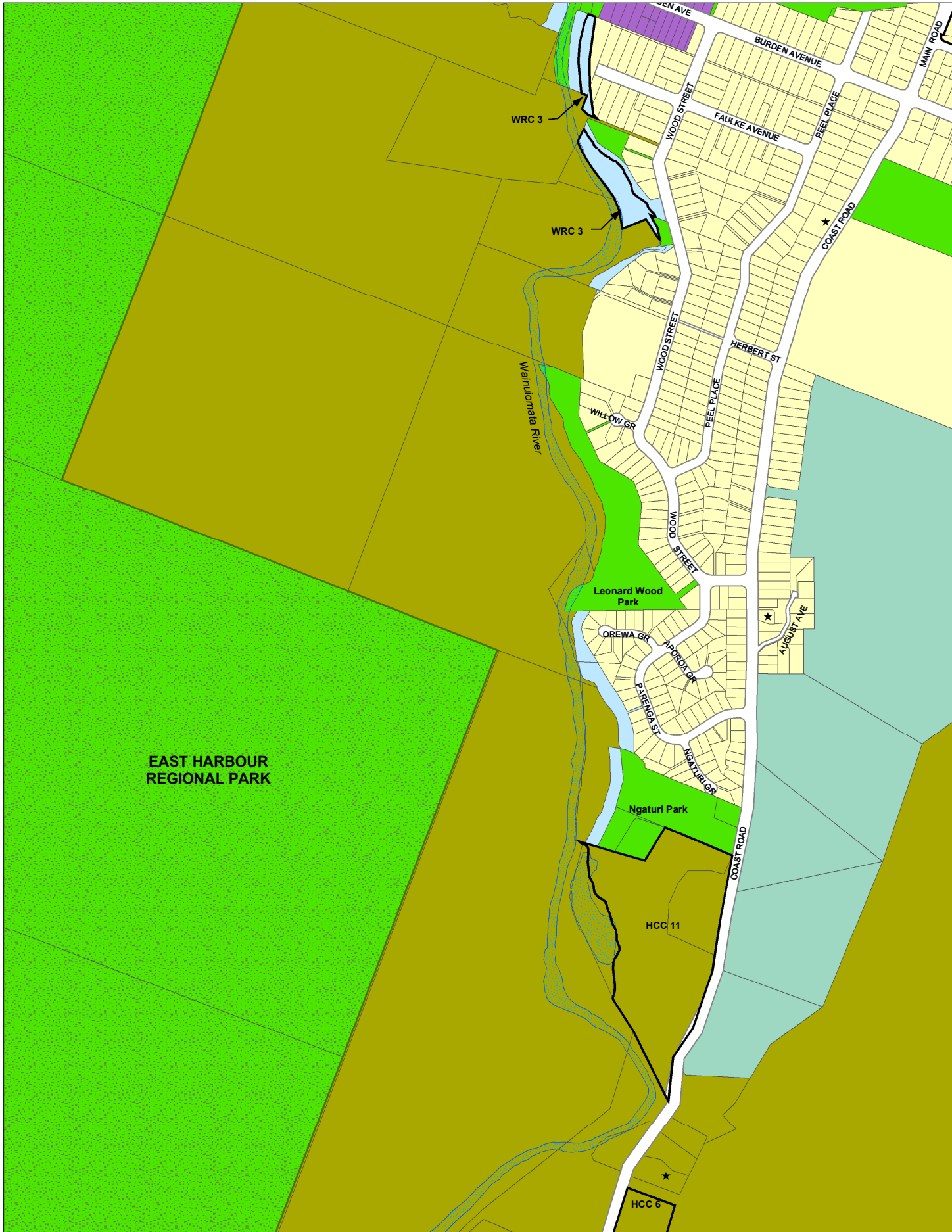
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| General Residential | Central Commercial | Extraction |
| Special Residential | Petone Commercial | General Recreation |
| Historic Residential | Suburban Commercial | Special Recreation |
| Hill Residential | Special Commercial | River Recreation |
| Landscape Protection | Suburban Mixed Use | Passive Recreation |
| Medium Density Residential | General Business | Community Health |
| Rural Residential | Special Business | Community Iwi |
| General Rural | Avalon Business | |

