

DISTRICT PLAN COMMITTEE

HEARINGS FOR PROPOSED PLAN CHANGE 14 - AMENDMENTS TO THE CENTRAL COMMERCIAL ACTIVITY AREA

Minutes of a meeting of the District Plan Committee held in The Hutt City Council Chambers, Administration Building, 30 Laings Road, Lower Hutt on Thursday the 9th and Friday the 10th of September 2010
Deliberations held on Monday the 20th, Tuesday the 28th of September and Monday the 4th of October 2010.

PRESENT: Cr RW Styles (Chair)
Cr J Baird (Deputy Chair)
Cr R Wallace

IN ATTENDANCE: Hamish Wesley, Senior Planner, Boffa Miskell Ltd
Bronwyn Little, Divisional Manager Environmental Policy, Hutt City Council

In accordance with a delegation by Council, pursuant to the provisions of section 34 of the Resource Management Act 1991, the District Plan Committee had power to act in determination of Changes to the Operative District Plan for recommendation to Council following the hearing of submissions.

DISTRICT PLAN - CITY OF LOWER HUTT

HEARINGS FOR PROPOSED PLAN CHANGE 14 - AMENDMENTS TO THE CENTRAL COMMERCIAL ACTIVITY AREA

1. APPEARANCES

The following submitters lodged submissions on Proposed Plan Change 14. Those submitters who appeared at the hearing are highlighted:

Name of Original Submitters	Submission Reference	Page Reference
Kiwi Properties Holdings Ltd	18.1	9
McDonald's Restaurants (NZ) Limited	17.1, 17.2, 17.3, 17.4, 17.5, 17.6, 17.7, 17.8, 17.9, 17A.1, 17A.2, 17A.3, 17A.4, 17A.5	20, 23, 36, 37, 48, 51, 69, 74, 76, 80, 96, 97
Hutt Valley Chamber of Commerce	16.1, 16.2, 16.3, 16.4, 16.5, 16.6, 16.7, 16.8	9, 36, 51, 69, 79, 89, 92
Greater Wellington Regional Council	15.1, 15.2, 15.3, 15.4, 15.5, 15.6, 15.7, 15.8, 15.9, 15.10, 15.11, 15.12, 15.13, 15.14	9, 21, 22, 29, 36, 41, 43, 69, 76, 80, 89, 92
Petone Planning Action Group	14.1, 14.2, 14.3, 14.4, 14.5, 14.6, 14.7, 14.8, 14.9, 14.10, 14.11, 14.12, 14.13, 14.14, 14.15, 14.16, 14.17	11, 14, 20, 28, 40, 45, 46, 54, 55, 62, 79, 84, 87, 89, 93, 95, 100
Harvey Norman Stores Pty (NZ) Ltd	13.1, 13.2, 13.3, 13.4, 13.5, 13.6, 13.7, 13.8, 13.9, 13.10, 13.11, 13.12, 13.13	36, 38, 45, 51, 64, 69, 76, 80, 89, 91, 92, 97
Westfield (NZ) Limited	12.1, 12.2, 12.3, 12.4, 12.5, 12.6, 12.7, 12.8, 12.9	9, 11, 13, 15, 16, 18, 26, 27, 32, 38, 41, 43
Louise Ferrari	11.1, 11.2, 11.3, 11.4	74, 80
Retail Holdings Ltd and Lower Hutt Properties Ltd	10.1, 10.2, 10.3, 10.4, 10.5, 10.6, 10.7, 10.8, 10.9, 10.10, 10.11, 10.12, 10.13, 10.14, 10.15, 10.16, 10.17, 10.18, 10.19, 10.20, 10.21, 10.22, 10.23, 10.24	11, 17, 27, 31, 32, 40, 42, 49, 51, 55, 57, 60, 79, 87, 89, 94, 97
NZ Transport Agency	9.1, 9.2, 9.3, 9.4, 9.5, 9.6, 9.7, 9.8, 9.9	9, 16, 20, 23, 31, 34, 57, 60, 83, 86
Making Places Reference Group	8.1, 8.2, 8.3, 8.4, 8.5, 8.6	9, 38, 51, 60, 69, 79
Costas Nicolaou, Gary Edridge, Steve Shadwell, Bruce Sedcole	7.1, 7.2, 7.3, 7.4	9, 37, 51
Stephen Shadwell	6.1, 6.2, 6.3, 6.4, 6.5, 6.6	38, 63, 74
Foodstuffs Co-operative Society Ltd	5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10	23, 48, 50, 55, 60, 64, 69, 76
David R Mann (Rutherford Holdings Ltd)	4.1, 4.2, 4.3, 4.4	67, 76, 79
Beverly Anne Tyler	3.1, 3.2, 3.3	83, 86, 89
Sherry Phipps	2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, 2.11,	11
R & E Marvelly	1.1, 1.2, 1.3	9, 38, 69, 74

Name of Further Submitters	Submission Reference	Page Reference
Sherry Phipps	FS1	11
NZ Transport Agency	FS2.1, FS2.2, FS2.3, FS2.4, FS2.5, FS2.6, FS2.7, FS2.8, FS2.9, FS2.10, FS2.11	57, 60, 83, 86, 89, 92
Retail Holdings Ltd and Lower Hutt Properties Ltd	FS3	23, 49, 51, 55, 60, 64, 69, 76
Westfield (NZ) Limited	FS4.1, FS4.2	11, 18, 20, 23, 41, 51, 55, 57, 60, 69, 74, 76, 79, 80, 87, 89, 94, 96, 97
Harvey Norman Stores Pty (NZ) Ltd	FS5.1, FS5.3	69, 76, 80
Greater Wellington Regional Council	FS6.1, FS6.2, FS 6.3, FS6.4, FS6.5	31, 35, 46, 84, 87
McDonald's Restaurant (NZ) Ltd	FS7.1,FS7.2, FS7.3, FS7.4, FS7.5, FS7.8, FS7.10, FS7.11, FS7.12	23, 32, 41, 43, 49, 51, 55, 79, 97

2. THE HEARING

The parties who appeared presented additional written and oral submissions and statements of evidence. These additional matters addressed during the hearing are marked with an *.The hearing addressed matters raised in submissions and further submissions on Proposed District Plan Change 14 – Amendments to the Central Commercial Activity Area provisions. Volumes containing copies of all submissions and further submissions were available to all parties. A background report, specific comments and recommendations, addressing all submissions and further submissions were pre-circulated to all parties to the hearing.

3. DELIBERATIONS OF THE COMMITTEE

Statutory Regime and Legal Framework

As a result of a full review of the current Central Commercial Activity Area provisions in the City of Lower Hutt District Plan, which followed on from the Vision CBD 2030 and Making Places project, a number of issues were identified. Proposed Plan Change 14 sought to address these issues by adding new policy direction and rules to address issues which were either unanticipated at the time of writing the District Plan or have since emerged through consultation and the CBD Vision and Making Places project, and also to address national guidance such as the New Zealand Urban Design Protocol and regional direction.

The relevant provisions in the City of Lower Hutt District Plan (referred to as the District Plan) which are affected by the Proposed Plan Change include:

- Chapter 1 Introduction and Scope of the Plan;
- Chapter 3 Definitions;
- Chapter 5A Central Commercial Activity Area;

- Chapter 14A Transport; and
- Chapter 14B Signs;

A Central Commercial Activity Area Design Guide is proposed to be added to the District Plan.

Although this report is intended as a stand-alone document, a more in-depth understanding of the Proposed Plan Change, the process undertaken, and related issues may be gained by reading the Section 32 report and associated Plan Change documents as publicly notified in March 2010.

The City of Lower Hutt District Plan became operative in March 2004. The Hutt City Council elected to undertake the review of its District Plan in components. The reasoning being this was to lessen the administrative burden of reviewing an entire District Plan, and to allow the public to comment on more manageable topics.

In the case of Proposed Plan Change 14, the Proposed Plan Change responds to a review of the provisions for the Central Commercial Activity Area in the District Plan. The Vision CBD 2030 and Making Places projects were the first part of this strategic planning exercise. The subsequent CBD Making Places project set out a number of actions to encourage outcomes in line with the Vision. One of these actions was reviewing the District Plan rules to better align with the Vision.

In reviewing these areas Council looked at how well the current Rules would be able to encourage and facilitate the outcomes sought in the Vision CBD 2030 and CBD Making Places projects. A number of reports document the outcomes of the review and the identification of issues and as such they form the background to the purpose of the Proposed Plan Change.

The Proposed Plan Change addresses the following review issues:

- Capacity of the Central Area
- Activities and land use
- Retail activities
- Quality of buildings and open space
- Relationship of buildings and open space
- Residential areas near the central area
- Hutt River area
- Car parking
- Energy efficient low impact urban development

In preparing the Proposed Plan Change the following consultation was carried out:

- Consultation with officers from various divisions in Council.
- Distribution of a Discussion Document in December 2008 which attracted 24 submissions;
- District Plan committee meeting hear submissions on the Discussion Document on the 20th of April 2009;
- Proposed Plan Change 14 adopted by Council's District Plan Committee for public notification on the 15th of December 2009.

Proposed Plan Change 14 was notified on the 9th of February 2010, with submissions closing on the 12th of March 2010. The summary of submissions was notified on the 20th April 2010, with further submissions closing on the 7th of May 2010.

A total of 19 original submissions and 7 further submissions were received with regard to the Proposed Plan Change.

A series of pre-hearing meetings were held with a number of submitters to discuss and clarify the relief sought in the submissions.

A hearing of submissions and further submissions was held on the 9th and 10th of September 2010. Deliberations by the Hearings Committee were held over the four weeks following the hearing.

Part II of the RMA underpins the exercise of all functions, duties and powers. Section 5 is fundamental to any assessment. The approach in section 5 is to weigh the matters in section 5(2) in order to reach a broad judgement as to whether a policy or rule would promote the sustainable management of natural and physical resources.

Section 31(1)(a) outlines the functions of the Council under the Act and includes: *The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district, and* section 31(2) requires that: *the methods used to carry out any functions under subsection (1) may include the control of subdivision.*

Section 74 requires the Council to change its plan in accordance with its functions under section 31, the provisions of Part II, its duty under section 32 and any regulations.

Section 76 outlines the contents that a District Plan must contain, including objectives, policies and rules. Section 76 enables the Council to include rules in the District Plan, for the purpose of carrying out its functions under the Act, and to achieve the objectives and policies of the Plan. In making a rule the Council:

"...shall have regard to the actual or potential effect on the environment of activities including, in particular, any adverse effect;..."

The following passage from the Environment Court decision *Wakatipu Environmental Society v Queenstown Lakes District Council* (2000, NZRMA 59] is applicable to a District Plan in general:

"A district plan must provide for the management of the use, development and protection of land and associated natural and physical resources. It must identify and then state (inter alia) the significant resource management issues, objectives, policies and proposed implementation methods for the district. In providing for those matters the territorial authority (and on any reference to the Environment Court) shall prepare its district plan in accordance with:

- *its functions under section 31;*
- *the provisions of Part II;*
- *section 32;*
- *any regulations;*

and must have regard to various statutory instruments."

The following passage from the Planning Tribunal's decision *Nugent v Auckland City Council* (1996, NZRMA 481) summarises the requirements derived from section 32(1):

"A rule in a proposed district plan has to be necessary in achieving the purpose of the Act, being the sustainable management of natural and physical resources (as those terms are defined); it has to assist the territorial authority to carry out its functions of control of actual or potential effects of the use, development or protection of land in order to achieve the purpose of the Act; it has to be the most appropriate means of exercising that function; and it has to have a purpose of achieving the objectives and policies of the plan."

Procedural Matters

The hearing to consider submissions on Proposed Plan Change 14 commenced on the 9th of September 2010 at the Council Chambers and continued on the 10th of September. The Committee consisted of Councillor Styles (Chair), Councillor Baird and Councillor Wallace. In attendance at the hearing were Hamish Wesney (Boffa Miskell) Bronwyn Little (Divisional Manager, Environmental Policy), Laurence Beckett (Committee Secretary) and Renata Ferreira (Boffa Miskell).

The Chair opened the hearing and Hamish Wesney spoke to the Planner's report on the Proposed Plan Change. Eleven submitters appeared at the hearing and spoke in support of their submission – James Garner-Hopkins and Clive Mackenzie (Westfield (New Zealand) Ltd), David Kiddey (Hutt Valley Chamber of Commerce), Julie Goodyear, Ross Porter, Peter Coop (Retail Holdings Ltd & Lower Hutt Properties Ltd) Andrew Johnston (Harvey Norman Property (New Zealand) Limited), Jennifer Hudson (McDonald's Restaurants (New Zealand) Limited), Peter Coop and Mark Lash (Foodstuffs (Wellington) Co-operative Society Limited) and Cole O'Keefe (New Zealand Transport Authority).

The Committee gave careful consideration of the issues raised by the submitters. The following provides a summary of the submissions received and the verbal and written evidence presented to the Committee during the hearing.

Conclusion

After evaluating all matters, it was considered that the Proposed Plan Change (incorporating the amendments recommended by the Committee) offer the most appropriate way of achieving the purpose and principles of the Resource Management Act 1991 and seeks to ensure that amenity values are protected.

DECISION AND REASONS

RECOMMENDED:

That the Committee noted that, in making its decisions on submissions and further submissions lodged on Proposed District Plan Change 14 – amendments to the central commercial activity area provisions, Council is restricted to the relief sought in those submissions and further submissions.

That in exercise of the powers delegated to it by Council pursuant to the provisions of section 34 of the Resource Management Act 1991 the District Plan Committee hereby resolves, pursuant to Schedule 1 of the Resource Management Act 1991, to make the following decisions on submissions and further submissions lodged, resulting in the amendments to Plan Change 14, as shown in Appendix 1, for recommendation to Council."

Summary of Submissions and Proposed Plan Change Provisions

The following sections of this report provide a brief summary of each submission and a decision in response to each relief sought.

The submissions are addressed in groups based on issues or concerns raised and where the content of the submissions is the same or similar. In summarising submissions, the name of the submitter is shown in **bold**, with their submission number shown in normal font within (brackets). In summarising further submissions, the name of the further submitter is shown in ***bold italics***, with their submission number shown in italics within (*brackets*).

Where amendments to the District Plan are to be made as a result of a decision, additional text is shown as underlined and text to be removed is shown as being ~~struck out~~.

Attached to this report as Attachment 1 are the revised amendments to the District Plan provisions further to the decisions contained in this report. Where there is any inconsistency between the provisions contained in Attachment 1 and amendments made by the decisions below, then the provisions in Attachment 1 shall be considered correct.

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

Where a submission is determined to be outside the scope of the Proposed Plan Change the submission is rejected. With respect to determining the scope of a submission reference is made to Clause 6 of the First Schedule to the Resource Management Act 1991 (referred to as the Act) which stated:

6 Making of submissions

- (1) *Once a proposed policy statement or plan is publicly notified under clause 5, the persons described in subclauses (2) to (4) may make a submission on it to the relevant local authority.*
- (2) *The local authority in its own area may make a submission.*

- (3) *Any other person may make a submission but, if the person could gain an advantage in trade competition through the submission, the person's right to make a submission is limited by subclause (4).*
- (4) *A person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that –*
 - (a) *adversely affects the environment; and*
 - (b) *does not relate to trade competition or the effects of trade competition.*
- (5) *A submission must be in the prescribed form.*

A submission on a plan change is therefore limited in that it must be “on” the plan change.

In the case of Proposed Plan Change 14 the purpose of the Proposed Plan Change was to address issues raised through the review of the Central Commercial Activity Area. The issues addressed in Plan 14 were related to:

- Capacity of the Central Area
- Activities and land use
- Retail activities
- Quality of buildings and open space
- Relationship of buildings and open space
- Residential areas near the central area
- Hutt River area
- Carparking
- Energy efficient low impact urban development

Accordingly, for a submission to be deemed to be within the scope of Proposed Plan Change 14 the submission must relate to:

- Any one of the issues addressed in the Proposed Plan Change and detailed above; and
- Any other change to the District Plan as a result of the Proposed Plan Change.

4 DECISIONS:

4.1 SUPPORT (MISCELLANEOUS MATTERS)

4.1.1 General Support

4.1.1.1 Submissions

Rodger and Elaine Marvelly [DPC14/1 (1.1)], **Costas Nicolaou, Gary Edridge, Steve Shadwell & Bruce Sedcole** [DPC14/7 (7.1)], **Making Places Reference Group** [DPC14/8 (8.1)], **Westfield NZ Ltd** [DPC14/12 (12.1 and 12.7)] submitted general support to the Proposed Plan Change.

Costas Nicolaou, Gary Edridge, Steve Shadwell & Bruce Sedcole requested that the District Plan give official weight to the Vision CBD 2030 and Making Places documents [DPC14/7 (7.3)]. In addition, they requested that resource consent applications be managed and processed efficiently, with the suggestion of the formation of a Design Panel [DPC14/7 (7.4)].

New Zealand Transport Agency supported the Proposed Plan Change, subject to amendments requested within their submission [DPC14/9 (9.1)].

Westfield NZ Ltd supported the goal of good urban design [DPC14/12 (12.8)].

Greater Wellington Regional Council supported the Proposed Plan Change in so far as changes are made in regard to natural hazards and transportation to promote sustainable management [DPC14/15 (15.1)].

The Hutt Valley Chamber of Commerce specifically supported the proposed change, other than the new car parking provisions [DPC14/16 (16.1)].

Kiwi Property Holdings Ltd submitted that the Proposed Plan Change should be amended to address its concerns regarding refinement of the retail provisions, e.g no distinction between single shops and larger integrated retail developments which contain single shops [DPC14/18 (18.1)].

4.1.1.2 Discussion

Supporting submissions supported the Proposed Plan Change as notified. While the Committee made some changes in response to other points of submission, in general it was concluded that the intent and concepts of the Proposed Plan Change be adopted as notified.

Justification for the Proposed Plan Change and reasons for the changes are provided throughout the decision and in the notified Section 32 report. From this it has been concluded that the Proposed Plan Change, including changes adopted in this decision, are appropriate in terms of achieving the purpose of the Resource Management Act.

The Committee accepted the submissions in part, taking into consideration the changes made to amend the Proposed Plan Change as sought by other points of submission.

4.1.1.3 Decision

Accept the submission by Rodger and Elaine Marvelly (1.1).

Accept the submission by Steve Shadwell & Bruce Sedcole (6.1), insofar as DPC14 is adopted with changes in response to other submissions.

Accept in part the submission of Costas Nicolaou, Gary Edridge, Steve Shadwell & Bruce Sedcole (7.1), insofar as the Proposed Plan Change is adopted with the notified height limit.

Accept in part the submission of Costas Nicolaou, Gary Edridge, Steve Shadwell & Bruce Sedcole (7.3), insofar as the relief sought is reflected in the Design Guide.

Accept in part the submission of Costas Nicolaou, Gary Edridge, Steve (7.4), insofar as the Proposed Plan Changes are made to improve resource consent processing.

Accept in part the submission by Westfield NZ Ltd (12.1), insofar as the wording of the Proposed Plan Change is adopted, with some changes in response to submissions.

Accept the submission by Westfield NZ Ltd (12.9), insofar as the wording of the Proposed Plan Change; specifically urban design requirements within the Design Guide are adopted.

Accept the submission by Making Places Reference Group (8.1).

Accept in part the submission by New Zealand Transport Agency (9.1), insofar as the Proposed Plan Change is adopted with change in response to relief sought by the submitter.

Accept in part the submission by Greater Wellington Regional Council (15.1), insofar as the Proposed Plan Change decision reflects the submitters request with respect to flooding.

Accept in part the submission by the Hutt Valley Chamber of Commerce (16.1), insofar as the Proposed Plan Change is adopted, with minor amendments in response to submissions.

Accept in part the submission by Kiwi Property Holdings Ltd (18.1), insofar as the Proposed Plan Change decision reflects the submission.

4.1.1.4 Reason

Those parts of the submissions which are accepted relate to retaining and implementing the Proposed Plan Change in accordance with decisions made on other points of submissions. Those parts of the submissions that are not accepted relate to making amendments to the Proposed Plan Change in accordance with decisions made on other points of submission.

While some amendments to the Proposed Plan Change provisions are made as a result of this decision, the Proposed Plan Change intent and concept as notified remains unchanged and is considered the most appropriate in terms of achieving the purpose of the Act.

4.2 OPPOSITION (MISCELLANEOUS MATTERS)

4.2.1 General Opposition

4.2.1.1 Submissions

Sherry Phipps submitted that Council's intentions are not clear (it looks as though its intention is to provide the minimum of carparking) [DPC14/2 (2.1)], it is not clear how sun and wind marry in with building height [DPC14/2 (2.2)], opposed the lack of emphasis on water conservation [DPC14/2 (2.3)], objected to the large in-your-face adds in High St [DPC14/2 (2.4)], questioned the logic of encouraging larger shops in one precinct, but not the other [DPC14/2 (2.5)], submitted that insulation, double-glazing and appropriate noise control measures should be mandatory [DPC14/2 (2.6)], sought that more carparks be provided to the central library [DPC14/2 (2.7)], she observed that the river is not seen from the CBD [DPC14/2 (2.8)], submitted that energy efficient standards for buildings should be supported and queried the provisions relating to road crossings, noting that the more road crossing the better [DPC14/2 (2.9 and 2.10)].

Retail Holdings Ltd & Lower Hutt Properties Ltd submitted that the relief set out and the reasons given in the text of its submission be allowed [DPC14/10 (10.1)].

Westfield NZ Ltd [DPC14/FS4] supported the submission by Retail Holdings by way of a further submission.

Westfield NZ Ltd opposed a restriction on the number and location of car parks attached to retail centres [DPC14/12 (12.2)], and sought clarification on the definition of "vehicle orientated activity" [DPC14/12 (12.3)].

Westfield NZ Ltd opposed: the extent to which the Proposed Plan Change does not reflect the relief sought [DPC14/12 (12.2)], restrictions on the number and location of car parks for retail stores [DPC14/12 (12.3)], the definition of 'vehicle orientated activity' [DPC14/12 (12.4)], imposing restrictions on on-building and free-standing signage [DPC14/12 (12.5)], reverse sensitivity issues associated with building additions near residential area [DPC14/12 (12.6)], the requirement to integrate active frontage with ground floor retailing [DPC14/12 (12.7)] and submitted that the Design Guide is not unduly restrictive nor assessed against subjective criteria [DPC14/12 (12.7)].

The Petone Planning Action Group (PPAG) submitted that the heritage part of the Plan needs to be updated [DPC14/14 (14.16)].

4.2.1.2 Discussion

While the Committee made some changes to the Proposed Plan Change in response to other points of submission, in general it considered the intent and concepts of the Proposed Plan Change be adopted as notified.

Justification for the Proposed Plan Change and reasons for the changes are provided throughout the decision and in the notified Section 32 report.

From this it has been concluded that the Proposed Plan Change, including changes, is appropriate in terms of achieving the purpose of the Resource Management Act.

4.2.1.3 Decision

Accept in part the submissions of Sherry Phipps (2.1), (2.2), insofar as the matter raised is clarified in the decision below.

Accept in part the submission of Sherry Phipps (2.3), insofar as water provision is covered by the Deign Guide introduced through the Proposed Plan Change.

Reject the submission of Sherry Phipps (2.4).

Accept in part the submission of Sherry Phipps (2.5), insofar as the criteria for consideration of retail stores are based on alterations to the building, not the activity.

Accept in part the submission of Sherry Phipps (2.6), insofar as the request is covered in Building Code requirements.

Reject the submissions of Sherry Phipps (2.7), (2.8), the relief sought is beyond the scope of the Proposed Plan Change.

Accept in part the submissions of Sherry Phipps (2.9), (2.10), (2.11), insofar as matters raised are covered by the Design Guide.

Accept in part the submission by Retail Holdings Ltd and Lower Hutt Properties Ltd (10.1), insofar as the relief sought by the submitter is included in the Proposed Plan Change.

Accept in part the submission by Westfield NZ Ltd (12.3), insofar as the number of car parking spaces is not limited in terms of the size of retail space.

Reject the submission by Westfield NZ Ltd (12.4), insofar as the matter was not raised in the hearing and thus not responded to in the decision.

Accept in part the submission by Westfield NZ Ltd (12.5), insofar as the operative wording of the sign rule, rather than the recommended amended rule is adopted.

Accept in part the submission by Westfield NZ Ltd (12.6), insofar as the wording with respect to reverse sensitivity is amended in the decision.

Reject the submission by Westfield NZ Ltd (12.7), insofar as the wording relating to active frontages is adopted as notified.

Accept in part the submission by Westfield NZ Ltd (12.8), insofar as the wording within the Design Guide has been amended.

Reject the submission by the Petone Planning Action Group (14.16) the relief sought is beyond the scope of the Proposed Plan Change.

4.2.1.4 Reason

Some amendments to the Proposed Plan Change provisions are made within this report, however the Proposed Plan Change intent and concept as notified remains unchanged and is considered the most appropriate in terms of achieving the purposes of the Act.

CHAPTER 5A - CENTRAL COMMERCIAL ACTIVITY AREA

4.3 EXPLANATION AND REASONS - AMENITY VALUES

(AMENDMENT 1)

4.3.1 Submission

* **Westfield (NZ) Ltd** [DPC14/12 (12.9)] requested that a sentence be added to the explanation and reasons section to acknowledge that whilst new developments are expected to contribute to amenity values, they must still remain commercially workable.

4.3.2 Discussion

The Proposed Plan Change proposed to amend the District Plan explanation and reasons section in the Central Commercial Activity chapter to reflect the aspirations of the area identified through the Plan Change process, specifically the intent to increase the mixture of activities.

The Committee considered carefully the impact an assessment of a proposal made purely on the basis of its contribution to amenity values, without consideration as to whether the development remains commercially workable, might have in terms of the future of the central city, and the ability of businesses to establish here.

The Committee accepted the submitters reasoning and recommended that the sentence requested be added to the explanation and reasons section.

4.3.3 Decision

Accept the submission by **Westfield (NZ) Ltd** (12.9).

The Proposed Plan Change is amended as follows:

This Activity Area is the central focal point of the city as the main area of commercial, community and civic activities. Further diversity in the activity mix is anticipated, with increased levels of residential activities and service industries. The environment is characterised by a number of complementary activities of different size and scale. Buildings are of a mix of heights and ages, are constructed in a variety of styles and with a diverse range of materials. The relationship of buildings to the public realm (streets and open space areas) significantly contributes to the amenity values of the Central Area. Large surface areas of carparking and

car sales could detract from the amenity values in this area. Improvements to the amenity values in the central area are planned, including improving the building quality and public realm. New private development or significant redevelopments are expected to contribute to such amenity values, while still remaining commercially workable or viable.

4.3.4 Reason

The Committee agreed that commercial viability is a valid consideration for development proposals and that the additional comment should be added. Overall, this approach is considered to be the most appropriate to achieve the anticipated environmental results identified through the Plan Change process.

4.4 POLICIES FOR COMMERCIAL ACTIVITY AREA

(AMENDMENT 3)

4.4.1 Submission

Petone Planning Action Group [DPC14/14 (14.1)] requested a rider that any references to the Petone area will be likely to need amending when the Petone review happens.

4.4.2 Discussion

The Proposed Plan Change proposes to include policies that establish a hierarchy of areas in terms of activities that occur in those areas. Petone is referred to in new proposed policy (b) in recognition that it is one of the primary centres in Lower Hutt City, along with the Central Area.

The Committee considered that reference to Petone in this context is appropriate as it recognises the role and function of both the Central Area and Petone as the main commercial centres in Lower Hutt City. The Committee also noted that the Council is currently considering the preparation of a Proposed Plan Change for the Petone West area, which is part of the Petone Commercial Activity Area.

4.4.3 Decision

Reject the submission of **Petone Planning Action Group** [DPC14/14 (14.1)].

4.4.4 Reason

The Committee did not consider that it is appropriate to include a 'rider' in the District Plan to recognise the future area review in relation to Petone. The Proposed Plan Change should not be contingent on the outcome of this process. The Committee considered that the review is a matter of fact; it does not need to be spelt out that the review is going to happen. The changes to the

Plan will occur where necessary as a matter of course, following a review and future plan change process.

4.5 EXPLANATION AND REASONS FOR COMMERCIAL ACTIVITY

(AMENDMENT 4)

4.5.1 Submission

* **Westfield (NZ) Ltd** [DPC14/12 (12.9)] requested that a sentence be added to the explanation and reasons section (Clause 1.10.4) to recognise the need for growth in Commercial Activity Areas. The Submitter noted that there were examples of situations in other towns and cities where development that would make a positive contribution in terms of enhancing the vitality and vibrancy of a city centre has had to locate away from the centre, where the land is cheaper and constraints are fewer.

4.5.2 Discussion

The Proposed Plan Change proposes a new Explanation and Reasons text that encourages development that takes cognisance of an identified hierarchy of activities in Commercial Areas. The submitter sought to include a passage in the Explanation and Reasons text that the urban design and amenity goals in the commercial area do not discourage growth, or that encourage growth outside those identified areas.

The Committee considered that the matter raised was relevant and that a comment to the effect of what was requested should be added. The Committee were however concerned that the wording should be phrased positively so as to be consistent with other text in the District Plan. It was considered that the appropriate approach would be to include wording that encourages economic activity.

4.5.3 Decision

Accept the submission by Westfield (NZ) Ltd (12.9).

Explanation and Reasons clause 1.10.4 is amended as follows:

It is important the Plan recognises and provides for the respective roles and function of each centre in the hierarchy, to ensure these roles and functions are complementary and do not conflict. Therefore, activities within the commercial areas will be managed based on the hierarchy to ensure the continued vitality and vibrancy of the existing areas. In addition, certain commercial activities located outside the identified commercial centres may undermine the role and function of an integrated approach to commercial centres. Therefore, it is important the

management framework for other Activity Areas recognise and manage these types of activities and development to protect the vitality and vibrancy of the Commercial Activity Areas. It is also important that the urban design and amenity goals for the commercial centres and the Central Area are consistent with the goal of encouraging economic activity in those areas.

4.5.4 Reason

The Committee accepted the submitters reasoning and recommended that the sentence requested by the submitted be added, with a minor amendment to ensure the text retains a positive focus.

4.6 ADD NEW ACTIVITIES SECTION

(AMENDMENT 13)

4.6.1 Submission

The New Zealand Transport Agency [DPC14/9 (9.2)] requested an amendment to the wording of Policy (b) to recognise the potential effects of new activities on the road network.

Westfield (NZ) Ltd [DPC14/12 (12.6)] requested that a comment be added to Policy 5A 1.1.2 (b) that reverse sensitivity effects be added to matters that should be avoided, remedied or mitigated.

4.6.2 Discussion

The Proposed Plan Change proposed new policies that are consistent with the identified objective of encouraging a mix of activities in the Central Commercial Activity Area to increase the range and number of people living and working in the area.

The submission from the NZTA requested that one policy (5A 1.1.2 (b)) be amended to include consideration of the effects of new activities on the road network.

The Committee considered that the existing policies in Section 14A Transport of the District Plan appropriately address the management of activities to avoid, remedy or mitigate the adverse effects on the road network. The road network is only one type of infrastructure or element in the central area, with other infrastructure or elements including reticulated services, open space and amenity values.

The Committee noted that the NZTA had accepted the Council Officer's recommendation to reject its submission on this matter.

On the matter of the submission by Westfield that reverse sensitivity effects should be included as matters to avoid remedy or mitigate, the Committee agreed with the Submitter and their reasoning.

4.6.3 Decision

Reject the submission of The New Zealand Transport Agency [9.2]

Accept the submission of Westfield (NZ) Ltd (12.6).

Policy 5A 1.1.2 (a) to (c) to read as follows:

5A 1.1.2 Activities

Policies

- (a) Provide for and encourage a wide range of activities within the Central Commercial Activity Area, provided their adverse effects are compatible with other activities and the character and amenity values for the area.
- (b) Ensure that activities are managed to avoid, remedy or mitigate adverse effects (including reverse sensitivity effects) in the Central Commercial Activity Area or on properties in nearby residential areas.
- (c) Restrict certain activities which may be incompatible with other activities and/or degrade the character and amenity values of the Central Commercial Activity Area.

4.6.4 Reason

It is appropriate to seek the avoidance of reverse sensitivity effects on existing activities and properties within the Central Commercial Activity Area, or on properties in nearby residential areas as such effects can cause a considerable nuisance to existing activities. The inclusion of this clause within the policy is consistent with the outcomes sought by the Proposed Plan Change.

4.7 NEW RETAIL ACTIVITY SECTION

(AMENDMENT 15)

4.7.1 Submission

Retail Holdings Ltd & Lower Hutt Properties Ltd [(DPC14/10) (10.2)] requested an amendment to the explanation and reasons Section 5A 1.1.3 by inserting text referring to larger format/anchor retail activities.

The submitter requested that Rule 5A1.1.3 Explanation and Reasons clause be amended to read:

"Retail activities are continually changing in response to market pressures. As the central focus and main concentration of existing retail activity in Lower Hutt City, the Central Commercial Activity Area needs to be adaptive to these changes, while ensuring these changes do not degrade or undermine the vitality and vibrancy of this area and its amenities.

The retail activities in the central area are a mix of larger format/anchor, specialty and comparative shops. They vary in size throughout the central area, with a

general pattern of small-scale specialty shops at the southern end and larger-scale shops at the northern end."

Westfield (NZ) Ltd [DPC14/FS4 (FS4.1)] supported the relief sought (10.2) by Retail Holdings Ltd.

* **Westfield (NZ) Ltd** [DPC14/12 (12.6)] requested that sentences be added to Policies 5A 1.1.3 (b) and (c) to ensure that commercial and practical constraints are considered in the assessment of development proposals involving retail activities.

4.7.2 Discussion

The Proposed Plan Change proposed to set out and explain what is sought in terms of retail activities within the Central Commercial Activity Area and to establish objectives and policies to achieve desired outcomes.

Retail Holdings Ltd & Lower Hutt Properties Ltd submitted that larger format retail shops be acknowledged as part of the retail environment in the central area and Westfield requested that commercial and practical constraints be included as a consideration for development proposals.

The Committee supported adding reference to 'large format/anchor' retail activities, as this better reflects the full range of retail activities in the Central Commercial Activity Area, where the notified text referred only to speciality and comparative shops.

The Committee considered carefully the request to add reference to recognition of practical and commercial constraints to the policies. A legal opinion was sought and obtained on the matter of whether reference to commercial matters in the policies is legal. The Committee accepted the advice obtained from DLA Phillips Fox that the addition of wording relating to commercial considerations, as requested by Westfield, are legally permissible.

The Committee agreed that commercial and practical constraints are a relevant consideration that should be included as part of the policy relating to management of the scale and location of retail activities in the Central Commercial Activity Area.

The Committee concur with the legal opinion that the reference to commercial viability should be limited to new developments only, to avoid the provision being used to shield existing businesses, where viability may be affected. The condition reflects this advice.

The Committee did not agree that the policy should require consideration in terms of the extent to which the activity remains an 'attractive' proposition.

4.7.3 Decision

Accept the submission by Westfield (NZ) Ltd (12.6) to amend the Policies as noted below.

Accept the submission by Retail Holdings Ltd & Lower Hutt Properties Ltd (10.2) to amend the Explanation and Reasons as noted below.

Accept further submission [FS4.1] by Westfield, which supports the submission (10.2) by Retail Holdings.

5A 1.1.3 to be worded as follows:

5A 1.1.3 ~~Retail~~ Nature and Scale of Activities

Issue

The nature and widely different scale of ~~retail~~ activities can degrade the quality and sustainability of the existing Central Commercial Activity Area.

Objective

To encourage a central public focused ~~retail~~ core and to recognise and provide for a mix of ~~retail-format-sizes~~ activities in some parts of the Central Commercial Activity Area.

Policies

- (a) Provide for retail a mix of activities throughout the Central Commercial Activity Area based on precincts.
- (b) Manage the scale and location of ~~retail~~ activities based on precincts to ensure that they sustain the vitality and vibrancy of the Central Commercial Activity Area, while recognising the commercial and practical constraints that affect the viability of new activities.
- (c) Ensure ~~retail~~ activities and developments contribute to an attractive and public focused ~~retail~~ core, and are compatible with the qualities and amenity values of the Central Commercial Activity Area, while remaining viable propositions for commercial investment.

The Explanation and Reasons Section of Rule 5A 1.1.3 to be worded as follows:

~~Retail a~~Activities are continually changing in response to market pressures. As the central focus and main concentration of existing ~~retail~~ activity in Lower Hutt City, the Central Commercial Activity Area needs to be adaptive to these changes, while ensuring these changes do not degrade or undermine the vitality and vibrancy of this area and its amenities.

The retail activities in the central area are a mix of larger format/anchor, specialty and comparative shops. They vary in size throughout the central area, with a general pattern of small-scale specialty shops at the southern end and larger-scale shops at the northern end.

4.7.4 Reason

The new Section 5A 1.1.3 recognises that retail activities are a significant activity in the Central Commercial Activity Area. The explanation and reasons text describes the policy framework for retail activities to assist with their interpretation and application. It was considered appropriate to reference to 'large format/anchor' retail activities, as this better reflects the full range of retail activities in the Central Commercial Activity Area.

The Committee accepted that commercial and practical constraints are pertinent issues to consider for any proposal for a new retail activity in the Central Commercial Activity Area. The Committee considered that the use of the word 'attractive' is superfluous and could lead to ambiguity and uncertainty in interpretation of the policies. The Committee noted that a consequential change of the decision to remove the resource consent requirements for larger format retail activities was a need to change the wording of Policy 5A 1.1.3.

4.8 NEW INCOMPATIBILITY BETWEEN DIFFERENT ACTIVITY SECTIONS

(AMENDMENT 17)

4.8.1 Submission

New Zealand Transport Agency [DPC14/9 (9.3)] requested that the explanation and reasons section be amended by adding reference to 'traffic noise'.

The NZTA requested that the additional words be inserted into the second paragraph of the Explanation and Reasons clause 5A 1.1.4, as below:

"However, residential activities may be incompatible with some other activities in the Central Commercial Activity Area, in particular, they may be sensitive to noise from other activities, such as traffic noise. Rather than overly restricting other activities, it is appropriate that the residential activities mitigate this sensitivity by providing for external noise insulation."

Petone Planning Action Group [DPC14/14 (14.2)] supported Amendment 17.

McDonalds Restaurants NZ Ltd [DPC14/17A (17.3)] supported Policy 5A 1.1.4(a) and requested that it be retained.

Westfield (NZ) Ltd [DPC14/FS4] supported the submission (17.3) by McDonald's.

4.8.2 Discussion

The Proposed Plan Change proposed the inclusion of a new section within the District Plan to address the potential incompatibility of activities in the Central Commercial Activity Area.

The support to the proposed amendment from McDonald's Restaurant and Westfield (NZ) Ltd was noted.

The NZTA sought that traffic noise should be considered when addressing potential effects. The second paragraph of the Explanation and Reasons clause provides a description of the particular nuisance effects generated by some activities, which are likely to create some incompatibility with sensitive activities, such as residential activities. Noise is highlighted as the primary nuisance effect. Traffic noise is one potential source of noise that may be a nuisance to residential activities, as highlighted by the request from the New Zealand Transport Agency.

The Committee considered that traffic noise is not however a major issue in the Lower Hutt central area, with the main roads and intersections on the periphery of the central area likely to experience the greatest traffic noise levels.

The Committee noted that the NZTA accepted the reporting Planner for Council's recommendation that traffic noise not be added to the Explanation and Reasons commentary under Policy 5A 1.1.4.