ANNOTATIONS

- | | |
|--|----------------------------|
| Designation | Regional/Forest Park |
| Wellington Faultline | Heritage Area |
| Special Study Area | Primary River Corridor |
| Hydraulic Line | Secondary River Corridor |
| Flood Protection Bank | 1 in 100 Year Flood Extent |
| Railway Line | Building Setback Line |
| National Grid Corridor | Notable Tree |
| National Grid Yard | Historic Place |
| State Highway and Railway Corridor Buffer Overlays | |



D6	E6	F6
D7	E7	F7
	E8	F8



ACTIVITY AREAS

General Residential	Central Commercial	Extraction
Special Residential	Petone Commercial	General Recreation
Historic Residential	Suburban Commercial	Special Recreation
Hill Residential	Special Commercial	River Recreation
Landscape Protection	Suburban Mixed Use	Passive Recreation
Medium Density Residential	General Business	Community Health
Rural Residential	Special Business	Community Iwi
General Rural	Avalon Business	

ANNOTATIONS

Designation	Regional/Forest Park
Wellington Faultline	Heritage Area
Special Study Area	Primary River Corridor
Hydraulic Line	Secondary River Corridor
Flood Protection Bank	1 in 100 Year Flood Extent
Railway Line	Building Setback Line
National Grid Corridor	Notable Tree
National Grid Yard	Historic Place
State Highway and Railway Corridor Buffer Overlays	



D7	E7	F7
		F8



ACTIVITY AREAS

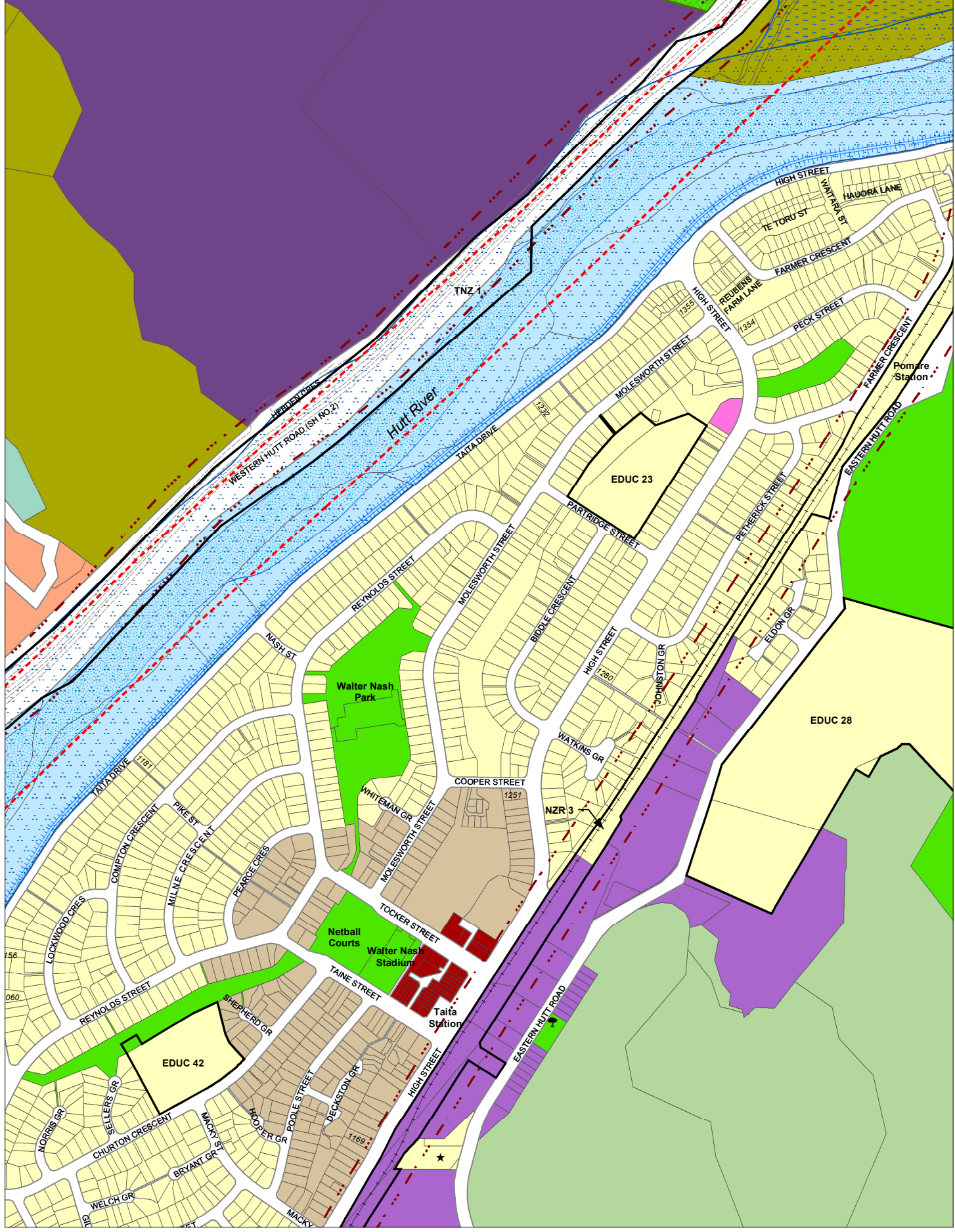
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	Special Residential		Petone Commercial		General Recreation
	Historic Residential		Suburban Commercial		Special Recreation
	Hill Residential		Special Commercial		River Recreation
	Landscape Protection		Suburban Mixed Use		Passive Recreation
	Medium Density Residential		General Business		Community Health
	Rural Residential		Special Business		Community Iwi
	General Rural		Avalon Business		