4.8.3 Decision

Reject the submission of New Zealand Transport Agency (9.3).

Accept the submission of Petone Planning Action Group (14.2).

Accept the submission of McDonald's Restaurants NZ Ltd (17.3).

4.8.4 Reason

The identified effects generated by different activities within the central area outlined in the notified text adequately covers the relevant issues. Reference to traffic noise has not been included, as this type of noise is not considered to be the main potential noise source that is likely to create incompatibility issues. Referring specifically to traffic noise could confuse this meaning, or unnecessarily highlight a noise source that is not a major issue in the central area.

4.9 ADD NEW HUTT RIVER CORRIDOR SECTION

(AMENDMENT 18)

4.9.1 Submission

Greater Wellington Regional Council [DPC14/15 (15.2)] supported the objective in Section 5A 1.1.5 relating to the Hutt River Corridor.

Greater Wellington Regional Council [DPC14/15 (15.3)] requested that Policy (a) be amended to explore opportunities for developing a riverside promenade, rather than encouraging it. The submitter requested that the Policy 5A 1.1.5 (a) be re-worded as follows:

~~“Encourage~~ Explore the opportunities for the development of a river side promenade ~~by managing activities and development~~ along the river frontage, in conjunction with flood protection works.”

Greater Wellington Regional Council [DPC14/15 (15.4)] also requested that the Explanation and Reasons section be amended to recognise the Hutt River Corridor and its management framework, and to clarify how any development in the corridor would be funded.

4.9.2 Discussion

The Committee concluded that the inclusion of text requiring that the opportunities for developing a river side promenade be explored was not the most effective method of achieving the objective of recognising and enhancing the significant values of the Hut River and its relationship to the Central Area.

The Committee considered that the inclusion of the following paragraph in the Explanation and Reasons sections, as recommended by the Planner for Council that “Detailed investigations are required to determine the specific opportunities and form of a river side promenade along the Hutt River corridor” is superfluous and is not necessary. The passage was considered to be covered in the amended Explanation and Reasons text.

4.9.3 Decision

Accept in part the submission of Greater Wellington Regional Council (15.2), insofar as the new objective is added as notified.

Reject in part the submission of Greater Wellington Regional Council (15.3), insofar as the requested text is not added.

Accept in part the submission of Greater Wellington Regional Council (15.4), insofar as the Explanation and Reasons text is amended, as set out below.

The second paragraph in the Explanation and Reasons text in 5A 1.1.5 is amended as follows:

The Hutt River Flood Plain Management Plan is a non-statutory document setting out a 40-year blueprint for the management of the river corridor. Greater Wellington Regional Council is responsible for managing the river, flood protection and flood warning systems, while Hutt City Council is responsible for land use activities in and adjacent to the river corridor, including the development of a river side promenade. The two Councils work in partnership in managing the river corridor.

~~The river is also an ever present flood risk to the central area. Upgrading and ongoing maintenance of the flood protection works is required to ensure the integrity of these structures are maintained. It is important that activities and development are managed on and adjacent to these flood protection works to protect them from damage. It is imperative the~~

~~management of the river corridor is undertaken in collaboration with Greater Wellington Regional Council.~~

4.9.4 Reason

The change to the explanation and reasons paragraph detailed above adequately illustrates who has responsibility for the river corridor. The matters of concern raised by the Regional Council are therefore adequately dealt with.

The matter of funding of development in the corridor is considered to be beyond the scope of the Proposed Plan Change.

4.10 NEW VEHICLE ORIENTATED ACTIVITIES SECTION

(AMENDMENT 19)

4.10.1 Submission

Foodstuffs Co-operative Society Ltd [DPC14/5 (5.2)] submitted that the objectives, policies and explanation do not provide an appropriate framework for the sustainable management of the existing New World supermarket. They sought that the wording be amended to recognise the positive effects associated with enabling larger single retail activities such as supermarkets within the Central Commercial Activity Area, and in particular on the fringe or outer areas of the core precinct.

McDonalds Restaurants NZ Ltd [DPC14/FS7 (FS7.1)] supported the submission (5.2) by Foodstuffs.

Retail Holdings Ltd & Lower Hutt Properties Ltd [DPC14/FS3] supported the submission (5.2) by Foodstuffs.

McDonalds Restaurants NZ Ltd [DPC14/17A (17A.2)] requested that there is a need to acknowledge the important role played by smaller vehicle oriented retail activities in adding to the diversity of the city centre.

They requested that the wording of 5A 1.1.6 be changed as follows:

“Some types of activities have a heavy dependence on private motor vehicles for access, such as supermarkets, takeaway outlets and service stations. However, the Council acknowledges the important role played by vehicle oriented retail activities in adding to the diversity of the City Centre. Whilst growth and intensification is intended to result in a change to the form and function of the Central Commercial Activity Area, it is recognised that this is a gradual process. During such time, vehicle oriented activities will continue to have a role particularly where they form part of a vehicle oriented node or are on the fringe of the centre. Managing these types of activities...”

Westfield (NZ) Ltd [DPC14/FS4 (all)] supported the submission by McDonald's.

New Zealand Transport Agency [DPC14/9 (9.4)] submitted that additional policy should recognise the need for travel management techniques to

mitigate any potential for added congestion with the Central Commercial Activity Area.

NZTA requested that the following policy be added as 5A 1.1.6 (c):

“(c) Use travel management techniques to minimise the potential for increased congestion in the Central Commercial Activity Area.”

NZTA further requested that a passage be added to the Explanation and Reasons section as follows:

“Explanation and Reasons

The good use of travel management techniques will minimise the adverse effects of road traffic in the Central Commercial Activity Area by providing a safe, efficient and convenient roading network.”

4.10.2 Discussion

The Proposed Plan Change proposed the inclusion of new objectives, policies and explanation sections setting out the transport objectives for the Central Commercial Activity Area.

Submissions received on the Proposed Plan Change both supported the proposed text and sought further amendment to it. Submissions were made seeking the use of traffic management plans to reduce congestion, and requesting the inclusion of text to recognise the contribution of existing vehicle orientated retail activities in the central area.

The Proposed District Plan Change recognises that vehicle oriented activities, such as supermarkets, takeaway outlets and services are an important part of any central area. They provide goods and services to the local community and contribute to its overall economic well-being. However, the Committee accepted that such activities can generate adverse effects, as they generally generate higher vehicle movements.

In parts of the central area, creation of a more pedestrian focussed environment and streets is proposed. Consequently, it may be inappropriate for new vehicle oriented activities to be located in these pedestrian environments, particularly where the higher traffic volumes could be incompatible with the pedestrian focus. Generally, it would be preferable for the vehicle oriented activities to be located on the periphery and/or on major transport routes in the central area where higher vehicular movements are anticipated.

Notwithstanding the above, it is recognised that there are some *existing* vehicle oriented activities in the Hutt City central area, which contribute to the central area. It is important the District Plan does not unduly restrict their continued operation and development.

4.10.3 Decision

Accept in part the submission by Foodstuffs (5.2), insofar as the Explanation and Reasons section is amended to recognise the role of existing vehicle orientated activities.

Accept in part the submission by NZTA (9.4), insofar as policy 5A 1.1.6 (c) is included to add a requirement to consider travel management techniques to minimise the potential for increased traffic congestion.

Accept in part the submission by McDonald's (17.2), insofar as the Explanation and Reasons section has been amended to recognise the role of existing vehicle orientated activities.

Accept in part the further submissions by Retail Holdings Ltd (FS3), McDonald's (FS7.1) and Westfield (FS4) insofar as the changes to the explanation and reasons section recognises the submissions.

Add new Policy 5A 1.1.6 (c) to read as follows:

(c) Manage the potential traffic effects in the Central Commercial Activity Area by using travel demand management techniques for large-scale development proposals, such as integrated retail complexes.

Amend Explanation and Reasons section 5A 1.1.6 to read as follows:

Some types of activities have a heavy dependence on private motor vehicles for access, such as supermarkets, takeaway outlets and service stations. Managing these types of activities ensures the effects on the transport network can be effectively assessed. However, it is recognised there are some existing vehicle oriented activities in the central area which contribute to its role and function as one of the primary commercial centres in Hutt City.

This management approach also relates to retail activity precincts for the Central Commercial Activity Area, where vehicle-oriented activities are typically larger in scale. This integrated approach ensures that vehicle oriented activities are managed in terms of their effects on the amenity values of the central area.

4.10.4 Reason

It was considered that the inclusion of a policy requiring consideration of the use of traffic management techniques to reduce congestion was appropriate and consistent with the objectives sought by the Proposed Plan Change.

The Reporting Planner for Council provided suggested text for inclusion to address the matters raised in submissions. Whilst it was considered appropriate to adopt wording to acknowledge those existing vehicle-orientated activities that contribute to the functionality of the commercial area (Explanation and Reasons clause), the suggested discussion around the

transition period to change was not deemed necessary by the Committee; this was seen as superfluous and unnecessary.

The Committee considered that the suggested inclusion of text discussing travel demand management techniques (Explanation and Reasons) would be superfluous and unnecessary. The Committee noted that the inclusion of wording such as was suggested could be considered for inclusion as part of a further plan change.

4.11 NEW BUILDING AND OPEN SPACE SECTION

(AMENDMENT 21)

4.11.1 Submission

* **Westfield (NZ) Ltd** [DPC14/12 (12.8)] requested that a sentence be added the objective 5A 1.2.1 that seeks to ensure that urban design requirements do not unreasonably discourage investment and growth. In addition to this, the submitter sought that a new policy be added to ensure that commercial and practical considerations be taken into account, together with the objective of achieving vital and vibrant centres.

4.11.2 Discussion

The Proposed Plan Change proposed the inclusion of a new objectives, policies and explanation section that deals specifically with the quality of buildings and open space.

The submitter requested that additions be made to the objectives and policies such that investment and growth outcomes be considered alongside intended character outcomes.

The Committee considered carefully the submission. The legal opinion provided concluded that as the suggested wording by the submitter is based on economic effects, rather than trade competition, the suggested changes are legally permissible. It was suggested though that the requested changes to the policy be limited to only new developments in the commercial area.

4.11.3 Decision

Accept in part the submission by Westfield (NZ) Ltd (12.8) insofar as the objectives and policies have been amended to recognise that consideration should be made of both character effects, as well as the need to encourage investment and growth.

Objective 5A 1.2.1 to read:

To maintain and enhance the built character in the Central Commercial Activity Area by ensuring development addresses the attributes of the

anticipated character of the area, while being consistent with the goal of encouraging investment and growth.

Policy 5A 1.2.1 (h) added as follows:

(h) Ensure that commercial and practical considerations that affect new developments are taken into account in assessment of the above policies, together with the objectives of achieving vital and vibrant centres with mixed activities.

4.11.4 Reason

The Committee considered that investment is a relevant issue to consider against character matters. The requirement to consider growth was not however supported, as growth is not something that it appropriately facilitated through district plan provisions.

The requested change to the objective has been re-phrased to give the text a positive tone and also to limit it to just proposals for new developments.

4.12 NEW RELATIONSHIP OF BUILDINGS TO STREETS AND OPEN SPACE SECTION

(AMENDMENT 23)

4.12.1 Submission

* **Westfield (NZ) Ltd** [DPC14/12 (12.7)] requested that a comment be added to the end of policies 5A 1.2.2 (a), (b), (c) and (d) so that the policies require new buildings only to provide continual frontages, that they exclude the requirement for continual frontages where there are vehicle or service accesses, that they encourage the protection of sunlight access and that they consider practical and commercial constraints against urban design requirements.

Retail Holdings Ltd and Lower Hutt Properties Ltd [DPC14/10 (10.3)] submitted that requiring buildings to maintain a continual frontage is unduly restrictive, and a continual frontage may not be appropriate in all cases.

The submitter requested that the wording of clause 5A1.2.2 Policy (b) be amended to read:

“(b) ~~Require~~ Encourage buildings to maintain an active, transparent and continual frontage, as well as shelter along identified streets, to provide a pedestrian focused central core to the Central Commercial Activity Area.”

The submitter also requested that the Explanation and Reasons clause 5A1.2.2 be re-worded as follows:

*“Explanation and Reasons
Maintaining and enhancing ... and the streetscape. Requiring Encouraging display windows and buildings to be located on the front boundary of identified*

key roads maintains and enhances the quality of the streetscape for pedestrians. In addition, ~~requiring~~ encouraging shelter for pedestrians along the identified key roads provides protection from adverse climatic conditions and provides a more comfortable environment."

The Petone Planning Action Group [DPC14/14 (14.3)] supported the reinstatement of 'workable' wind rules.

4.12.2 Discussion

The Committee noted the submissions seeking a loosening of the requirements for continuous shop frontages and for the inclusion of provisions that allow commercial considerations to be taken into account.

The Committee noted that one of the visions of the Proposed District Plan Change was to have a vibrant, active, safe and attractive central business district. Specifically, the southern and central parts of the central area are the historical heart of the area, where buildings and activities and their relationship to the street have a significant influence on these elements, which contribute to a successful centre business district.

The Committee were comfortable with the requested change to the wording so that the policies seek that commercial and practical constraints are taken into consideration for a development and which exclude the need for continuous frontages, where a vehicle or service access exists. This was considered to be consistent with the outcomes sought by the Proposed Plan Change.

4.12.3 Decision

Reject the submission by Retail Holdings Ltd and Lower Hutt Properties Ltd (10.3).

Accept the submission by PPAG (14.3) in relation to its support of the wind rules.

Accept in part the submission by Westfield (12.7), insofar as clause 5A 1.2.1 has been amended to include the requested change.

Policies under 5A 1.2.2 to read as follows:

- | |
|---|
| <ul style="list-style-type: none"> (a) Ensure that buildings are designed and located in a manner that <u>maintains or</u> enhances the safety, convenience, accessibility and amenity of pedestrian spaces and linkages within the Central Commercial Activity Area. (b) Require <u>new</u> buildings to <u>provide</u> maintain an active, transparent and continual frontage (<u>except for vehicle and service access</u>), as well as shelter along identified streets, to provide a pedestrian focused central core to the Central Commercial Activity Area. (c) <u>Encourage</u> pProtection <u>of</u> sunlight access to identified public spaces including streets and open spaces within the Central Commercial Activity Area and ensure new buildings and additions and |
|---|

- alterations to existing buildings minimise overshadowing of the identified public spaces during periods of high use.
- (d) Encourage high quality urban design directed at enhancing the relationship of buildings with public open space and having regard to the significant heritage elements and built form of existing scheduled heritage buildings as well as the commercial and practical constraints that affect new developments.
- (e) Encourage buildings to be well designed to manage the adverse effects on amenity values, including visual, wind and glare.

4.12.4 Reason

With regard to the submission to replace the word 'require' with 'encourage' the Committee noted that requiring buildings to maintain an active, transparent and continual frontage is one of the fundamental aspects to achieving a number of objectives for the central area. Encouraging these building requirements was considered to be ineffective, as the term implies that this matter be a more discretionary consideration.

The Committee noted the comment by the reporting Planner for Council that some recent developments in the Hutt City central area demonstrate that poor quality urban environments can result if these building design elements are not provided.

In regard the submission by Westfield, the Committee agreed that the requested changes to the policies are appropriate and consistent with the Proposed Plan Change generally.

4.13 NEW HUTT RIVER CORRIDOR SECTION

(AMENDMENT 27)

4.13.1 Submission

Greater Wellington Regional Council [DPC14/15 (15.5)] submitted that any development or activity along the river frontage could increase the risk of flood or erosion or be affected by flood and erosion events or affect the ability to undertake protection works or maintenance.

The Regional Council requested that the wording of Policy 5A1.2.4 (a) be amended to read:

“(a) ~~Encourage~~ Explore the opportunities for the development of a river side promenade by managing activities and development along the river frontage, in conjunction with flood protection works.”

Greater Wellington Regional Council [DPC14/15 (15.6)] also requested that the explanation and reasons text of Section 5A 1.2.4 be amended to reflect the overall responsibilities and management of the Hutt River Corridor.

4.13.2 Discussion

The Proposed Plan Change proposed the inclusion of objectives, policies and an explanation section to address issues around the effects of development within the Central Commercial Activity area on the Hutt River. The Regional Council requested changes to the policies that would direct development of a riverside promenade to be explored, rather than encouraged.

The reporting Planner for Council provided amended text to the second paragraph of the Explanation and Reasons Section 5A 1.2.4 in response to the Regional Council's submission. That is, he suggested that the following sentence be added to the middle of the paragraph: *In addition, the District Plan should ensure that the ability to carry out future upgrades and maintenance works is retained.*

The Committee elected to retain the wording as it was set out in the planner for council's section 42 Report. However it was not considered necessary to include the sentence "*Detailed investigations are required to determine the specific opportunities and form of a river side promenade along the Hutt River corridor*", to the first paragraph, as this statement is already covered in the second paragraph of the Explanation and Reasons commentary.

4.13.3 Decision

Accept in part the submissions by Greater Wellington Regional Council (15.5) and (15.6), insofar as the text has been amended as set out below.

The Explanation and Reasons of section 5A 1.2.4 to be amended as follows:

The river corridor itself is identified and managed in the District Plan for flood protection purposes. Physical flood protection measures are built and maintained by Greater Wellington Regional Council, with planned upgrading to occur. For the section of the river corridor adjacent to the Central Commercial Activity Area, upgrade works may be undertaken in the future. It is important that activities and development are managed on and adjacent to these flood protection works to protect them from damage. It is imperative the management of the river corridor is undertaken in collaboration with Greater Wellington Regional Council. In addition, the Hutt River Flood Plain Management Plan is a non-statutory document setting out a 40-year blueprint for the management of the river corridor. Greater Wellington Regional Council is responsible for managing the river, flood protection and flood warning systems, while Hutt City Council is responsible for land use activities in and adjacent to the river corridor, including the development of a river side promenade.

For the physical flood protection works built and maintained by Greater Wellington Regional Council, including future upgrade works, it is important that activities and development within the Central Commercial Activity Area are managed to protect these works from damage. It is imperative the two Councils work in partnership in managing the river corridor.

4.13.4 Reason

The Committee considered that it is appropriate to include a discussion on the responsibilities for management of the river corridor and that the wording of the Explanation and Reasons section should be consistent with that which was included under amendment 18.

4.14 NEW CARPARKING SECTION

(AMENDMENT 29)

4.14.1 Submission

New Zealand Transport Agency [DPC14/9 (9.5)] requested the inclusion of additional text to recognise the potential adverse effects carparking can have on other transport modes. The NZTA submitted that the additional explanation text should explain how increased carparking can reduce the use of other transport modes, such as public transport.

NZTA requested that new text be inserted into the bottom of the Issue section of 5A 1.2.5, as follows:

“Issue

Provide for carparking in a way that reduces the reliance on private vehicles and encourages the use of sustainable transport modes.”

NZTA further requested that additional words be added into the Explanation and Reasons text, as follows:

“Explanation and Reasons

Controlling the growth of private vehicle commuter traffic, by limiting carparking can influence commuters to use other transport modes. This in turn will seek to avoid, remedy or mitigate congestion and to improve the Central Area environment.”

... However, it is not necessary for each individual site to be self-sufficient, with the ability for shared facilities or reliance on public facilities, such as public carparks and service lanes, or public transport. If on-site carparking, servicing and access is to be provided on-site ...

Greater Wellington Regional Council [DPC14/FS6 (FS6.1)] supported the submission (9.5) from the New Zealand Transport Agency.

Retail Holdings Ltd and Lower Hutt Properties Ltd [DPC14/10 (10.4)] submitted that car parking that breaks up continuous built frontages may be appropriate on some sites.

Retail Holdings requested that the Issue section in clause 5A1.2.5 be re-worded to read:

“Providing for car parking within the Central Commercial Activity Area in a way that does not dominate streetscapes, or unduly break up continuous built frontages, which can detract from the area's amenity values.”

Retail Holdings Ltd and Lower Hutt Properties Ltd [DPC14/10 (10.5)] supported the requirement for the provision of suitable on-site car parking,

servicing and access for all sites in the Central Commercial Activity Area, which they considered is essential for the efficient functioning of the city; they did not consider that it is necessary for each individual site to be self sufficient. They requested that the second paragraph of the Explanation and Reasons in clause 5A1.2.5 be retained in its notified form.

Retail Holdings Ltd and Lower Hutt Properties Ltd [DPC14/10 (10.6)] requested that on-site carparking be required to be designed in a way that enhances the streetscape and character of the Central Commercial Activity Area. They sought that the third paragraph of the Explanation and Reasons section be amended as follows:

“On-site car parking ~~can also degrade~~ can be designed in a way to enhance the streetscape and character of the Central Commercial Activity Area. Therefore, performance standards and design guidance is provided to ensure on-site car parking is provided in a manner which recognises and reflects the streetscape and character of the different precincts in the Central Commercial Activity Area. These standards and guidelines include managing ground level car parking and car parking structures.”

McDonalds Restaurants NZ Ltd [DPC14/FS7 (FS7.3)] supported the submissions (10.4) by Retail Holdings and (10.6) by Lower Hutt Properties.

* **Westfield (NZ) Ltd** [DPC14/12 (12.3)] requested that a sentence be added to policy 5A 1.2.5 (b) that seeks that commercial and practical constraints be added as a matter to consider when assessing carparking in terms of the existing and proposed use of a site.

4.14.2 Discussion

The Proposed District Plan Change proposed to introduce a new section on managing carparking within the Central Commercial Activity Area. The new text introduced by the Proposed Plan Change recognises that carparking supports activities in the central area, but also recognises that there is a strong link between carparking and traffic generation.

The Committee noted the dichotomy of submissions on carparking. In particular the submission by NZTA, supported by Regional Council that carparking should be designed to reduce the reliance on private motor vehicles, whereas the submissions by Retail Holdings and Westfield sought that the text should be amended to allow for well-designed carparking, where it supports existing and proposed activities.

The Committee considered that the term ‘unduly’, as requested to be introduced in clause 5A1.2.5 by Retail Holdings, is qualitative in nature and is open to interpretation. Furthermore, it is not considered the term adds any further clarity to the issue.

The Committee accepted that the potential effects of carparking on other modes of transport need to be recognised in the explanatory commentary of the new parking section.

The reporting Planner for Council and Retail Holdings suggested wording for inclusion in the Explanation and Reasons section to encourage good carpark

design as a means of enhancing streetscape amenity. Retail Holdings wording was considered the most suitable, as it more clearly articulates the outcomes that are sought to be achieved. That wording is included, as set out below.

4.14.3 Decision

Accept in part the submission by New Zealand Transport Agency (9.5), insofar as the Issues and Explanation and Reasons sections have been amended to reflect their suggested changes.

Accept in part the further submission by Greater Wellington Regional Council (FS6.1) that supports the NZTA submission (9.5).

Reject the submission by Retail Holdings Ltd and Lower Hutt Properties Ltd (10.4) for the addition of the term *unduly* in objective 5A 1.2.5.

Accept the submission by Retail Holdings Ltd and Lower Hutt Properties Ltd (10.5) seeking the retention of the second paragraph of the Explanation and Reasons section of 5A 1.2.5.

Accept the submission by Retail Holdings Ltd and Lower Hutt Properties Ltd (10.6) requesting the inclusion of the words “*can be designed in a way to enhance streetscape ...*”.

Accept the submission by McDonalds Restaurants NZ Ltd (FS7.3) that supports the submission (10.6) by Retail Holdings.

Accept the submission by Westfield (12.3) requesting that commercial and practical constraints be added to objective 5A 1.2.5 (b).

The Issue Statement, Policy (b) and Explanation and Reasons of section 5A 1.2.5 to read as follows:

Issue

Providing for carparking within the Central Commercial Activity Area in a way that does not dominate streetscapes, or break up continuous built frontages, which can detract from the area's amenity values. Also, provide for carparking in a way that reduces the reliance on private vehicles and encourages the use of sustainable transport modes.

Policies

- (b) Ensure that the design, location and scale of on-site car parking, servicing, manoeuvring and access have regard to the nature of the existing or proposed use of the site (including commercial and practical constraints that affect the development).

Explanation and Reasons

Activities within the Central Commercial Activity Area require good access provision both for pedestrians and vehicle based users. The integration of the transport network with development and activities is

essential for the effective functioning of the central area. The provision of carparking needs to ensure that supply is both adequate and well located, while not compromising other forms of transport or degrading the amenity values of the central area. The supply of carparking can influence the transport modes people use.

The provision of suitable on-site carparking, servicing and access for all sites in the Central Commercial Activity Area is essential for the efficient functioning of the city. However, it is not necessary for each individual site to be self-sufficient, with the ability for shared facilities or reliance on public facilities, such as public carparks and service lanes, or public transport. If on-site carparking, servicing and access is to be provided on-site, it should reflect the anticipated existing or future needs of the activities”.

On-site car parking ~~can also degrade~~ can be designed in a way to enhance the streetscape and character of the Central Commercial Activity Area. Therefore, performance standards and design guidance is provided to ensure on-site car parking is provided in a manner which recognises and reflects the streetscape and character of the different precincts in the Central Commercial Activity Area. These standards and guidelines include managing ground level car parking and car parking structures.

4.14.4 Reason

The Committee considered that it was appropriate to amend the wording of the carparking clause (Issues and Explanation and Reasons sections) to include a comment that carparking should be provided in a manner that reduces the reliance on motor vehicles, and thus reduces congestion. This is seen as consistent with the outcomes sought by the Proposed Plan Change.

It was also seen as appropriate to re-phrase the discussion around designing carparks to positively impact on streetscape and character. The requirement to consider commercial and practical constraints amongst those matters to assess when considering the design and location of carparking spaces was supported.

The amendments to the above provisions were seen as appropriate as carparking is acknowledged as an essential part of the Central Commercial Activity Area and, if designed sensitively, can have a positive impact on it.

4.15 NEW ENERGY EFFICIENT AND LOW IMPACT DEVELOPMENT SECTION

(AMENDMENT 31)

4.15.1 Submission

New Zealand Transport Agency [DPC14/9 (9.6)] requested that a new section be added to rule 5A 1.2.6 to promote a policy of providing cycle parks to encourage cycling as an alternative sustainable transport mode for commuters. NZTA requested the inclusion of new policy 5A. 1.2.6 (d) as follows:

“(d) Promote cycle parking provisions in new buildings.”

They also sought that the following text be added to the end of the Explanation and Reasons section:

“The provision of cycle parking in buildings is one way to encourage increased cycling to, from and within the central area. A range of guidance is available on the design and location of cycle parking both internationally and domestically.”

Greater Wellington Regional Council [DPC14/FS6 (FS6.2)] supported the submission (9.6) by the New Zealand Transport Agency.

4.15.2 Discussion

The Committee considered that ‘promoting’ cycle parking instead of ‘requiring’ cycle parking provides greater flexibility and opportunity to be applied in the design and development of new buildings. The submission by NZTA was therefore supported in this regard.

The reporting Planner for Council suggested that additional wording be added to the Explanation and Reasons section advising that a range of guidance is available on the design and location of cycle parking. This additional discussion was seen as unnecessary in the context of the new urban development section. A further policy - as requested by NZTA -and a single sentence discussion is added to Rule 5A 1.2.6.

4.15.3 Decision

Accept in part the submission by New Zealand Transport Agency (9.6), insofar as Policy 5A1.2.6 (d) is added, as set out below.

Accept in part the further submission by Greater Wellington Regional Council (FS6.2) supporting the submission (9.6) by NZTA.

Add a new Policy (d) to read as follows:

(d) <u>Promote cycle parking in new buildings.</u>
--

Add the following text to the end of the Explanation and Reasons of section 5A 1.2.6:

<u>The provision of cycle parking in buildings is one way to encourage increased cycling to, from and within the central area.</u>
--

4.15.4 Reason

The Committee agreed that the provision of cycle parking in new buildings would be one way of facilitating/encouraging alternative modes of transport in the central area. The inclusion of an additional policy was seen as an appropriate mechanism of promoting the inclusion of cycle parking facilities

in the design of future building developments in the Central Commercial Activity Area.

4.16 NEW PERMITTED ACTIVITY RULE 5A 2.1

(AMENDMENT 33)

4.16.1 Submission

Harvey Norman Stores Pty NZ Ltd [DPC14/13 (13.1)], Greater Wellington Regional Council [DPC14/15 (15.12)] and Hutt Valley Chamber of Commerce [DPC14/16 (16.3)] all supported the retention of office and warehouse uses as permitted activities – Rule 5A 2.1(a).

4.16.2 Discussion

The Committee noted the support from submitters to the rule allowing activities that meet the Permitted Activity standards as a permitted activity.

4.16.3 Decision

Accept the submission by Harvey Norman Stores Pty NZ Ltd (13.1).

Accept the submission by Greater Wellington Regional Council (15.12).

Accept the submission by Hutt Valley Chamber of Commerce (16.3).

4.17 NEW PERMITTED ACTIVITY (B) REDEVELOPMENT, ALTERATION AND REPAIR OF EXISTING BUILDINGS RULE

(AMENDMENT 34)

4.17.1 Submission

McDonalds Restaurants NZ Ltd [DPC14/17 (17.4)] requested that Rule 5A 2.1 (b) permitting the redevelopment, alteration and repair of existing buildings be retained.

4.17.2 Discussion

The Committee noted the support to the rule from the submitter.

4.17.3 Decision

Accept the submission by McDonalds Restaurants NZ Ltd (17.4).

4.18 NEW PERMITTED ACTIVITY (C) REDEVELOPMENT, ALTERATION AND REPAIR OF EXISTING BUILDINGS RULE

(AMENDMENT 35)

4.18.1 Submission

McDonalds Restaurants NZ Ltd [DPC14/17A (17.5)] supported the amendment and submitted that it is appropriate that the Plan permits small additions and alterations to existing buildings without the need for resource consent.

Costas Nicolaou, Gary Edridge, Steve Shadwell, Bruce Sedcole [DPC14/7 (7.2)] supported mandatory resource consent for all new buildings and major additions and alterations to existing buildings, but noted that Amendment 35 requires clarification in terms of the meaning of “size”. They questioned whether “size” meant the horizontal and/or vertical dimension of the building, the volume of the building or gross floor area as per the Introduction.

4.18.2 Discussion

The Committee noted the support to the rule by McDonalds Restaurants NZ Ltd.

The Proposed District Plan Change intended that, in terms of the measure or dimension, the phrase “5% of the size” relates to, the ‘gross floor area’. The Committee agreed that to avoid potential confusion regarding the interpretation of this rule, the rule should be re-worded.

4.18.3 Decision

Accept in part the submission by McDonalds Restaurants NZ Ltd (17.5), insofar as the rule is retained, albeit with a slight amendment to clarify what 5% relates to.

Accept the submission by Costas Nicolaou, Gary Edridge, Steve Shadwell, Bruce Sedcole (7.2), insofar as the rule has been re-worded to improve clarity.

Rule 5A 2.1 (a) to be worded as follows:

- (c) The erection, construction and development of additions to existing buildings where the gross floor area of ~~with the additions having a gross floor area of~~ is less than 5% of the gross floor area ~~size of the~~ existing building.

4.18.4 Reason

The notified wording of the condition was not clear and the small amendment is necessary to ensure clarity. The re-wording of the rule addresses the submission by Costas Nicolaou, Gary Edridge, Steve Shadwell, Bruce Sedcole.

**4.19 DELETE PERMITTED ACTIVITY STANDARD 5A 2.1.1 (A) TO (E)
(AMENDMENT 37)**

4.19.1 Submission

Making Places Reference Group [DPC14/8 (8.4)] supported the replacement of the floor area ratios and bonus rules with maximum graduated height limits.

4.19.2 Discussion

The Committee noted the support to the rule from the submitter.

4.19.3 Decision

Accept the submission by Making Places Reference Group (8.4).

4.18.4 Reason

The new permitted activity standards (Amendments 38-49) are more appropriate 'tools' to achieving the outcomes sought by the Proposed Plan Change and the deletion of the existing standards was therefore seen as appropriate.

**4.20 NEW PERMITTED ACTIVITY STANDARD (A) - MAX HEIGHT
OF BUILDINGS AND STRUCTURES**

(AMENDMENT 38)

4.20.1 Submission

Making Places Reference Group [DPC14/8 (8.4)] supported the amendment in that the floor area ratios and bonus rules are replaced with maximum graduated height limits.

Harvey Norman Stores Pty NZ Ltd [DPC14/13 (13.2)] supported the amendment, in that they wanted to see the maximum height of 18 metres for buildings and structures in the Riverfront Precinct retained.

R & E Marvally [DPC14/1 (1.3)] supported the amendment as they considered that the restoration of a 12m height limit for the Residential Transition Precinct and its defined future character will bring comfort and security to the nearby residents and to those who should move into the area.

* **Westfield (NZ) Ltd** [DPC14/12 (12.3)] requested a specific reference that buildings in the Queensgate complex shall have a maximum height of 18m.

Stephen Shadwell [DPC14/6 (6.2) and (6.3)] opposed the amendment and requested that further consideration be given to raising the 12m height threshold. He commented that the height limit should not be based on limits in other cities where conditions are different. He also submitted that

consideration should be given to having a higher threshold for buildings with verandas.

4.20.2 Discussion

The Proposed Plan Change proposed a new height rule that refers back to the Appendix Central Commercial 2 – Maximum Height map.

The Committee noted the support to the rule from Making Places Reference Group and Harvey Norman Stores Pty NZ Ltd.

The Committee noted that the 12m maximum applied to the transition precincts. These areas are in close proximity to residential areas where taller buildings could degrade the character and amenity values of the residential areas. This part of the Central Commercial Activity Area largely comprises of low-rise buildings which typically have a commercial, retail or service use. Permitting taller buildings (above 12 metres) in these areas would compromise the low rise and residential character and amenity values of the adjoining residential areas and the character of these parts of the Central Commercial Activity Area. Taller buildings can over-dominate the street, and cause excessive shading and loss of privacy. The submission by Stephen Shadwell was therefore not supported.

The Committee did not consider that the submission by Westfield to include a specific height limit for Queensgate as appropriate. The identified height zones formulated as part of the Proposed Plan Change were seen as appropriate mechanisms for defining height limits, and were therefore considered the best mechanism for achieving the desired outcome with respect to building height.

4.20.3 Decision

Accept the submission by Making Places Reference Group (8.4), insofar as the Maximum Height of Buildings condition is added as notified.

Accept the submission by Harvey Norman Stores Pty NZ Ltd (13.2), insofar as the 18m height limit for the Riverfront Precinct is included.

Accept the submission by R & E Marvelly (1.3), in that the 12m limit for transition zones is adopted.

Reject the submissions by Stephen Shadwell (6.2) and (6.3).

Reject submission (12.7) by Westfield insofar as no specific height limit for Queensgate is included.

4.20.4 Reason

In determining the proposed height limits the overall capacity of activities and development in the Central Commercial Activity Area, the overall city urban form, and relationship to streets and adjoining residential and recreation areas

were considered. On that basis the new height rule, as notified, was considered to be appropriate.

It was noted that submitters generally supported the notified height limit rule.

4.21 NEW PERMITTED ACTIVITY STANDARD (B) - MINIMUM YARD REQUIREMENTS

(AMENDMENT 39)

4.21.1 Submission

Petone Planning Action Group [DPC14/14 (14.4)] supported the minimum yard requirements.

4.21.2 Discussion

The Committee noted the support to the rule from the submitter.

4.21.3 Decision

Accept the submission by Petone Planning Action Group (14.4).

4.21.4 Reason

The Proposed Plan Change proposed more stringent yard rules for buildings and structures within the Residential Transition Precinct. It was considered appropriate to provide additional protection for residential amenity values by restricting development into yards in this more sensitive area.

4.22 NEW PERMITTED ACTIVITY STANDARD (D) - BUILDING FRONTAGES AND DISPLAY WINDOWS

(AMENDMENT 41)

4.22.1 Submission

Retail Holdings Ltd & Lower Hutt Properties Ltd [DPC14/10 (10.7)] opposed the new standards as it is confusing when read with new Clause 5A 1.2.5 'Car parking' as it is unclear whether buildings on the submitters' site will have to occupy the whole street frontage, or whether it will be possible to develop larger style anchor retail stores with at grade car parking along part of the street frontage.

The submitter sought that Condition 5A 2.1.1 (d) be amended to read:

- "(d) *Building frontages and display windows:*
Any part of a building fronting a street, pedestrian mall, pedestrian walkway or other public space identified in Appendix Central Commercial 3 - Verandahs, Building Frontages and Display Windows, shall be that is

built to the front boundary shall have display windows along the frontage. The display windows shall meet the following requirement:

- (i) *Within the Core, Commercial and Riverfront precincts identified in Appendix Central Commercial 1 - Precincts, at least 60% of the ground floor façade surface that fronts a street, pedestrian mall, pedestrian walkway or, or other public space, shall be transparent glass display windows."*

McDonalds Restaurants NZ Ltd [DPC14/FS7 (FS7.4)] and **Westfield (NZ) Ltd** [DPC14/FS4 (4.1)] supported the submission (10.7) by Retail Holdings and Lower Hutt Properties.

* **Westfield (NZ) Ltd** [DPC14/12 (12.7)] requested that Condition 5A 2.1.1 (d) be limited to only those parts of a building fronting a street, pedestrian mall etc at *ground level*.

Greater Wellington Regional Council [DPC14/15 (15.13)] supported standard 5A 2.1.1(d) as it sees it as consistent with sustainable land use/transport integration principles in that it provides opportunities for increased walking and a safer environment for pedestrians after hours.

4.22.2 Discussion

The Proposed Plan Change sought the inclusion of new standard 5A 2.1.1(d) to require buildings to be located to the boundary in the areas identified in Appendix Central Commercial 3, and to require that the ground level facade have at least 60% transparent display windows.

The reporting Planner for Council suggested that the standard be re-worded to avoid the potential confusion contended by Retail Holdings in their submission.

Westfield sought that the condition be limited to only buildings at ground level.

The Committee considered that the amendments to the wording suggested by the reporting officer would provide sufficient clarification to enable a clear understanding of when the condition applies. The Committee were not convinced that there was a need to re-phrase the condition to specify that it relates to only buildings at ground level; the inclusion of additional wording would likely only confuse the meaning.

4.22.3 Decision

Accept in part the submission by Retail Holdings Ltd and Lower Hutt Properties Ltd (10.7), insofar as the standard has been re-worded to clarify the application of the standard.

Accept in part the further submissions by McDonald's (FS7.4) and Westfield (FS4.1), insofar as the standard is amended to clarify its application.

Accept the submission by Greater Wellington Regional Council (15.13) by retaining the intent of standard 5A 2.1.1(d) as notified.

Reject submission (12.7) by Westfield insofar as the amended wording is seen as providing sufficient clarification of when the condition applies.

Standard 5A 2.1(d) is amended as follows:

(d) Building Frontages and Display Windows:

~~Any part of a building fronting a street, pedestrian mall, pedestrian walkway, or other public space~~ For sites within the area identified in Appendix Central Commercial 3 - Verandahs, Building Frontages and Display Windows, the following building requirements shall be met:

~~shall be built to the front boundary and have display windows along the frontage. The display windows shall meet the following requirement:~~

- (i) All buildings shall be built to the front road boundary of the site; and
- (ii) Any parts of a building fronting a street, pedestrian mall, pedestrian walkway or other public space shall have at least 60% transparent glass display windows for the ground floor facade surface on each facade.
- ~~(i) Within the Core, Commercial and Riverfront Precincts identified in Appendix Central Commercial 1 Precincts, minimum of 60% of the ground floor façade surface shall be transparent glass display windows.~~

4.22.4 Reason

The Committee supported the condition requiring that buildings constructed in the identified area be built up to the front boundary and have display windows, as this is a key component of the objective of improving the quality of public spaces. The Committee agreed that the condition should be reworded to avoid potential confusion around when the standard should be applied.