ANNOTATIONS

	Designation		Regional/Forest Park
	Wellington Faultline Special Study Area		Heritage Area
	Hydraulic Line		Primary River Corridor
	Flood Protection Bank		Secondary River Corridor
	Railway Line		1 in 100 Year Flood Extent
	National Grid Corridor		Building Setback Line
	National Grid Yard		Notable Tree
	State Highway and Railway Corridor Buffer Overlays		Historic Place



E1	G1
E2	G2



ACTIVITY AREAS

- | | | |
|----------------------------|---------------------|--------------------|
| General Residential | Central Commercial | Extraction |
| Special Residential | Petone Commercial | General Recreation |
| Historic Residential | Suburban Commercial | Special Recreation |
| Hill Residential | Special Commercial | River Recreation |
| Landscape Protection | Suburban Mixed Use | Passive Recreation |
| Medium Density Residential | General Business | Community Health |
| Rural Residential | Special Business | Community Iwi |
| General Rural | Avalon Business | |

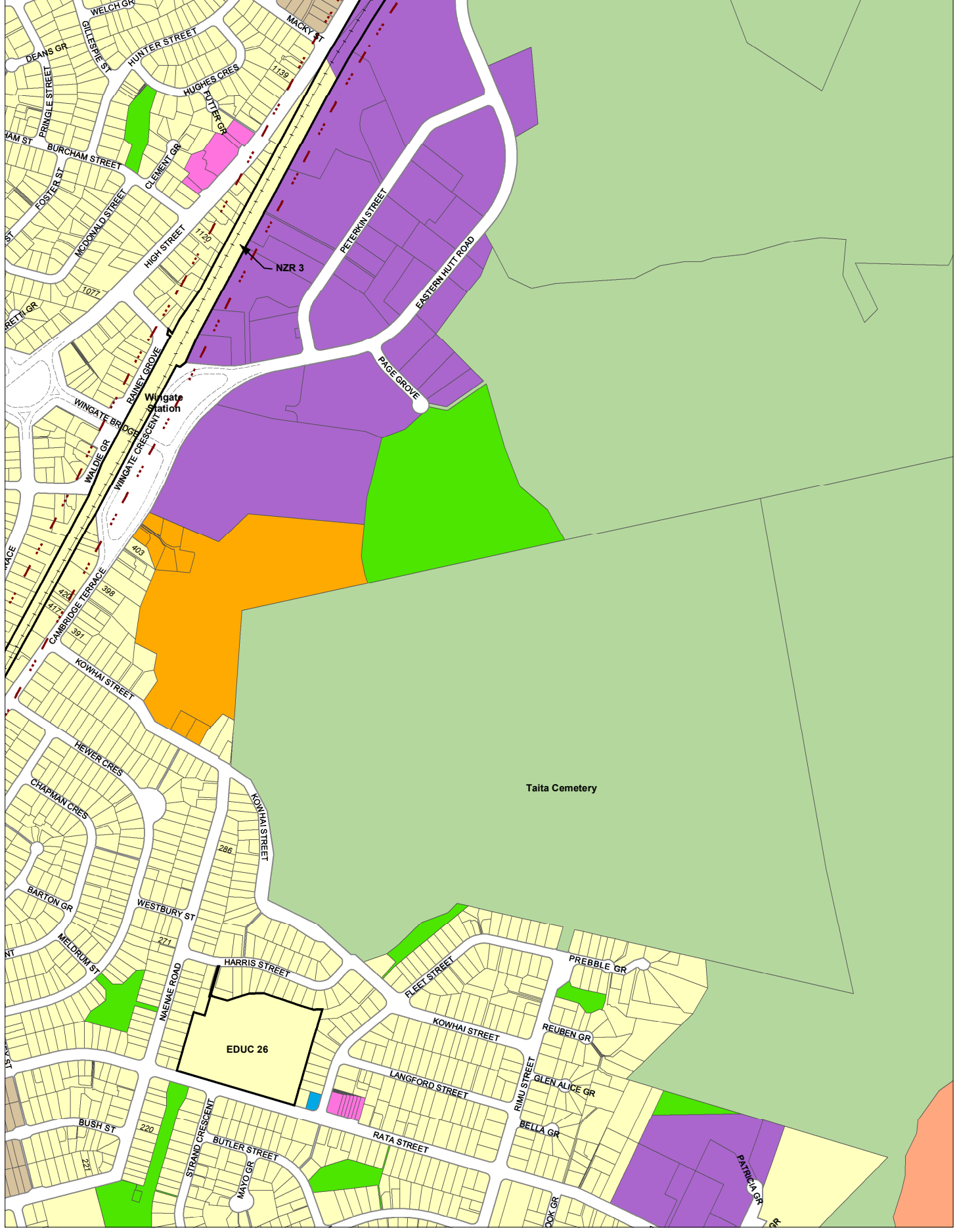
ANNOTATIONS

- | | |
|--|----------------------------|
| Designation | Regional/Forest Park |
| Wellington Faultline | Heritage Area |
| Special Study Area | Primary River Corridor |
| Hydraulic Line | Secondary River Corridor |
| Flood Protection Bank | 1 in 100 Year Flood Extent |
| Railway Line | Building Setback Line |
| National Grid Corridor | Notable Tree |
| National Grid Yard | Historic Place |
| State Highway and Railway Corridor Buffer Overlays | |