4.23 NEW PERMITTED ACTIVITY STANDARD (E) - VERANDAHS (AMENDMENT 42)

4.23.1 Submission

Retail Holdings Ltd & Lower Hutt Properties Ltd [DPC14/10 (10.8)] submitted that they have no objection to the requirements for a verandah, but were concerned that the condition could require a verandah across the frontage of an 'at grade' car park fronting a street, pedestrian mall, pedestrian walkway, or other public space identified in Appendix Central Commercial 3.

The submitter requested that the condition 5A 2.1.1(e) be amended to read as follows:

“(e) *Verandahs:*

Where ~~Any~~ part of a building, but not its associated at grade parking, fronts a street, pedestrian mall, pedestrian walkway or other public space identified in Appendix Central Commercial 3 - Verandahs, Building Frontages and Display Windows, it shall have a verandah. The verandah shall meet the following requirements:

(i) ...

(v) *provide continuous shelter with any adjoining verandah or pedestrian shelter unless interrupted by an at grade car park.”*

McDonalds Restaurants NZ Ltd [DPC14/FS7 (FS7.5)] supported the submission (10.8) from Retail Holdings and Lower Hutt Properties.

* **Westfield (NZ) Ltd** [DPC14/12 (12.7)] requested that Condition 5A 2.1.1 (e) be limited to only those parts of a building fronting a street, pedestrian mall etc at ground level and that vehicle/service entries be specially excluded from the verandah requirement.

Greater Wellington Regional Council [DPC14/15 (15.13)] supported the inclusion of standard 5A 2.1.1(e) on the grounds that providing active frontage and sheltered footpaths creates a more pleasant and safe pedestrian environment, thereby encouraging more walking trips.

4.23.2 Discussion

The verandah condition is intended to influence developments so as to improve the quality of the streetscape and provide for pedestrian-friendly access routes within the identified part of the central area.

Retail Holdings requested that a dispensation from the verandah requirement be allowed for at-grade parking areas that front the street. The Committee considered however that the exemption would have the potential to undermine the primary purpose of this standard, which is to provide a continuous verandah coverage along streets in the part of the central area where they are identified as being important.

The Committee considered that the request by Westfield would unnecessarily complicate the rule. The Committee noted that if a dispensation from the rule is justified, approval could be sought for a variation to the permitted standard through a resource consent process.

The reporting Planner for Council suggested some minor amendments to the wording of condition 5A 2.1.1 (e) to improve the clarity of the condition, and its application. The Committee viewed the suggested changes as appropriate; the wording is adopted as recommended.

4.23.3 Decision

Accept in part the submission by Retail Holdings Ltd Lower Hutt Properties Ltd (10.8), insofar as the condition has been re-worded to improve clarity.

Accept in part the further submission by McDonald's (FS7.5) that supported the submission by Retail Holdings.

Accept in part the submission by Wellington Regional Council (15.3). Rule 5A 2.1 (e) is adopted as notified.

Standard 5A 2.1.1 (e) to read:

(e) Verandahs

~~Any part of a building fronting a street, pedestrian mall, pedestrian walkway, or other public space~~ For sites within the area identified in Appendix Central Commercial 3 - Verandahs, Building Frontages and Display Windows, the following verandah requirements shall be met:

~~identified in Appendix Central Commercial 3 - Verandahs, Building Frontages and Display Windows shall have a verandah. The verandah shall meet the following requirements:~~

- (i) Any parts of a building fronting a road, pedestrian mall, pedestrian walkway or other public space shall have a verandah.
- (ii) A minimum clearance of 2.5 metres directly above the footpath or formed ground surface.
- (iii) No more than 4 metres (measured at the base of the verandah fascia) directly above the footpath or formed ground surface.
- (~~iii~~iv) Extend for the full length of the building.
- (~~iv~~v) Extend outwards from the front of the building to the far side of the kerbing less 450mm, or 3 metres whichever is the lesser.
- (vi) Provide continuous shelter with any adjoining verandah or pedestrian shelter.

4.23.4 Reason

The Proposed Plan Change proposed the inclusion of a verandah rule for sites fronting streets within the Appendix Central Commercial 3 - Verandahs, Building Frontages and Display Windows. The verandah standard is considered to be the most effective method of achieving the objective of ensuring developments maintain and enhance the amenity and safety of the Central Commercial Activity Area, in particular, maximising pedestrian comfort and safety.

The permitted condition clarifies where a verandah is required and what is required in terms of the physical dimensions of the structure. This will

provide certainty for applicants when considering a proposal to develop a site in the appendix area. The meaning and application of the rule is clarified by the re-wording that is adopted.

4.24 AMEND PERMITTED ACTIVITY STANDARD (F) - SCREENING (AMENDMENT 43)

4.24.1 Submission

Petone Planning Action Group [DPC14/14 (14.5)] supported the minimum screening requirements.

4.24.2 Discussion

The Committee noted the support to the new standard from the submitter.

4.24.3 Decision

Accept the submission by Petone Planning Action Group (14.5).

4.24.4 Reason

The amendment to the permitted activity standard clarifies when screening of outdoor areas is required. The Committee therefore supported the change on those grounds.

4.25 AMEND PERMITTED ACTIVITY STANDARD (G) - SITES ABUTTING RESIDENTIAL OR RECREATION ACTIVITY AREAS (AMENDMENT 44)

4.25.1 Submission

Harvey Norman Stores Pty NZ Ltd [DPC14/13 (13.9)] requested that the rule should exclude sites abutting the Hutt River Recreation Area. They submitted that the Hutt River Recreation Zone, which abuts the Harvey Norman site, is not sensitive to building setbacks.

Harvey Normans requested that the rule be amended as follows:

“Where a site abuts a Residential or Recreation Activity Area the following shall apply:

- (i) ...*
- (ii) Side and rear yards - minimum of 7 metres from the side and rear boundaries of any site in the Residential or Recreation Activity Area, but excluding the Hutt River Recreation Area*
- (iii) ...*

- (iv) *Servicing of activities shall not occur between the hours of 10.00pm and 7.00am, where a site immediately abuts a Residential Activity Area.*

Greater Wellington Regional Council [DPC14/FS6 (FS6.5)] *opposed the submission (13.9) from Harvey Norman and requested that the submitted amendment be rejected.*

Petone Planning Action Group [DPC14/14 (14.6)] agreed that buildings and structures should comply with the recession plane requirements of any adjacent or adjoining Residential or Recreation Activity Area, but not abutting areas, as a High Court Decision interpreted abutting to mean touching. PPAG wanted this clause changed. They requested that the wording of 5A 2.1.1(g)(i) be amended such that the term 'abutting' is replaced with either 'adjacent' or 'adjoining'.

4.25.2 Discussion

The Proposed Plan Change proposed amendments to the bulk and location rules for sites abutting Residential or Recreation Activity Areas.

Harvey Norman Stores Pty NZ Ltd requested that the 7m side and rear yard rule not apply to sites abutting the River Recreation Area and that the hours of operation condition be limited to only sites abutting Residential Activity Areas.

Development in the Central Commercial Activity Area has the potential to threaten or damage the flood protection works. The setback distance (7m) in Rule 5A 2.1.1 (f) from the Hutt River Recreation Activity Area seeks to minimise this damage by providing a buffer between buildings and the stopbank. This setback also provides sufficient distance for maintenance and access to the stopbanks. Conversely, the setback can result in the inefficient use and development of the land resource in the Central Commercial Activity Area. Furthermore, the development of a river side promenade with buildings constructed to the edge of the stopbank and having active frontages and ground levels on top of the stopbank could be frustrated by this setback requirement.

The Committee considered that the setback distance is the most effective and efficient method for achieving the objectives of protecting the integrity of the flood protection works and enhancing the relationship to the river corridor. If an encroachment of the setback was proposed, a resource consent would be required which would assess on a case-by-case basis the proposed development, its relationship to the river corridor and the extent to which it maintains the integrity of the flood protection works.

Therefore, the text is retained without change. The policies and explanation and reasons in new Section 5A 1.2.4 provide new guidance for assessing any future resource consent applications.

In terms of the submission that the standard restricting the hours of operation for servicing be limited to sites abutting a Recreation Activity Area only, the Committee noted that this is primarily an issue for commercial sites adjacent to the Residential Activity Area. Servicing activities can generate noise and

other nuisances for neighbouring residents, therefore, the restriction on hours is considered appropriate. However, the same nuisance issues do not arise for commercial sites adjacent to the Recreation Activity Area, as the recreation areas are generally not occupied during the night, and will not therefore cause a disturbance. Therefore, the request to amend the rule so that the hours of operation for servicing do not apply to the Recreation Activity Areas is supported.

The submission highlights the issue of grouping the standards for sites adjacent to the Recreation Activity Area and Residential Activity Area into the same rule. As a consequential amendment to this submission Rule 5A 2.1.1(g) must be split into two rules, one applying to Sites Abutting Residential Activity Areas and secondly, Sites Abutting Recreation Activity Areas.

The use of the term 'abut' has been clarified in a declaration from the Environment Court. Given this determination, it is considered that this term is understood and does not require amending. In summary, the Environment Court declaration stated in the context of Rule 5A 2.1.1(g) that abut means a site shares a common boundary with another site, and a site does not abut where it is separated by legal road or other land.

4.25.3 Decision

Accept in part the submission by Harvey Norman Stores Pty NZ Ltd (13.9), insofar as the permitted standard is amended as set out below.

Accept in part the further submission by Wellington Regional Council (FS6.5) opposing the submission by Harvey Norman, insofar as the condition is only partially re-worded. Its intent is retained.

Reject the submission by Petone Planning Action Group (14.6) that the term abut be replaced.

The permitted activity standard 5A 2.1.1 (g) is amended as follows:

- (g) Sites Abutting Residential ~~or Recreation~~ Activity Areas:**
Where a site abuts a Residential ~~or Recreation~~ Activity Area, the following conditions shall apply:
- (i) Buildings and structures shall comply with the recession plane requirements of the abutting Residential ~~or Recreation~~ Activity Areas.
 - (ii) Side and rear yards - minimum of 7 metres from the side and rear boundaries of any site in the Residential ~~or Recreation~~ Activity Area.
 - (iii) All outdoor storage, carparking, and servicing areas must be screened so they are not visible from abutting sites in the Residential ~~or Recreation~~ Activity Area.
 - (iv) Servicing of activities shall not occur between the hours of 10.00pm and 7.00am.

(h) Sites Abutting Recreation Activity Areas:

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

- (i) Buildings and structures shall comply with the recession plane requirements of the abutting Recreation Activity Areas.
- (ii) Side and rear yards - minimum of 7 metres from the side and rear boundaries of any site in the Residential Activity Area.
- (iii) All outdoor storage, carparking, and servicing areas must be screened so they are not visible from abutting sites in the Recreation Activity Area.

Further consequential amendment: Re-number Rules 5A 2.1.1(h) - (k) as Rules 5A 2.1.1(i) - (l).

4.25.4 Reason

The proposal to include a permitted activity standard that controls works on sites that abut residential or recreation activity areas is considered appropriate, as uncontrolled works may threaten or damage flood protection works and/or the amenity of the land. The condition will ensure that works are controlled to prevent the undermining of the identified qualities of the neighbouring land.

The amendment to the rule, i.e separating it into two sections to control development of sites that abut Residential Activity Areas and development of sites that abut Recreation Activity Areas, is considered appropriate. Separating the rule will ensure that site development works are appropriately controlled to prevent affects that impact on the particular amenity values of the neighbouring zone.

4.26 ADD PERMITTED ACTIVITY STANDARD (J) - PARKING, LOADING AND ACCESS

(AMENDMENT 49)

4.26.1 Submission

McDonald's Restaurants Ltd [DPC14/17 (17.6)] requested that the requirement relating to distance of road frontage for surface or ground level carparking be deleted, or an exclusion be added to allow for small additions and sites with more than one street frontage.

Foodstuffs Co-Op Society Ltd [DPC14/5 (5.9)] requested that the requirement relating to distance of road frontage for surface or ground level carparking not apply to the Commercial Precinct and that the word 'lesser' be replaced with 'greater' in condition 5A 2.1.1 (j) (ii).

McDonalds Restaurants NZ Ltd [DPC14/FS7 (FS7.2)] and Retail Holdings Ltd & Lower Hutt Properties Ltd [DPC14/FS3 (all)] supported the submission (10.9) from Foodstuffs.

Retail Holdings Ltd & Lower Hutt Properties Ltd [DPC14/10 (10.9)] requested that the requirement relating to distance of road frontage for surface or ground level carparking be amended from 15m to 18m and replace 'lesser' with 'greater'.

They suggested that the condition be amended as follows:

"For front road boundaries not identified in Appendix Central Commercial 3 - Verandahs, Building Frontages and Display Windows and in the Commercial Precinct identified in Appendix Central Commercial 1 - Precincts, any surface or ground level parking area shall not exceed a maximum width of ~~15~~ 18m along the site frontage or 40% of the site frontage whichever is the ~~lesser~~ greatest."

4.26.2 Discussion

The Proposed Plan Change proposed the inclusion of new permitted conditions controlling the road frontage width of ground level car parking areas, and prohibiting the creation of parking areas that are visible from public space within the Residential Transition Precinct.

Large areas of carparking can degrade the streetscape and character of the central area. The proposed maximum site frontage requirements for carparking seek to minimise the extent of carparking along streets to ensure an attractive and high quality urban environment. Deleting this requirement, as requested would not be effective in achieving the streetscape quality objectives for the central area, such as providing buildings and activities fronting the street.

McDonald's Restaurants sought that an exemption be added for minor changes to the gross floor area of existing buildings. The proposed standard does not have a relationship with building area, therefore, the Committee did not consider it appropriate to allow this exemption. In addition, achieving a quality urban environment applies to all precincts in the central area, therefore, not applying it to the Commercial Precinct is considered ineffective and could undermine the intent of the objectives sought.

The request to amend the dimension from 15m to 18m is supported. The dimensions for carparking areas require an 18m wide area to fit a typical carpark layout, as outlined by the submitter. The change will therefore allow the intended outcome to be practically achieved.

Retail Holdings Ltd sought that the term 'lesser' be replaced with 'greater'. This change is not supported, as it could result in excessively large carpark street frontages, which would potentially degrade the urban environment.

4.26.3 Decision

Reject the submission by McDonald's Restaurants NZ Ltd (17.6), requesting a dispensation from 5A 2.1.1 (j) for small additions.

Reject the submission by Foodstuffs CO-Op Society Ltd (5.9) requesting that the requirement relating to distance of road frontage for surface or ground level carparking not apply to the Commercial Precinct and that the word 'lesser' be replaced with 'greater'.

Reject the further submission by McDonalds Restaurants NZ Ltd (FS7.2), which supported submission (5.9) by Foodstuffs Co-Op Society Ltd.

Reject the further submission by Retail Holdings Ltd & Lower Hutt Properties Ltd (FS3) which supported submission (5.9) by McDonald's.

Accept in part submission (10.9) by Retail Holdings Ltd & Lower Hutt Properties Ltd, in so far as standard 5A 2.1.1(j) is amended with respect to the dimension for maximum frontage.

The permitted activity standard 5A 2.1.1 (j) (ii) to be amended as follows:

- (ii) For front road boundaries not identified in Appendix Central Commercial 3 - Verandahs, Building Frontages and Display Windows and in the Commercial Precinct identified in Appendix Central Commercial 1 - Precincts, any surface or ground level parking area shall not exceed a maximum width of ~~15m~~ 18m along the site frontage or 40% of the site frontage whichever is the lesser.

4.26.4 Reason

The proposal to include a requirement limiting the width of car parking areas along a road frontage is consistent with the Proposed Plan Change objective of improving the quality of development in the central area.

The submissions seeking to remove the Central Commercial 1 Precinct from the areas affected by the rule, and allowing for a dispensation from the requirement for some activities was not supported, as this would not facilitate consistency with the outcome that is intended by the Proposed Plan Change.

4.27 AMEND RESTRICTED DISCRETIONARY ACTIVITIES (A) TO (D) - RETAIL ACTIVITIES AND CONSTRUCTION, ALTERATION OF, AND ADDITION TO BUILDINGS AND STRUCTURES

(AMENDMENT 50)

4.27.1 Submission

Retail Activities (Rule 5A 2.2 (a) and (d))

Foodstuffs Co-Op Society Ltd [DPC14/5 (5.4)] opposed the amendment and requested Rule 5A 2.2(a) be amended by deleting reference to the 'Core' Precinct.

Foodstuffs Co-Op Society Ltd [DPC14/5 (5.5)] also requested Rule 5A 2.2(b) be deleted.

Retail Holdings Ltd and Lower Hutt Properties Ltd [DPC14/FS3 (all)] supported the submissions (5.4) and (5.5) by Foodstuffs.

Retail Holdings Ltd and Lower Hutt Properties Ltd [DPC14/10 (10.10)] requested Rule 5A 2.2(a) be amended by permitting 3,000m² retail activities in the Core Precinct.

Retail Holdings requested that clause 5A 2.2(a) be amended to read:

"(a) *Any single retail activity with a gross floor area exceeding 3,000m² in the Core Precinct identified in Appendix Central Commercial 1 Precincts and any single retail activity with a gross floor area exceeding 500m² up to 3,000m² in the Riverfront and Residential Transition Precincts identified in Appendix Central Commercial 1 Precincts.* "

McDonalds Restaurants NZ Ltd [DPC14/FS7 (FS7.1)] and **Westfield (NZ) Ltd** [DPC14/FS4 (FS4.1)] supported the submission (10.10) from Retail Holdings.

Harvey Norman Stores Pty (NZ) Ltd [DPC14/13 (13.7)] requested that Rule 5A 2.2(a) be amended to apply to the Core and Riverfront (Core) Precincts and Rule 5A 2.2(b) be amended to apply to the Riverfront (Commercial) Precinct.

Harvey Norman requested that clause 5A 2.2 (a) and (b) be amended to read:

- "a) *Any single retail activity with a gross floor area exceeding 500m² up to 3,000m² in the Core, Riverfront (Core) and Residential Transition Precincts identified in Appendix Central Commercial 1 - Precincts.*
- b) *Any single retail activity with a gross floor area exceeding 3,000m² in the Commercial and Riverfront (Commercial) Precincts identified in Appendix Central Commercial 1 Precincts...*"

Hutt Valley Chamber of Commerce [DPC14/16 (16.4 and 16.5)] supported the amendment, and in particular the concept of smaller shops in the core and larger shops at the northern end of the CBD.

McDonalds Restaurants NZ Ltd [DPC14/17A (17.7)] requested that Rule 5A 2.2 be amended by adding a reference excluding enclosed areas from the gross floor area calculation.

McDonald's requested that the following reference be added to clause 5A 2.2 (a):

"For the purpose of this rule, Gross Floor Area does not include covered refuse enclosures, children's covered playland areas" ...xx

Buildings and Structures (Rule 5A 2.2 (d))

Costas Nicolaou, Gary Edridge, Steve Shadwell, Bruce Sedcole [DPC14/7 (7.2)] supported the amendment and requested that Rule 5A 2.2 (d) be retained.

Making Places Reference Group [DPC14/8 (8.6)] supported the amendment and requested that Rule 5A 2.2(d) be retained.

4.27.2 Discussion

Retail Activities (Rules 5A 2.2 (a) and (b))

The objective of the Proposed Plan Change was to encourage a public and pedestrian focused core area in the central business district. Retail activities will play a role in this pedestrian focused environment by providing goods and services for local residents and visitors, as well as contributing to the attractiveness and vibrancy of the area.

The Committee heard evidence from Retail Holdings that it would be inconsistent for the Proposed Plan Change to regulate the size of retail shops in respect of design and external appearance and Design Guide matters, but not other activities in excess of 500m² in area. The submitter observed that such a restriction on retail stores creates a disincentive for larger retail shops to locate in the central area.

The submitter suggested that as it appears that traffic effects are the principal reason behind the control on retail activities in excess of 500m², a better solution would be to place a restriction on the permitted number of parking spaces that can be provided.

The Committee agreed that provisions (a) and (b) may not be the best means of achieving the outcomes sought by the Proposed Plan Change. That is, requiring that consent be required for any proposed retail store in excess of 500m² does not achieve the intentions of the Proposed Plan Change in terms of managing streetscape, character, amenity and other effects. The Committee noted that this would place a requirement for resource consent on retailers that would not similarly apply to other businesses/activities in the central area.

In terms of the submission that certain types of activities should be excluded from the gross floor area requirement (McDonald's Restaurants), it was considered these circumstances are a particular issue for the submitter only. It was not considered appropriate to exclude covered or enclosed play areas from the definition of gross floor area, as this may be the predominant use of some activities (e.g. children's entertainment activities such as 'Lollipops' and 'Chipmunks'). Therefore, the exception has not been included as requested.

The submission from Harvey Norman highlights the differences between the two areas of the Riverfront Precinct, one at the north near Melling Link and the other at the south near Daly Street. The Committee agreed with the submitter that these two distinct areas should be recognised differently, as they exhibit different character and qualities, and their functions and roles in the future central area differs. The two areas of the Riverfront Precinct more closely align with the adjacent precincts, being the Core and Commercial Precincts.

Therefore, the Precincts Plan has been amended to recognise these two riverside precincts which are called the "Riverfront (Core) Precinct" and "Riverfront (Commercial) Precinct". In addition a number of consequential amendments have been made to a number policies and rules, as detailed in Amendment 74.

Buildings and Structures (Rule 5A 2.2 (d))

The submissions in support of Rule 5A 2.2(d) was noted.

4.27.3 Decision

Accept in part the submission by Foodstuffs (5.4), insofar as notified provision 5A 2.2 (a) is removed.

Accept in part the further submission (FS3) by Retail Holdings in support of submission (5.4) by Foodstuffs.

Accept the submission by Foodstuffs (5.5), insofar as the rule requiring that larger format retail stores require consent under this rule is deleted.

Accept the further submission (FS3) by Retail Holdings in support of submission (5.5) by Foodstuffs.

Accept submission (7.2) by Costas Nicolaou, Gary Edridge, Steve Shadwell, Bruce Sedcole (7.2). Rule 5A 2.2(d) is retained.

Accept submission (8.6) by Making Places Reference Group to retain Rule 5A 2.2(d).

Accept submission (10.10) by Retail Holdings, insofar as the provision requiring that large format retailing requires consent has been deleted.

Accept in part further submission (FS7) by McDonald's in support of submission (10.10) by Retail Holdings, insofar as the subject provision is deleted.

Accept in part further submission (FS4) by Westfield in support of submission (10.10) by Retail Holdings.

Accept in part submission (13.7) by Harvey Norman insofar as Rules 5A 2.2 (a) and (b) are deleted.

Reject submissions (16.4 and 16.5) by Hutt Valley Chamber of Commerce, insofar as Rules 5A 2.2(a) and (b) (as notified) relating to retail activities are deleted.

Accept submission (17.7) by McDonald's in that the Rule 5A 2.2 is amended such that it does not relate to the control of retail activities based on its gross floor area.

The Restricted Discretionary Activity standard 5A 2.2 (a) to (c) to read as follows:

- ~~(a) Any single retail activity with a gross floor area exceeding 500m² up to 3,000m² in the Core, Riverfront and Residential Transition Precincts identified in Appendix Central Commercial 1 Precincts.~~
- ~~(b) Any single retail activity with a gross floor area exceeding 3,000m² in the Commercial Precinct identified in Appendix Central Commercial 1 Precincts.~~

- ~~(c) Emergency Facilities.~~
- ~~(da)~~ The construction, alteration of, and addition to buildings and structures, except for those works permitted under Rules 5A 2.1(b) and (c).
- ~~(eb)~~ The construction, alteration of, and addition to buildings and structures over 12 metres in height (except for those works permitted under Rules 5A 2.1(b) and (c)) and where any part of the building or structure fronts a street, pedestrian mall, pedestrian walkway, or other public space identified in Appendix Central Commercial 5 - Wind Protection.
- (c) Emergency Facilities.

4.27.4 Reason

In order to achieve the outcome sought by the Proposed Plan Change the Committee considered that it was necessary to control external alterations of buildings in the Central Area. It was not considered appropriate to impose controls based on an activity, in particular by imposing a rule that targets larger format retail activities only.

The effects of larger format retail activities, such as car parking and traffic effects, are adequately dealt with under other provisions within the District Plan. It was therefore seen as appropriate to limit the Restricted Discretionary rule to relate only to building additions and alterations.

4.28 ADD RESTRICTED DISCRETIONARY ACTIVITY (E) - CONSTRUCTION, ALTERATION OF, AND ADDITION TO BUILDINGS AND STRUCTURES

(AMENDMENT 51)

4.28.1 Submissions

Petone Planning Action Group [DPC14/14 (14.7)] queried what Rule 5A 2.2 (e) means for buildings under 12 metres in height.

4.28.2 Discussion

Rule 5A 2.2(e) seeks to manage the wind effects of buildings in specific locations (identified in Appendix Central Commercial 5) and over 12 metres in height. If a building is proposed which is less than 12 metres in height in the identified locations it would not be subject to this rule, and therefore, no subject to any wind effect requirements.

4.28.3 Decision

Accept submission by PPAG (14.7) insofar as the application of Rule 5A 2.2(e) to buildings below 12m in height is clarified in this decision.

4.28.4 Reason

The Committee noted that no submissions in opposition to the introduction of a rule requiring that buildings over 12m in height in the specified area require resource consent as a Restricted Discretionary Activity were received. The new rule will require any proposal for new buildings over 12m in height to be considered as a discretionary activity and is seen as consistent with the outcomes sought by the Proposed Plan Change of establishing a long term approach to managing building development in the central area.

4.29 ADD NOTIFICATION CLAUSE FOR RESTRICTED DISCRETIONARY ACTIVITIES (D) - (E)

(AMENDMENT 52)

4.29.1 Submission

Foodstuffs Co-Op Society Ltd [DPC14/5 (5.8)] requested that the non-notification clause for Rules 5A 2.2 (d) and (e) be amended to apply to all rules in Section 5A 2.2 (a) - (e).

Retail Holdings Ltd and Lower Hutt Properties Ltd [DPC14/FS3 (all)] supported the submission (5.8) from Foodstuffs Co-Op Society Ltd.

Retail Holdings Ltd and Lower Hutt Properties Ltd [DPC14/10 (10.11)] similarly requested that the non-notification clause be amended to apply to all rules in Section 5A 2.2 (a) - (e).

McDonalds Restaurants NZ Ltd [DPC14/FS7 (FS7.8)] supported the submission (10.11) from Retail Holdings and Lower Hutt Properties.

Westfield (NZ) Ltd DPC14/FS4 (FS4.1) supported the submission (10.11) from Retail Holdings and Lower Hutt Properties.

Petone Planning Action Group [DPC14/14 (14.8)] requested re-assurance that this non-notification clause only applies to Amendments 34 and 35.

4.29.2 Discussion

The Proposed Plan Change proposed the inclusion of a non-notification provision to provide certainty as to matters that can and cannot be considered for public notification.

Submissions were received seeking that the non-notification clause be extended to apply to all rules in the section and seeking clarification on what provisions non-notification applies to.

The relevant rules that the non-notification clause applied to in the notified version of the Proposed Plan Change was clarified with the Petone Planning Action Group at the pre-hearing meeting held in August. The Committee therefore understands that the PPAG has received the clarification it requires on this matter.

Larger format retail activities (in excess of 500m² in area) were excluded from requiring consent under Amendment 50. The submitters request to include rules relating to larger format retail activities as matters within the non-notification clause are therefore met by this change.

The Committee considered that the non-notification clause should apply to all proposals that require consent under this rule in the central area, as the design guide assessment process was robust. The Committee noted that the RMA still afforded the ability to publicly notify consent applications in the event that special circumstances apply, despite any direction to non-notification. The ability for Council to notify an application if it considers that 'special circumstances' exist is provided for in section 95A(4) of the RMA.

4.29.3 Decision

Accept submission (5.8) by Retail Holdings, insofar as retail activities are no longer captured by this rule.

Accept in part submission (10.11) by Foodstuffs, insofar as the non-notification provision has been amended.

Accept in part further submission (FS7.8) by McDonald's supporting submission (10.11) by Foodstuffs, insofar as the non-notification provision has been amended.

Accept in part further submission (4.1) by Westfield supporting submission (10.11) by Foodstuffs, insofar as the non-notification provision is amended.

Accept submission (14.8) by the PPAG insofar as the non-notification clause is clarified.

The non-notification clause 5A 2.2 to read as follows:

In respect of ~~Rules 5A 2.2(d) and (e)~~ Rule 5A 2.2, applications do not need to be publicly notified and do not need to be served on affected persons.

4.29.4 Reason

All aspects of consent applications being considered under Rule 5A 2.2 can be satisfactorily addressed through assessment of the application against the Central Area Design Guide by Council Officers. If however there are 'special circumstances' that would warrant public notification the RMA contains provision that allows officers to publicly notify or serve notice. The Committee therefore considered it appropriate to amend the non-notification provision to apply to all consent applications being sought under this rule. The amendment accords with the outcomes sought by the Proposed Plan Change.

4.30 AMEND MATTERS OF DISCRETION FOR RESTRICTED DISCRETIONARY ACTIVITIES (A) AND (B)

(AMENDMENT 54)

4.30.1 Submission

New Zealand Transport Agency [DPC14/9 (9.7)] requested that the matters of discretion for Rules 5A 2.2(a) and (b) for traffic effects be amended by adding consideration of the number of traffic movements, congestion and other modes of transport.

Retail Holdings Ltd and Lower Hutt Properties Ltd [DPC14/10 (10.12 and 10.13)] requested the matters of discretion for Rules 5A 2.2 (a) and (b) for traffic effects be amended to limit consideration to site access and site servicing arrangements.

Westfield (NZ) Ltd [DPC14/FS4 (FS4.1)] supported the submissions (10.12) and (10.13) by Retail Holdings Ltd and Lower Hutt Properties Ltd and sought that a criteria be added requiring consideration of those matters identified in the relevant objectives and policies.

New Zealand Transport Agency [DPC14/FS2 (FS2.4 and FS2.5)] opposed the submissions (10.12) & (10.13) from Retail Holdings Ltd and Lower Hutt Properties Ltd and requested their originally requested amendments be made.

4.30.2 Discussion

The Proposed Plan Change proposed amendments to rule 5A 2.1 to clarify what activities require consent as a Restricted Discretionary Activity.

Submissions seeking changes to the matters of discretion were made. A submission by NZTA was also made seeking that other matters be added to the matters for consideration.

Large format retail stores have been removed as activities that require consent under Amendment 50. The Committee concurred with the submitter that traffic related effects generated by larger format retailers are better dealt with under other provisions of the District Plan. The notified provisions were therefore seen as appropriate matters over which council should limit its discretion.

It was noted that the submissions by Retail Holdings are effectively superseded as a consequence of other changes, i.e the removal of the need for consent for larger format retail activities in the central area.

4.30.3 Decision

Accept in part submission (10.12) and (10.13) by Retail Holdings, insofar as the rule requiring consent for larger retail activities is removed.

Accept in part further submission (FS4.1) by Westfield (NZ) Ltd, insofar as the rule requiring consent for larger retail activities is removed.

Reject further submissions (FS2.4) and (FS2.5) by New Zealand Transport Agency in so far as Retail Holdings submission is upheld to the extent that 5A 2.2.1 (a) and (b) (as notified), are not included.

Reject submission (9.7) by NZTA in so far as the suggested wording is not included, as 5A 2.2.1 (a) and (b), (as notified) is no longer included.

Provisions 5A 2.2.1 (a) to (c), to read as follows:

- (a) The construction, alteration of, and addition to buildings and structures, except for those works permitted under Rules 5A 2.1(b) and (c).
 - (i) Design, external appearance and siting of the building or structure.
 - (ii) Traffic effects, including effects on the transport network and the suitability of site access and site servicing arrangements.
 - (iii) Matters in the Central Commercial Activity Area Design Guide (Appendix Central Commercial 8).
- (b) The construction, alteration of, and addition to buildings and structures over 12 metres in height (except for those works permitted under Rules 5A 2.1(b) and (c)) and where any part of the building or structure fronts a street, pedestrian mall, pedestrian walkway, or other public space identified in Appendix Central Commercial 5 - Wind Protection.
 - (i) The effects of wind on public space and adjoining areas.
- (c) Emergency Facilities.
 - (i) Traffic Effects:
 - The adverse effects on the roading network generated by the emergency facilities.
 - The adverse effects on traffic, cycle and pedestrian movement, parking and access in the immediate vicinity of the site.
 - (ii) Appearance of Buildings and Structures:
 - The adverse effects on the visual impression of the streetscape. In this respect an important consideration is the likely impact on the continuous display window frontage requirements.
 - (iii) Matters in the Central Commercial Activity Area Design Guide (Appendix Central Commercial 8).

Discretionary matters are re-worded and numbered in response to changes to rule adopted under Amendment 50

4.30.4 Reason

The Committee considered that the notified text be generally retained with respect to construction and alterations of buildings and emergency facilities.

An amendment in response to the NZTA submission has been added, i.e inclusion of consideration of the effects on the transport network.

Given earlier amendments that removed larger format retailing from requiring consent other amendments were not deemed necessary.

A consequence of the removal of retailing from matters that require consent under this rule is a need to re-number the rule. The wording and numbering outlined above reflects the change adopted by the Hearings Committee.

4.31 AMEND MATTERS OF DISCRETION FOR RESTRICTED DISCRETIONARY ACTIVITIES (D)

(AMENDMENT 56)

4.31.1 Submission

No submissions were received with respect to this amendment.

4.31.2 Discussion

A consequence of removing those activities outlined in Amendment 50 is that the matters of discretion must be re-numbered.

4.26.3 Decision

The discretionary matters for Emergency Facilities is re-numbered 5A 2.2.1 (c), as follows:

- (c) Emergency Facilities.
 - (i) Traffic Effects:
 - The adverse effects on the roading network generated by the emergency facilities.
 - The adverse effects on traffic, cycle and pedestrian movement, parking and access in the immediate vicinity of the site.
 - (ii) Appearance of Buildings and Structures:
 - The adverse effects on the visual impression of the streetscape. In this respect an important consideration is the likely impact on the continuous display window frontage requirements.
 - (iii) Matters in the Central Commercial Activity Area Design Guide (Appendix Central Commercial 8).

4.31.4 Reason

This minor variation to the notified Proposed Plan Change is a result of an earlier adopted amendment.

4.32 ADD MATTERS OF DISCRETION FOR RESTRICTED DISCRETIONARY ACTIVITIES (D)

(AMENDMENT 57)

4.32.1 Submission

Foodstuffs Co-operative Society Ltd [DPC14/5 (5.6)] requested that matter of discretion for Rule 5A 2.2(d) for traffic effects be deleted.

Retail Holdings and Lower Hutt Properties Ltd [DPC14/FS3] supported the submission (5.6) by Foodstuffs.

Retail Holdings Ltd and Lower Hutt Properties Ltd [DPC14/10 (10.12) and (10.13)] requested that the matters of discretion on traffic effects be amended to limit consideration to site access and site servicing arrangements.

Retail Holdings suggested the inclusion of the following wording in criteria (ii) of clause 5A 2.2.1(d):

“(ii) Traffic effects, ~~including~~ but limited to the suitability of site access and site servicing arrangements.”

Westfield (NZ) Ltd [DPC14/FS4 (all)] supported the submission (10.12) by Retail Holdings.

New Zealand Transport Agency [DPC14/FS2 (FS2.6)] opposed the submission (10.12) by Retail Holdings and requested their originally requested amendments be made.

New Zealand Transport Agency [DPC14/9 (9.7)] requested that the matters of discretion for Rules 5A 2.2 (d) for traffic be amended by adding consideration of the number of traffic movements, congestion and other modes of transport. They suggested that the following matter in which Council has Restricted its Discretion for (a) (ii), (b) (ii) and (d) (ii) of 5A 2.2.1, be inserted as follows:

“(ii) Traffic effects, including the suitability of site access, ~~and~~ site servicing arrangements, number of traffic movements and potential for congestion, and use of other transport modes.”

Making Places Reference Group [DPC14/8 (8.6)] supports the amendment.

4.32.2 Discussion

The Proposed Plan Change proposed the inclusion of discretionary matters for construction and alteration works to buildings being considered under this rule. The intent of Amendment 57 was to clarify which matters can be considered.

Submissions were received both opposing and supporting amendment 57, particularly criteria (ii) of the new clause, which sets out a requirement to consider potential traffic effects.

The Committee noted that new building works can be a generator of significant amounts of traffic. Rule 5A 2.2 (d) seeks to manage the effects of these traffic movements. Limiting the matter of discretion to site access and site servicing is not considered appropriate, as the traffic effects on the

transport network would be an important consideration in assessing any resource consent application.

The relief sought by the New Zealand Transport Agency focuses on specific aspects of the traffic effects, which may or may not be an issue for different developments. The Committee considered that rather than focusing on these specific aspects, adding a reference to 'the transport network' would appropriately encapsulate these matters. It is considered that this amended wording would better reflect the original intent of this matter of discretion.

4.32.3 Decision

Reject submission (5.6) by Foodstuffs requesting that 5A 2.2.1 (d) (ii) (consideration of traffic effects) be deleted.

Reject further submission (FS3) by Retail Holdings in support of the Foodstuffs submission (5.6), in so far as the matter of discretion (ii) is retained.

Accept submission (8.6) by Making Places Reference Group, which supported amendment 57.

Reject submission (10.14) by Retail Holdings, which seeks to limit consideration of traffic effects to only site access and servicing matters.

Reject further submission (FS4) by Westfield, which supported submission (10.14).

Accept further submission (FS2.6) by NZTA, which opposed the submission by Retail Holdings (10.14) in so far as that submission is not adopted.

Accept in part submission (9.7) by NZTA, insofar as the matters of discretion in 5A 2.2.1 (d) are amended to require the consideration of effects on the transport network.

Discretionary matters 5A 2.1.1 (d) to read as follows:

- (a) The construction, alteration of, and addition to buildings and structures, except for those works permitted under Rules 5A 2.1(b) and (c).
 - (i) Design, external appearance and siting of the building or structure.
 - (ii) Traffic effects, including effects on the transport network and the suitability of site access and site servicing arrangements.
 - (iii) Matters in the Central Commercial Activity Area Design Guide (Appendix Central Commercial 8).

4.32.4 Reason

The matters over which council has restricted its discretion for the construction, alteration and addition to buildings are seen as appropriate in terms of controlling development to achieve the outcomes sought by the

Proposed Plan Change. The matters listed, including consideration of traffic effects adequately address effects to achieve the desired outcome.

4.33 NEW RESTRICTED DISCRETIONARY ACTIVITIES STANDARD (B) - NOISE INSULATION AND VENTILATION

(AMENDMENT 60)

4.33.1 Submission

Petone Planning Action Group (PPAG) [DPC14/14 (14.9)] raised concern about noise and visual clutter from mechanical ventilation units outside buildings.

4.33.2 Discussion

The submission by PPAG was discussed at the pre-hearing meeting. The Committee were advised that it was noted that ventilation equipment would be required to comply with the maximum noise standards for the Central Commercial Activity Area. In terms of visual clutter, ventilation components are excluded from the definition of 'height'. However, poorly located or designed equipment on rooftops or in prominent positions, if located on ground level, can detract from the amenity values of the Central Commercial Activity Area. Given the operational requirements and generally small scale of this equipment, it is not considered effective or efficient to add any new rules or standards.