E1	F1	G1
E2	F2	G2
E3	F3	G3

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ACTIVITY AREAS

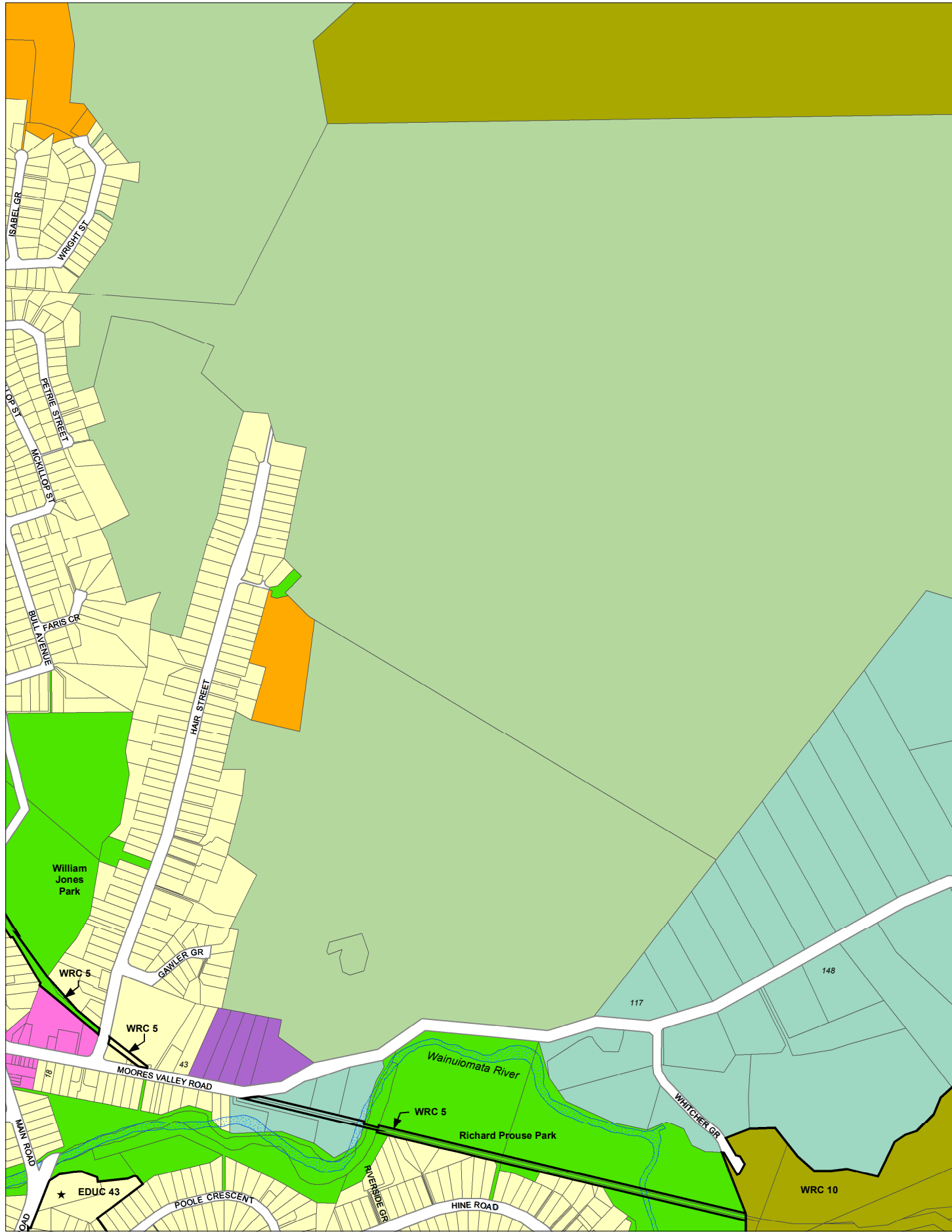
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| General Residential | Central Commercial | Extraction |
| Special Residential | Petone Commercial | General Recreation |
| Historic Residential | Suburban Commercial | Special Recreation |
| Hill Residential | Special Commercial | River Recreation |
| Landscape Protection | Suburban Mixed Use | Passive Recreation |
| Medium Density Residential | General Business | Community Health |
| Rural Residential | Special Business | Community Iwi |
| General Rural | Avalon Business | |

ANNOTATIONS

- | | |
|--|----------------------------|
| Designation | Regional/Forest Park |
| Wellington Faultline | Heritage Area |
| Special Study Area | Primary River Corridor |
| Hydraulic Line | Secondary River Corridor |
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| Railway Line | Building Setback Line |
| National Grid Corridor | Notable Tree |
| National Grid Yard | Historic Place |
| State Highway and Railway Corridor Buffer Overlays | |



E2	F2	G2
E3		G3
E4	F4	



ACTIVITY AREAS

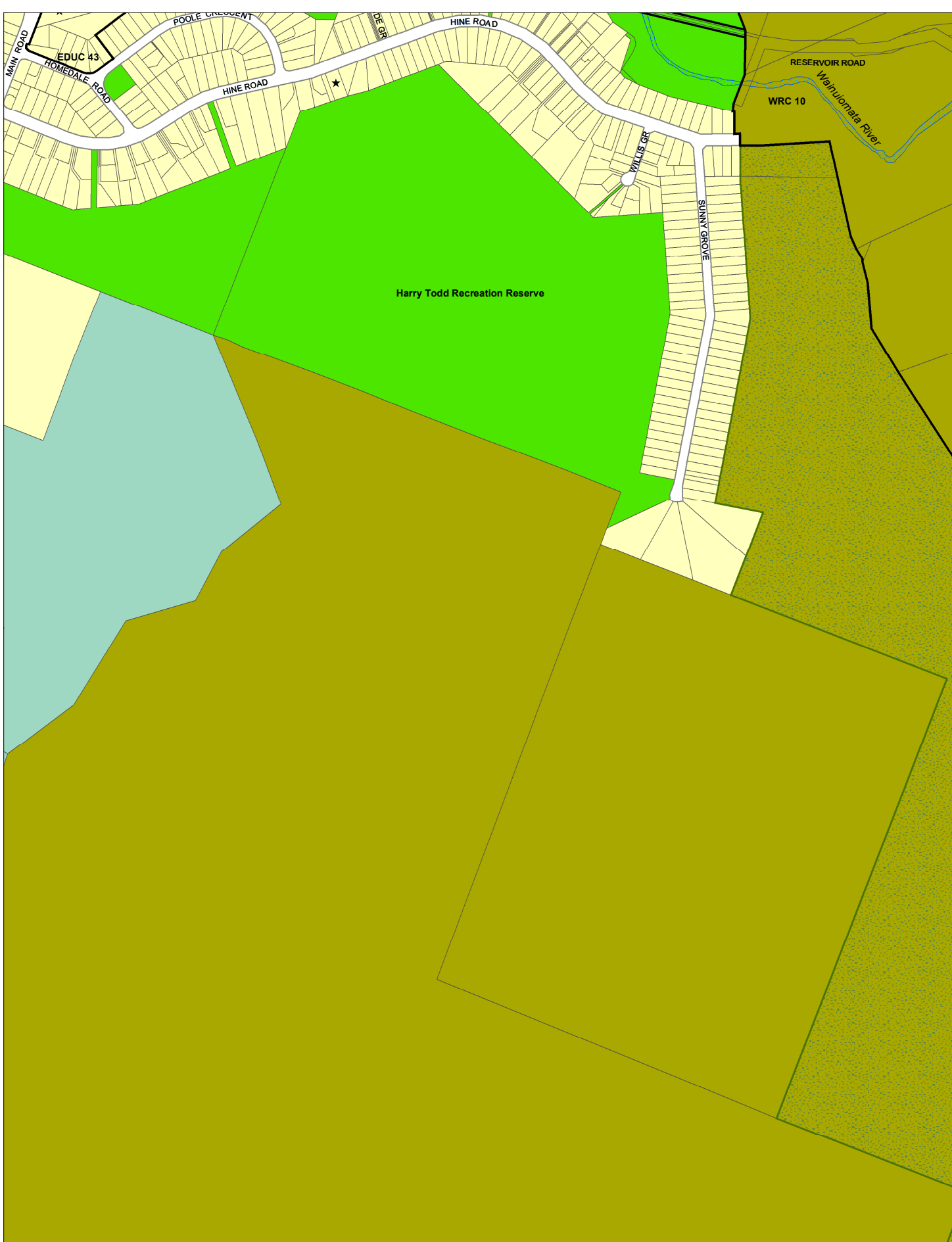
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	Special Residential		Petone Commercial		General Recreation
	Historic Residential		Suburban Commercial		Special Recreation
	Hill Residential		Special Commercial		River Recreation
	Landscape Protection		Suburban Mixed Use		Passive Recreation
	Medium Density Residential		General Business		Community Health
	Rural Residential		Special Business		Community Iwi
	General Rural		Avalon Business		

ANNOTATIONS
























	Designation		Regional/Forest Park
	Wellington Faultline		Heritage Area
	Special Study Area		Primary River Corridor
	Hydraulic Line		Secondary River Corridor
	Flood Protection Bank		1 in 100 Year Flood Extent
	Railway Line		Notable Tree
	National Grid Corridor		Historic Place
	State Highway and Railway Corridor Buffer Overlays		




