4.33.3 Decision

Accept in part submission (14.9) by PPAG, in so far as the standard recognises that ventilation equipment must comply with the maximum noise level requirements.

4.33.4 Reason

The proposed standard and term adds a noise insulation and ventilation standard to be complied with for new buildings. The new standards are in line with other district plan provisions and are introduced to ensure new buildings in the Central Commercial Activity Area meet national standards.

The Committee considered that the amendment is a useful tool in achieving good building design outcomes for the Central Commercial Activity Area.

4.34 ADD NEW RESTRICTED DISCRETIONARY ACTIVITIES STANDARD (C) - WIND PROTECTION

(AMENDMENT 61)

4.34.1 Submission

Stephen Shadwell [DPC14/6 (6.4), (6.5) and 6.6)] queried aspects of the new wind requirements, and suggested consideration of alternative thresholds for height and building additions as triggers for applying the wind requirements.

4.34.2 Discussion

The Proposed Plan Change proposes to introduce new provisions for buildings over 12m in height to control adverse safety, cumulative and comfort effects that result from the construction of larger buildings.

The Committee were advised that the matters raised by the submitter was discussed at the pre-hearing meeting held in August. The 12m height limit was explained, along with the fact that the wind requirements only applied to specific streets/intersections. The submitter queried the new wind requirements and sought some changes to the rule, particularly around its application.

The Committee understand that the advice from a specialist in wind effects was that any alterations or additions to existing buildings over 12 metres in height should be subject to a wind assessment. Minor changes to the façade of a building can significantly influence the wind dynamics of a building, and such changes should be subject to a case-by-case assessment. Minor additions and alterations to existing buildings are permitted under Rules 5A 2.1 (b) and (c), with these building works exempt from the wind requirements. Therefore, the current wording of Rule 5A 2.2.2 (c) is considered to apply an appropriate trigger for applying the wind requirements, which allow for minor changes.

The reporting Planner for Council advised that following a review of advice from the wind specialist, the 12 metre height limit did factor in the verandah requirements. Therefore, a taller height trigger was not considered appropriate.

The reporting Planner advised that a correction is required to the text in Amendment 61 to ensure consistency with the related rule wording in Amendments 51 and 58. He recommended that the first section of text in Amendment 61 read as follows:

- (c) The construction, alteration of, and addition to buildings and structures over 12 metres in height (except for those works permitted under Rules 5A 2.1(b) and (c)) and where any part of the building or structure fronts a street, pedestrian mall, pedestrian walkway, or other public space identified in Appendix Central Commercial 5 – Wind Protection shall comply with the following standards:

The Committee agreed that the correction is appropriate.

4.34.3 Decision

Accept in part submissions (6.4, 6.5 and 6.6) by Stephen Shadwell in so far as clarifying how, where and what building changes the wind requirements apply to.

The suggested wording by the Planner for Council be added as suggested:

- (c) ~~The construction of new buildings and structures under Rule 5A 2.2.1(e)~~ The construction, alteration of, and addition to buildings and structures over 12 metres in height (except for those works permitted under Rules 5A 2.1(b) and (c)) and where any part of the building or structure fronts a street, pedestrian mall, pedestrian walkway, or other public space identified in Appendix Central Commercial 5 - Wind Protection shall comply with the following standards:

4.34.4 Reason

The new wind rules impose a requirement to consider the wind effects of a proposed building in its design. These requirements will ensure that taller buildings do not alter the wind environment such that they lead to effects that adversely impact on the quality of the central commercial area. This approach is appropriate and consistent with the objectives of the Proposed Plan Change.

4.35 AMEND DISCRETIONARY ACTIVITIES (A) AND (B)

(AMENDMENT 62)

4.35.1 Submission

Foodstuffs Co-operative Society Ltd [DPC14/5 (5.7)] requested that Rule 5A 2.3 (b) be amended by deleting reference to the 'Core Precinct'.

Foodstuffs Co-operative Society Ltd [DPC14/5 (5.10)] requested that any non-compliance with the permitted or restricted discretionary activity standards should default to a restricted discretionary activity and not full discretionary.

Retail Holdings and Lower Hutt Properties Ltd [DPC14/FS3] supported the submissions (5.7) and (5.10) by Foodstuffs.

Harvey Norman Stores Pty NZ Ltd [DPC14/13 (13.8)] requested that Rule 5A 2.3(b) be amended to apply to the 'Riverfront (Core) Precinct'.

Harvey Norman suggested the following wording for Rule 5A 2.3 (b):

- “(b) Any single retail activity with a gross floor area exceeding 3,000m² in the Core, Riverfront (Core) and Residential Transition Precincts identified in Appendix Central Area Commercial 1 - Precincts.”*

4.35.2 Discussion

The Proposed Plan Change amends 5A 2.3 to reflect changes to the District Plan being introduced through DPC14, i.e. the introduction of new sub-zones within the Central Commercial Activity Area.

A number of submissions were received with respect to the proposed amendments.

One objective of the Proposed Plan Change is to encourage a public and pedestrian focused core area in the Central Commercial Activity Area. Retail activities will play a role in this pedestrian focused environment by providing goods and services for local residents and visitors, as well as contributing to the attractiveness and vibrancy of the area.

A large number of smaller retail activities (commonly referred to as 'fine grained') generally create a more pedestrian focused environment than a smaller number of larger retail activities. Single large format retail activities can overly dominate the streetscape, have limited variety and interest.

In addition, larger format retail activities are more vehicle oriented in nature, and can be single shop destinations. Therefore, these larger format retail activities can generate higher private vehicle movements than a range of smaller retail activities.

Deleting Rules 5A 2.2 (a) or amending it by removing reference to the Core Precinct would undermine the proposed objectives by diluting and conflicting with the centrally located public focus retail core.

The proposed restricted discretionary activity status rules recognise retail activities of all sizes are generally appropriate throughout the central area.

For non-compliances with the permitted activity and restricted discretionary activity performance standards, proposals would default to a full discretionary activity under Rule 5A 2.3 (a). This activity status means all aspects of a proposed development can technically be assessed as part of the resource consent process.

The relief sought by Foodstuffs requested that non-compliances default to a restricted discretionary activity. The matter of discretion would be focused on the actual or potential adverse effects of the non-compliance.

This request is supported for permitted activity non-compliances, as it provides for a more effective and efficient consent process, where the assessment only considers the non-complying aspect, and not other aspects which comply with the District Plan requirements. However, for restricted discretionary activities that do not comply with the applicable standards, it is considered full discretionary activity status is appropriate, as it ensures a thorough assessment of the potential effects. New Rule 5A 2.2 (f) is therefore added to address this issue.

The submission by Harvey Norman highlighted the differences between the two areas of the Riverfront Precinct, one at the north near Melling Link and the other at the south near Daly Street. The Committee concurred with the submitter that these two distinct areas be recognised in the Precincts. The

Riverfront Precinct has been amended (in various sections throughout the Proposed Plan Change) to be called “Riverfront (Core) Precinct” and “Riverfront (Commercial) Precinct”.

4.35.3 Decision

Accept in part submission (5.7) by Foodstuffs, insofar as larger format retail activities will not require consent as a discretionary activity.

Accept in part further submission (*FS3 (all)*) by Retail Holdings, which supports the submission (5.7) by Foodstuffs.

Accept in part submission (5.10) by Foodstuffs, insofar as non-compliances with permitted activity standards will require consent as a restricted discretionary activity.

Accept in part further submission (*FS3 (all)*) by Retail Holdings, insofar as it supported submission (5.10) by Foodstuffs.

Accept submission (13.8) by Harvey Norman insofar as any larger format retail activity (Rule 5A 2.3 (b)) is removed from activities to consider as discretionary activities.

Rule 5A 2.3 (a) is amended as follows:

- (a) Except where stated in the General Rules, ~~any Permitted or Restricted Discretionary Activity~~ which fails to comply with any of the relevant ~~Permitted Activity Conditions, Restricted Discretionary Activity Standards or Terms~~, or relevant requirements of Chapter 14 - General Rules.

Rule 5A 2.3 (b) is deleted in its entirety.

New rule 5A 2.2 (f) is added as follows:

- (f) Except where stated in the Central Commercial Activity Area or General Rules, any Permitted Activity which fails to comply with any of the relevant Permitted Activity Conditions, or relevant requirements of Chapter 14 - General Rules.

New Matters of Discretion for Rule 5A 2.2.1(f) as follows:

- (f) Except where stated in the Central Commercial Activity Area or General Rules, any Permitted which fails to comply with any of the relevant Permitted Activity Conditions, or relevant requirements of Chapter 14 - General Rules.
- (i) Any actual or potential adverse effects arising from the proposed non-compliance, and measures to avoid, remedy or mitigate such effects.

4.35.4 Reason

The rules make explicit those activities that can be considered as restricted discretionary activities and those that must be considered as discretionary activities.

The Committee saw it as appropriate that activities not meeting the relevant Permitted Activity Conditions, or relevant requirements of Chapter 14 - General Rules should be considered as restricted discretionary activities, rather than fully discretionary activities. A result of this change is consequential need for additions to Restricted Discretionary Activity rule 5A 2.2.1, and the attendant matters of discretion (5A 2.2.1). Those changes, as recommended by the reporting Officer for Council, are adopted as part of the Proposed District Plan Change.

The reporting Officer for Council submitted a minor amendment to Rule 5A 2.3 (a), that being the removal of strike-out of "*or relevant requirements of Chapter 14 - General Rules*". The recommended change is adopted.

4.36 ADD DISCRETIONARY ACTIVITY (E) - SERVICE STATIONS (AMENDMENT 65)

4.36.1 Submission

D Mann (Rutherford Holdings Ltd) [DPC14/4 (4.1)] requested that the definition of 'service station' be amended to exclude 'repair and servicing of motor vehicles' so that vehicle mechanic outlets remain a permitted activity.

4.36.2 Discussion

The Proposed Plan Change proposed to introduce Service Stations as an activity in the Central Commercial Activity Area that require consent as a discretionary activity. A submission was received from D Mann for Rutherford Holdings Ltd requesting that the definition of service station be amended to exclude the repair and servicing of motor vehicles, so that vehicle mechanic workshops can remain a Permitted Activity.

Amending the definition of 'service stations' to exclude the 'repair and servicing of motor vehicles' would however apply to all Activity Areas in the District Plan where there is a specific reference to 'service stations' in the rules or standard. Therefore, this change would have implications outside of the central area.

However, it is recognised that the repair and servicing of motor vehicles is necessary for local residents, and providing for this type of activity within parts of the central area is therefore considered appropriate. A description of what is meant by service station in the context of this rule allows some activities, such as mechanical engineering workshops to operate as a Permitted Activity.

4.36.3 Decision

Accept in part submission (4.1) by D. Mann, insofar as the rule is amended to permit motor vehicle repair and servicing in the Commercial Precinct.

Rule 5A 2.3 (e) is amended as follows:

- (e) Service stations, except for the mechanical repair and servicing of motor vehicles, (excluding trucks, buses and heavy vehicles) trailers and motor fuelled domestic equipment, provided that all motor repair and servicing activities are undertaken inside a building. For the purposes of this rule, mechanical repairs and servicing shall not include body repairs, panel beating, trimming, spray painting, and heavy engineering (such as engine reboring and crankshaft regrinding).

Add to Rule 2.1.1(g) **(see Amendment 44 for the other parts of this rule)**

- (v) No mechanical repair and servicing of motor vehicles, trailers or motor fuelled domestic equipment shall be undertaken on the site.

4.36.4 Reason

The primary reason for managing ‘service stations’ as a discretionary activity is that there is the potential for incompatibility with other activities in the central area (such as residential), as well as the potential effects on streetscape and amenity values.

The Commercial Precinct at the northern end of the central area is the appropriate location for the repair and servicing of motor vehicle activities. This location is characterised by generally larger scale activities and residential activities are not as likely to occur in this location. In addition, it is not considered appropriate that repair and servicing of motor vehicle activities be undertaken on sites abutting the Residential Activity Area, as this could result in significant amenity conflicts.

The Committee therefore considered that a rule controlling the construction and operation of service stations is appropriate. Also appropriate is the inclusion of text defining what is meant by a service station to allow associated activities, such as mechanical repair facilities to be established as a permitted activity.

4.37 APPENDIX CENTRAL COMMERCIAL 1 - PRECINCTS

(AMENDMENT 74)

4.37.1 Submission

R & E Marvelly [DPC14/1 (1.2)] supported the inclusion of precinct areas.

Making Places Reference Group (MPRG) [DPC14/8 (8.2)] supported the inclusion of precinct areas.

Hutt Valley Chamber of Commerce [DPC14/16 (16.2)] supported the proposed precincts.

Foodstuffs Co-operative Society Ltd [DPC14/5 (5.1)] requested that Appendix Central Commercial 1 be amended by applying the 'Commercial Precinct' to the New World site rather than the 'Core Precinct' and/or by adding policies and explanation to 5A 1.1.3 to recognise the need to enable the sustainable management of existing single larger retail activities within the Core Precinct with associated car parking.

Retail Holdings and Lower Hutt Properties Ltd [DPC14/FS3] supported the submission (5.1) by Foodstuffs.

McDonald's Restaurants NZ Ltd [DPC14/17A (17.A1)] requested that Appendix Central Commercial 1 be amended by applying the 'Commercial Precinct' to the block bounded by Raroa Road, High Street and Kings Crescent, and in particular the McDonald's site, rather than the 'Core Precinct'.

Westfield NZ Ltd [DPC14/FS4] supported the submission (17.1) by McDonald's.

Harvey Norman Stores Pty NZ Ltd [DPC14/13 (13.4)] requested that Appendix Central Commercial 1 be amended by dividing the proposed 'Riverfront Precinct' into the 'Riverfront (Core) Precinct' and the 'Riverfront (Commercial) Precinct'.

Greater Wellington Regional Council [DPC14/15 (15.7)] requested that Appendix Central Commercial 1 be amended by excluding the Hutt River Corridor from the precinct areas (i.e. exclude Daly Street). They also requested that the small triangular section on the northern side of the Melling Bridge area be excluded from the 'Riverfront Precinct' as a result of extending the Harvey Norman boundary.

Harvey Norman Stores Pty NZ Ltd [DPC14/FS5] opposed the submission (15.7) by GWRC.

4.37.2 Discussion

The Proposed Plan Change proposes to remove Appendix Central Commercial 1 from the District Plan and replace it with a new Appendix Central Commercial 1 - Precincts.

Submissions were received both in support and in opposition to the change to the Appendix Central Commercial 1. Requests to remove specific sites from the certain areas defined by the new Appendix Central Commercial 1 - Precincts by amending the precinct areas were received; a submission was also

made to divide the proposed Riverfront Precinct into a Riverfront 'Core' Precinct and a Riverfront 'Commercial' Precinct.

The support for the Introduction of Precinct areas from R & E Marvally, Making Places Reference Group (MPRG) and Hutt Valley Chamber of Commerce was noted.

Foodstuffs sought that the New World site be removed from the Core Precinct and become part of the Commercial Precinct. The New World site is located within the block bordered by Queens Drive, Waterloo Road, Bloomfield Terrace and Kings Crescent. This street block is located on the eastern side of the Core Precinct. Queens Drive is one of the main streets through the southern end of the central area, and Waterloo Road and Kings Crescent are major roads connecting with the residential and wider city to the east. The location and characteristics of this street block is an integral part of the Core Precinct and is a contiguous and coherent part of this Precinct. Revising the boundaries and extent of the Core and Commercial Precincts to incorporate the New World site as part of the Commercial Precinct is not supported, as it would create an island and be at odds with the central pedestrian focused core objective. The Commercial Precinct is separated by one street block from the New World site, therefore, it would also not be contiguous with the remainder of the Commercial Precinct.

Foodstuffs sought alternative relief regarding amendments to the policies if the Precinct change was not supported. Amendments 15 and 19, achieve the relief sought, in part.

McDonald's Restaurants have requested their site (as well as the whole street block) be changed from the Core Precinct to the Commercial Precinct.

Having reviewed the location and extent of the Precincts in response to this request, the Committee considered that the notified location and extent of the Precinct are appropriate. The Queens Drive/High Street intersection is the northern extent of the 'Core' area for the central area. The four corners of this intersection are considered to have a key role in establishing the start/end to the core, with the relationship and profile of these corner sites being particularly important.

In addition, Raroa Road is a street with higher amenity values with the well-established street trees and the majority of existing buildings are located on or near the front boundary. These values are partly the future anticipated character desired by this Proposed Plan Change for this area. Applying the Core Precinct to the southern side of Raroa Road seeks to maintain and enhance the relationship of activities and development to the street through ensuring activities are oriented towards the street and buildings are located on the front boundary. The Commercial Precinct character is not considered appropriate on the southern side of the street as it could diminish the existing streetscape and amenity values.

However Amendment 76 removes the Raroa Road frontage of the McDonald's site from the Appendix Central Commercial 3 - Verandahs, Building Frontages and Display Windows area. The amendment therefore addresses some of the matters raised in the submission by McDonald's.

The reporting Planner for Council advised that at the pre-hearing meeting with Harvey Norman and Greater Wellington Regional Council (GWRC) in August, the requested changes to Appendix Central Commercial 1 were discussed. It was clarified during the meeting that the changes requested by GWRC regarding the Hutt River corridor related to the graphics in the Design Guide showing the extent of the Precincts covering roads. These graphics are amended to remove the Precinct overlays from roads (Amendment 81).

GWRC had requested that land by Melling Bridge be removed from the Riverfront Precinct. The small triangular section of land on the northern side of Melling Bridge did not relate to the Harvey Norman site (on the southern side of Melling Bridge). In addition, GWRC confirmed that it is currently investigating flood protection upgrade works in this area and that some land acquisition may be required. However, as no formal proceedings have commenced at this time, the proposed extent of the Precinct areas which follow current cadastral boundaries is considered the most appropriate approach. The Committee noted that if land is acquired in the future, the Precinct areas could be adjusted if required by way of a Plan Change process.

Harvey Norman highlighted in their submission the differences between the two areas of the Riverfront Precinct, one at the north near Melling Link and the other at the south near Daly Street. The requested change is made as part of this and other amendments within the Proposed Plan Change.

4.37.3 Decision

Accept the submissions in support from R & E Marvelly (1.2), Making Places Reference Group (8.2) and Hutt Valley Chamber of Commerce (16.2) insofar as the precincts have been adopted for inclusion.

Reject submission (5.1) by Foodstuffs Co-operative Society Ltd. The zoning of the New World site is not altered from that which was notified.

Accept submission (13.4) by Harvey Norman Stores Pty NZ Ltd insofar as Appendix Central Commercial 1 and associated policies and rules are amended to refer to the Riverfront (Core) and Riverfront (Commercial) Precincts.

Accept in part submission (15.7) by Greater Wellington Regional Council, insofar as the Precinct Plan in the Design Guide is amended to exclude roads.

Reject further submission (FS5.3) by Harvey Norman Stores Pty NZ Ltd, insofar as the submission by GWRC is supported.

Accept in part submission (17.1) by McDonalds, insofar as the submission is addressed by changes adopted under other amendments.

Accept in part further submission (FS4) by Westfield NZ Ltd, insofar as submission 17.1 by McDonald's is addressed through other amendments.

Riverfront Precinct

Policy 5A 1.1.1(b) is amended as follows:

- (b) Recognise that the Central Commercial Activity Area has ~~four~~ five precincts, being: Core, Commercial, Riverfront (Core), Riverfront (Commercial) and Residential Transition, which have different issues and values, with different management approaches (see Map in Appendix Central Commercial 1 – Precincts).

The Explanation and Reasons section in 5A 1.1.1(b) is amended as follows:

The Central Commercial Activity Area needs to be of a sufficient capacity to meet the needs of current and future generations. The existing footprint of the central area is well-established with boundaries defined based on existing land uses. Within the overall central area, there are ~~four~~ five sub-areas or precincts which have specific issues and values. These precincts are entitled Core, Commercial, Riverfront (Core), Riverfront (Commercial) and Residential Transition, and have different management frameworks and requirements applying to the respective precincts.