E6	F6	G6
E7		G7
E8	F8	



ACTIVITY AREAS

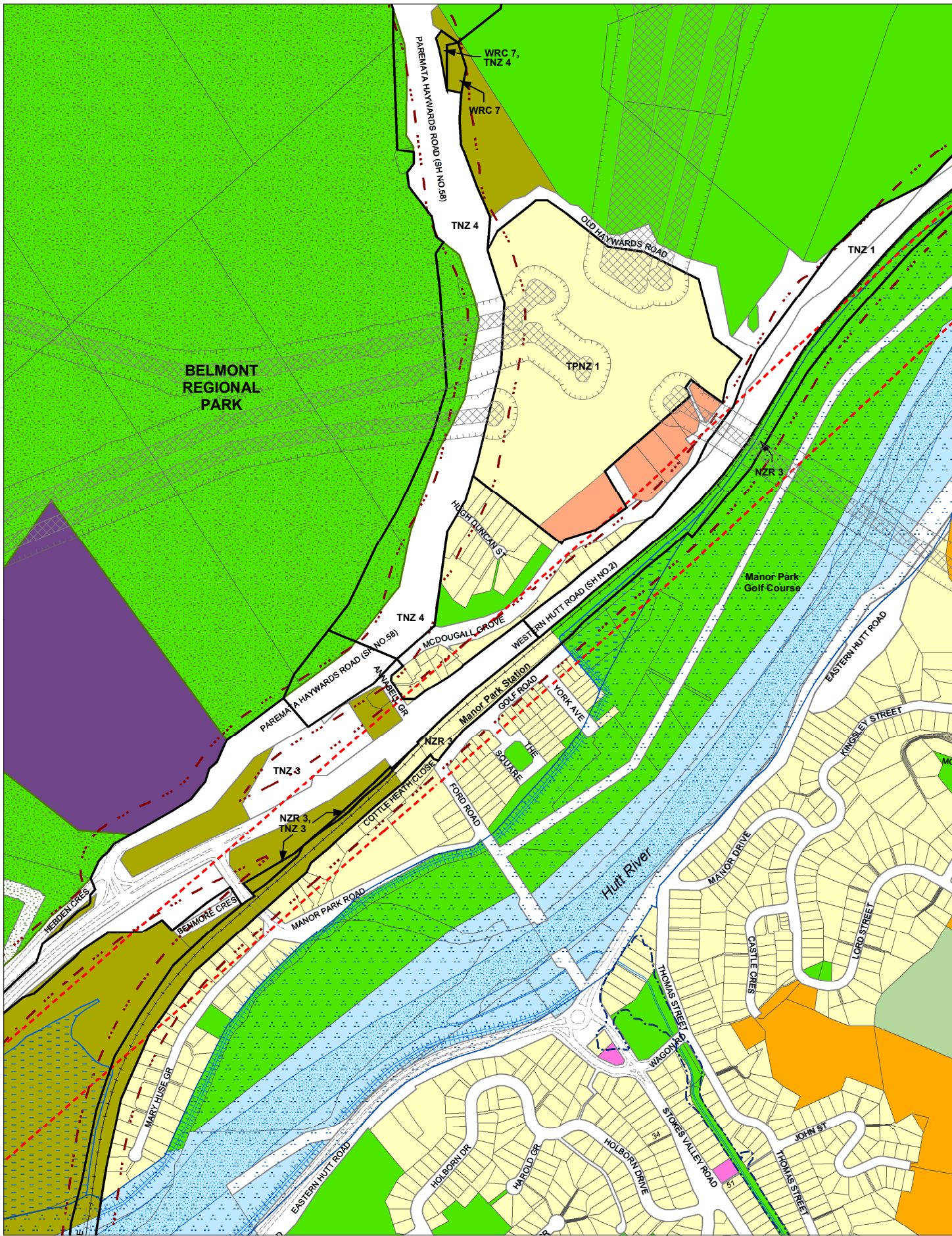
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ANNOTATIONS

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 National Grid Corridor	 Notable Tree
 National Grid Yard	 Historic Place
 State Highway and Railway Corridor Buffer Overlays	



E7	F7	G7
E8		



ACTIVITY AREAS

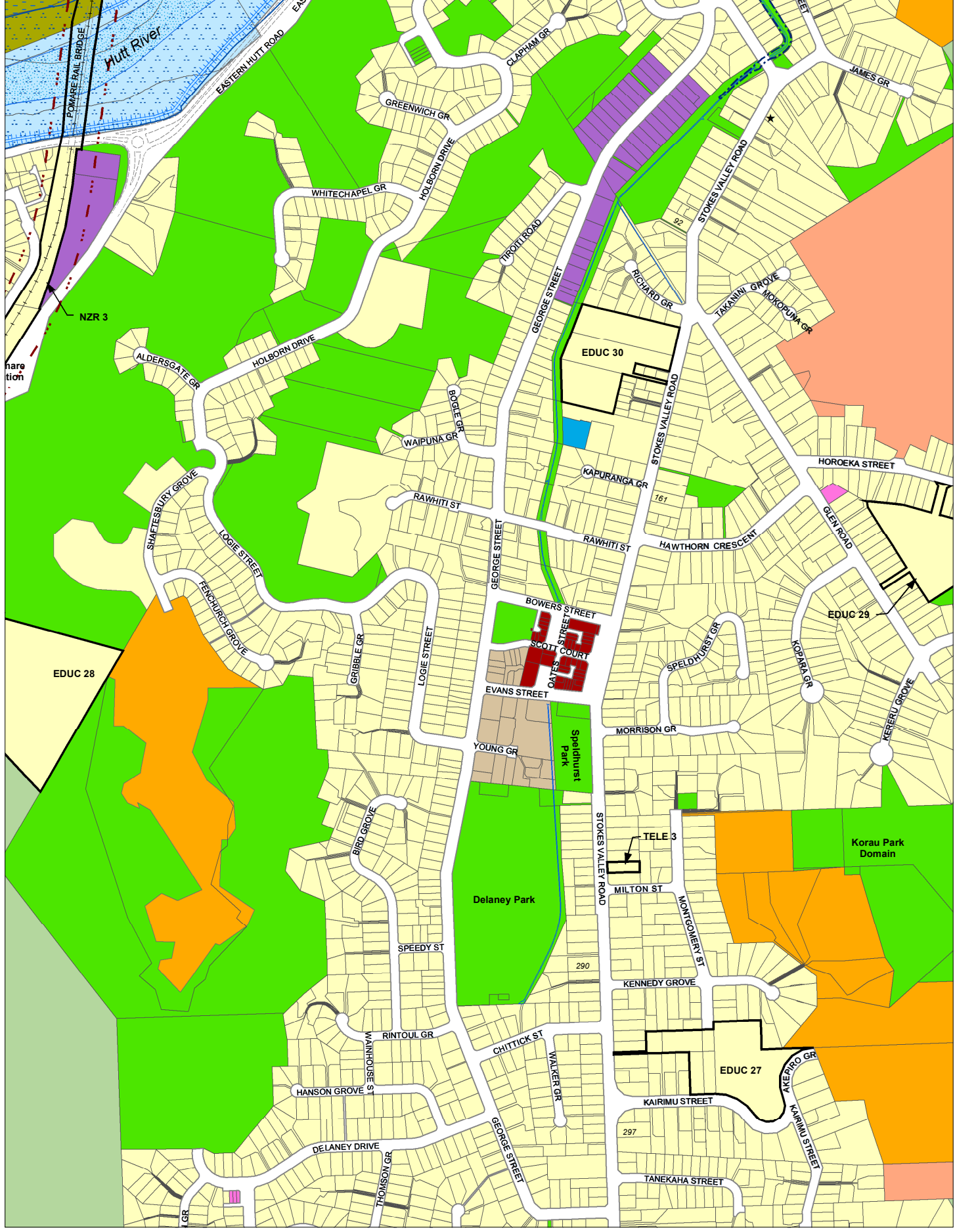
	General Residential		Central Commercial		Extraction
	Special Residential		Petone Commercial		General Recreation
	Historic Residential		Suburban Commercial		Special Recreation
	Hill Residential		Special Commercial		River Recreation
	Landscape Protection		Suburban Mixed Use		Passive Recreation
	Medium Density Residential		General Business		Community Health
	Rural Residential		Special Business		Community Iwi
	General Rural		Avalon Business		

ANNOTATIONS

	Designation		Regional/Forest Park
	Wellington Faultline Special Study Area		Heritage Area
	Hydraulic Line		Primary River Corridor
	Flood Protection Bank		Secondary River Corridor
	Railway Line		1 in 100 Year Flood Extent
	National Grid Corridor		Building Setback Line
	National Grid Yard		Notable Tree
	State Highway and Railway Corridor Buffer Overlays		Historic Place



F1	H1
F2	H2



ACTIVITY AREAS

- | | | |
|----------------------------|---------------------|--------------------|
| General Residential | Central Commercial | Extraction |
| Special Residential | Petone Commercial | General Recreation |
| Historic Residential | Suburban Commercial | Special Recreation |
| Hill Residential | Special Commercial | River Recreation |
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ANNOTATIONS

- | | |
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| Designation | Regional/Forest Park |
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| Railway Line | Building Setback Line |
| National Grid Corridor | Notable Tree |
| National Grid Yard | Historic Place |
| State Highway and Railway Corridor Buffer Overlays | |



F1	G1	H1
F2		H2
F3	G3	H3