Policy 5A 1.2.1(d) to read as follows:

- (d) Manage building height based on precincts which reflect the form and context of their location, with taller buildings in the Core, Riverfront (Core) and Riverfront (Commercial) Precincts and lower buildings in the Commercial and Residential Transition Precincts.

The fifth paragraph in the Explanation and Reasons in 5A 1.2.1 to read as follows:

The general built form of Lower Hutt City is based on a conceptual urban transect of taller buildings and higher density in the central area through to lower buildings and density in the surrounding areas. In the Central Commercial Activity Area, the tallest buildings are located in the centre, being the Core, Riverfront (Core) and Riverfront (Commercial) Precincts, with lower buildings in the Commercial and Residential Transition Precincts reflecting the gradation towards the predominantly residential areas. Height standards are applied to manage new buildings which reflect this built form.

Policy 5A 1.2.4(b) to read as follows:

- (b) Manage new buildings and larger additions to existing buildings in the Riverfront (Core) and Riverfront (Commercial) Precincts to ensure they are designed to provide for adaptation in the future to respond to the upgraded flood protection works.

The first paragraph in the Explanation and Reasons in 5A 1.2.4 to read as follows:

Buildings located within the Central Commercial Activity Area which are adjacent to the Hutt River corridor present some opportunities and constraints for maintaining and enhancing the attractiveness and vitality of the central area. The development of a river side promenade could occur in conjunction with an upgrade to the flood protection works adjacent to the central area. Buildings and development adjacent to this promenade will play a key role in activating this area, to create a vibrant and attractive area. New buildings and larger additions to existing buildings in the Riverfront (Core) and Riverfront (Commercial) Precincts need to be designed to provide for future adaptation to facilitate the long term vision for the riverfront, such as providing for a future active edge on the first floor facing Daly Street. Furthermore, in managing new buildings and development and larger additions to existing buildings, a key characteristic will be facilitating improved public access along the river corridor and connections with the core area of the Central Commercial Activity Area.

Policy 5A 1.2.5(d) as follows:

(d) Manage ground level carparking areas and carparking within structures in the Core, Riverfront (Core), Riverfront (Commercial) and Residential Transition Precincts to maintain and enhance the streetscape and character in these precincts.

Rule 5A 2.3(d) is amended as follows:

(d) Residential activities on the ground floor in the Core, Riverfront (Core), Riverfront (Commercial) and Commercial Precincts identified in Appendix Central Commercial 1 - Precincts.

Rule 5A 2.3(f) is amended as follows:

(f) Car Sales Yards in the Core, Riverfront (Core), Riverfront (Commercial) and Residential Transition Precincts identified in Appendix Central Commercial 1 - Precincts.

Rule 14A (iv) 2.1(b) to read as follows:

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

4.37.4 Reason

The inclusion of new commercial appendix area precincts is essential to achieving the outcomes sought by the Proposed Plan Change. The separation

of the riverfront precinct into two was seen as a positive change, given the distinct character of those areas.

4.38 APPENDIX CENTRAL COMMERCIAL 2 - MAXIMUM HEIGHT (AMENDMENT 75)

4.38.1 Submission

R & E Marvelly [DPC14/1 (1.3)] supported the proposed maximum height requirements.

Stephen Shadwell [DPC14/6 (6.2) and (6.3)] requested that the 12 metre height limit be reviewed and a higher height limit applied, particularly for buildings with verandahs.

Louise Ferrari [DPC14/11 (11.1)] requested that the tallest buildings should not be located near the river corridor.

McDonalds Restaurants NZ Ltd [DPC14/17A (17A.1)] requested that Appendix Central Commercial 2 be amended by applying the 'Commercial Precinct' and 12 metre height limit to the block bounded by Raroa Road, High Street and Kings Crescent, and in particular the McDonald's site rather than the 'Core Precinct'.

Westfield NZ Ltd [DPC14/FS4] supported the submission (17.1) by McDonald's.

4.38.2 Discussion

The Proposed Plan Change proposes to remove Appendix Central Commercial 2 from the District Plan and replace it with a new Appendix Central Commercial 2 - Maximum Height to introduce new maximum building height zones within the Central Commercial Activity Area.

Submissions both supporting and opposing the amendment were received. Some submitters wanted the zone boundaries to be altered to include/exclude certain sites, whilst others sought that the height limit be made more or less restrictive, particularly in certain areas.

The support for the maximum height requirements by R & E Marvelly was noted.

In terms of the height of buildings adjacent to the Hutt River corridor, providing for taller buildings in the 'Riverfront Precinct' responds to the policy directions in the CBD Vision and CBD Making Places exercises. Allowing for taller buildings in this area would encourage a greater range and intensity of land use. This intensification of activities would increase the number of people living and/or working in the area which would contribute to the social and economic wellbeing of the central area.

However, it is recognised the area adjacent to the river corridor is subject to the risk of flooding. The existing and upgraded flood protection works would provide a level of protection to the whole central area, not just buildings on

the river front. New buildings constructed adjacent to the river corridor will be assessed to ensure the building design takes into account its relationship to the river edge. In addition to assessing the relationship to the river corridor, the overall building design would be assessed. This overall assessment is considered appropriate to improve the quality of new building stock in the central area. In terms of flooding, the existing and proposed plan provisions would appropriately manage any likely risk, and it is considered taller buildings are unlikely to exacerbate this.

McDonald's Restaurants submitted that their site be omitted from the 18m maximum height area. The McDonald's site is located on the corner of High Street and Raroa Road. McDonalds have requested this site (as well as the whole street block) be changed from the Core Precinct to the Commercial Precinct resulting in the 18m maximum height being amended to 12m maximum height instead. In reviewing the location and extent of the Precincts and height limits in response to this request, the notified provisions are considered appropriate, as discussed above.

In addition, Raroa Road is considered to be a street with higher amenity values and reflect the future character desired by this Proposed Plan Change, also as discussed above.

4.38.3 Decision

Accept submission (1.3) by R Marvally, insofar as Appendix Central Commercial 2 – Maximum Height is adopted as notified.

Reject submissions (6.2) and (6.3) by Stephen Shadwell in so far as the height limits shown in Appendix Central Commercial 2 are retained.

Accept in part submission (11.1) by Louise Ferrari in so far as Appendix Central Commercial 2 is retained as notified.

Accept in part submission (17.1) by McDonald's insofar as Amendment 76 removes the Raroa Road frontage of the submitters property from the verandah, building frontages and display window zone.

Accept in part further submission (FS4) by Westfield insofar as the relief sought in the submission by McDonalds is partially accepted.

4.38.4 Reason

The Proposed Plan Change proposes new maximum building height areas. The Committee noted that only limited opposition was received with respect to the introduction of Appendix Central Commercial 2 – Maximum Height.

In determining the proposed height limits the overall capacity of activities and development in the Central Commercial Activity Area, the overall city urban form, and relationship to streets and adjoining residential and recreation areas were factors that were considered.

The 12 metre height limit applies to the Residential Transition Precinct along the eastern side of the central area, the Ward Street commercial area at the

southern end, and the Commercial Precinct at the northern end. These areas are in close proximity to residential areas where taller buildings could degrade the character and amenity values of the residential areas.

The characteristics of this part of the Central Commercial Activity Area are low-rise buildings which typically have a commercial, retail or service use. Permitting taller buildings (above 12 metres) as of right in these areas is not considered appropriate as it would compromise the low rise character and amenity values of the adjoining residential areas and the character of these parts of the Central Commercial Activity Area. Taller buildings can over-dominate the street, excessive shading, and loss of privacy.

The 12 metre height limit is therefore retained for the Residential Transition Precinct as notified.

4.39 APPENDIX CENTRAL COMMERCIAL 3 - VERANDAHS, BUILDING FRONTAGES AND DISPLAY WINDOWS

(AMENDMENT 76)

4.39.1 Submission

D. Mann (Rutherford Holdings Ltd) [DPC14/4 (4.3)] requested that Appendix Central Commercial 3 be amended by removing the requirement to provide verandahs from 33 Rutherford Street and properties to the north.

Harvey Norman Stores Pty NZ Ltd [DPC14/FS5 (FS5.1)] supported submission (4.3) by D Mann.

Foodstuffs Co-operative Society Ltd [DPC14/5 (5.3)] requested that Appendix Central Commercial 3 be amended by removing the verandah requirements from the Waterloo Road and Kings Crescent frontages of the New World site and the Bloomfield Terrace frontage between Waterloo Road and Kings Crescent.

Retail Holdings and Lower Hutt Properties Ltd [DPC14/FS3] supported submission (5.3) by Foodstuffs.

Harvey Norman Stores Pty NZ Ltd [DPC14/13 (13.5)] requested that Appendix Central Commercial 3 be amended by deleting the verandah and display window controls relating to the Hutt River frontages for the area identified as Riverfront (Commercial) Precinct.

McDonald's Restaurants NZ Ltd [DPC14/17A (17A.1)] requested that Appendix Central Commercial 3 be amended by deleting the verandah and display window controls from the block bounded by Raroa Road, High Street and Kings Crescent, and in particular the McDonald's site at the corner of High Street and Raroa Road (and also fronting Kings Crescent).

Westfield NZ Ltd [DPC14/FS4] supported submission (17.1) by McDonald's.

Greater Wellington Regional Council [DPC14/15 (15.13)] supported the inclusion of Appendix Central Commercial 3 and requested that it be retained as notified.

4.39.2 Discussion

The Proposed Plan Change proposed to introduce an appendix that identifies areas where verandahs, building frontages and display windows are required to be provided in the Central Commercial Area.

The support from Greater Wellington Regional Council for the requirement for verandahs, building frontages and display windows was noted.

Submissions both in support and opposition to the proposed change were received; Foodstuffs sought that the New World site be removed from the area which requires display windows, verandahs and building frontages. The New World site is located within the block bordered by Queens Drive, Waterloo Road, Bloomfield Terrace and Kings Crescent. This street block is located on the eastern side of the Core Precinct. Queens Drive is one of the main streets through the southern end of the central area, and Waterloo Road and Kings Crescent are major roads connecting with the residential and wider city to the east. The location and characteristics of this street block is an integral part of the Core Precinct and is a contiguous and coherent part of this Precinct. Removing the verandah, building frontage and display window requirements from the whole street block or just the New World site would create a gap or broken section of verandahs which is at odds with the central pedestrian focused core objective.

Therefore, the requirement to provide verandahs building frontages and display windows along the Queens Drive, Waterloo Road and Kings Crescent frontages is retained.

However, Bloomfield Terrace is a connecting street within the central area and is not a major pedestrian route and does not have any particular destinations or pedestrian generating activities at either end. The verandah, building frontage and display window requirements do not therefore need to apply to the Bloomfield Terrace frontage. The recommendation from the Reporting Officer for Council to amend the Appendix Central Commercial 3 area to remove Bloomfield Terrace has therefore been adopted.

Whilst the Committee considered that retaining the McDonald's site within the Core precinct was appropriate, they agreed with the submitter that there was no need to require display windows or verandahs to be provided on the McDonald's site or neighbouring properties along the southern side of Raroa Road. Appendix Central Commercial 3 - Verandahs, Building Frontages and Display Windows has been amended accordingly (see Appendix 2 to this decision).

One of the consequential changes resulting from the separation of the Riverfront Precinct into two precincts (Riverfront (Core) Precinct and Riverfront (Commercial) Precinct) is the review of the verandah and display window requirements. However, the relationship of buildings to the Hutt River corridor is an important quality of the central area. Therefore, the verandah and display window requirements will continue to apply to the river side boundary of the Riverfront (Core) Precinct, but not the Riverfront (Commercial) Precinct, on either side of Melling Bridge.

With the removal of the verandah and display window requirements from the western side of Rutherford Street, the requirement is also removed from the eastern side, down to the boundary of the Core and Commercial Precincts.

4.39.3 Decision

Reject submission (4.3) by D Mann. The verandah requirements remain for the site at 33 Rutherford Street.

Reject further submission (FS5.1) by Harvey Norman that supports the submission by D Mann.

Accept in part submission (5.3) by Foodstuffs in so far as removing the verandah, building frontage and display window requirements from Bloomfield Terrace.

Accept in part further submission (FS3 (*all*)) by Retail Holdings in so far as the verandah, building frontage and display window requirements are removed with respect to Bloomfield Terrace.

Accept in part submission (13.5) by Harvey Norman, insofar as removing the verandah, building frontage and display window requirements from Rutherford Street, Melling Link and the riverside promenade.

Accept in part submission (15.13) by GWRC, insofar as the precincts are retained, with some changes responding to submissions.

Accept in part submission (17.1) by McDonald's, insofar as the verandah, building frontage and display window requirements are removed from the Raroa Road frontage of the McDonald's site.

Accept in part further submission (FS4.2 (*all*)) by Westfield that supports the submission by McDonald's insofar as the verandah, building frontage and display window requirement is removed from the southern side of Raroa Road.

Amend Appendix Central Commercial 3 – Verandahs, Building Frontages and Display Windows Map as shown in Appendix 2 of this report.

4.39.4 Reason

The Committee considered that the display window requirements are key to improving the aesthetic and streetscape quality of the Central Commercial Activity Area.

Whilst the Committee considered that removing the verandah, building frontage and display window requirements from individual sites would break up the continuity of those features along the street edge, it was considered appropriate to remove the requirement with respect to the southern side of Raroa Road and a section of the riverside promenade. The existing character of Raroa Road was considered. It was noted that many of the existing nearby

activities, including the Police Station are such that they are not appropriate uses that require display window frontages.

The provision of verandahs along the riverfront near Melling bridge would not lead to a continuity of character. A requirement to provide display windows in this location would lead to an isolated section of such features. It was therefore considered appropriate to adopt the relief sought by McDonald's and Harvey Norman.

The changes adopted are shown on the amended Appendix Central Commercial 3 - Verandahs, Building Frontages and Display Windows map attached to this report as Appendix 2.

4.40 APPENDIX CENTRAL COMMERCIAL 8 - CENTRAL COMMERCIAL ACTIVITY AREA DESIGN GUIDE

(AMENDMENT 81)

4.40.1 Submission

Making Places Reference Group (MPRG) [DPC14/8 (8.3)] supported the proposed design guide.

Petone Planning Action Group [DPC14/14 (14.17)] supported the proposed Design Guide.

Hutt Valley Chamber of Commerce [DPC14/16 (16.6)] supported the proposed Design Guide.

D Mann (Rutherford Holdings Ltd) [DPC14/4 (4.2)] requested that the Design Guide be amended by removing an isolation strip to allow access onto Melling Link Road.

Retail Holdings Ltd & Lower Hutt Properties Ltd [DPC14/10 (10.19) and 10.20)] requested amendments to Section 2.1 on Making a Good Street Frontage in relation to ground or surface level carparking.

Retail Holdings Ltd & Lower Hutt Properties Ltd [DPC14/10 (10.21)] requested amendments to the section in the Design Guide on Providing for Car Parking regarding the appropriate dimensions.

Retail Holdings submitted that the structure and approach of the Design Guide goes beyond providing guidance. They submitted that this is reflected in the language and content, for example reference Part A being '*statutory*', and a reference that proposals will be required to '*comply*'.

McDonalds Restaurants NZ Ltd [DPC14/FS7 (FS7.10 & FS7.11)] supported the submissions (10.19 & 10.21) by Retail Holdings Ltd & Lower Hutt Properties Ltd.

Retail Holdings Ltd & Lower Hutt Properties Ltd [DPC14/10 (10.22)] requested changes to the map diagram in Section 3.7 "Private or Public Lane Access Design" by deleting the new laneway identified on the submitters'

Westfield NZ Ltd [DPC14/FS4 (4.1)] supported the submission (10.22) by Retail Holdings.

Louise Ferrari [DPC14/11 (11.2, 11.3 and 11.4)] requested a series of amendments to the design guide relating to linking with the heritage schedule, protecting existing trees and managing signage.

Harvey Norman Stores Pty NZ Ltd [DPC14/13 (13.6)] requested that the Design Guide be amended by identifying the Riverfront Precinct as 'Riverfront (Core) Precinct' and 'Riverfront (Commercial) Precinct'.

Greater Wellington Regional Council [DPC14/15 (15.7, 15.8 and 15.9)] submitted support to the Design Guide and requested a number of amendments including amending the Precinct Plan and references to flood risk and flood protection works.

Harvey Norman Stores Pty NZ Ltd [DPC14/FS5 (FS5.3)] opposed some of the relief sought by GWRC.

McDonald's Restaurants NZ Ltd [DPC14/17A (17A.1, 17A.2, 17A.3, 17A.4 and 17A.5)] requested a number of amendments to the Design Guide including adding guidance on drive through restaurants and amending the design guidance similar to the requested changes to the rules and standards.

Westfield NZ Ltd [DPC14/FS4 (FS4.2)] supported the submission (17.A) by McDonald's.

4.40.2 Discussion

The Proposed Plan Change proposed the introduction of a Design Guide for the Central Commercial Activity Area. The support for the Design Guide from Making Places Reference Group, Petone Planning Action Group and Hutt Valley Chamber of Commerce was noted.

D. Mann for Rutherford Holdings Ltd submitted that an isolation strip between its property and Melling Link Road be removed. The reporting Planner for Council advised that the isolation strip that runs along Melling Link Road is a legal instrument registered on the submitter's Certificate of Title to restrict access to Melling Link Road from the submitter's property. The Proposed Plan Change does not propose to alter or change the status of this isolation strip in any way. Removing this isolation strip is a separate legal process not associated with the plan change.

The request to amend the maximum carparking frontage dimension from 15m to 18m is supported.

In her submission L Ferrari raised issues about the relationship and reference of other District Plan requirements and the Design Guide, particularly heritage and notable tree schedules. Additional text has been added to Section 1.2 'How the Design Guide Relates to the District Plan' of the Design Guide as detailed in the attached revised version of this document.

Retail Holdings Ltd and Lower Hutt Properties Ltd submitted that it is unclear what status the Design Guide has as an appendix to the District Plan. They raised questions about the meaning and appropriateness of using terminology such as "statutory" and "non-statutory". They submitted that if a matter in the Design Guide must be complied with it should be included in the Plan as a

rule or as a standard or term. Retail Holdings submitted that the Design Guide should give examples of designs that are considered to meet the assessment criteria in the District Plan. The Committee acknowledged the point raised in verbal submissions that whilst matters written into in the Design Guide may be intended for guidance purposes only now, they have the potential to be considered as rules by different planners at council in the future.

Retail Holdings also sought changes to specific 'statutory guidelines' within the Design Guide, including removal of a laneway that has been identified over the submitters land. They sought that if Council wishes to designate for a laneway in this location, then it should do so.

The Riverfront Precinct has been divided into the 'Riverfront (Core) Precinct' and 'Riverfront (Commercial) Precinct', in response to the submission by Harvey Norman.

The reporting Planner for Council advised that the graphics in the Design Guide showing the extent of the Precincts covering roads was clarified with GWRC and Harvey Norman in a pre-hearing meeting. It is noted that this Precinct Plan is part of the introduction in the Design Guide where for illustrative purposes, the Precincts are shown as contiguous areas, including covering roads. However, legal roads are technically not part of the precincts as shown in Precinct Plan in Appendix Central Commercial 1 of the Central Commercial Activity Area. The Precinct Plan in the Design Guide is retained as notified (except for the Riverfront (Commercial) and Riverfront (Core) Precinct amendment recommended above).

In terms of the Character and Context Description in Section 1.7 for the Riverfront Precinct, the amendments requested by GWRC are supported. These amendments would better describe the flood risk and environment for the Hutt River corridor. It is recommended Section 1.7 for the Riverfront Precinct read as shown in the attached version of the Design Guide.

McDonald's Restaurants requested that a new section be added to the Design Guide on Drive Through Restaurants. The Design Guide has sections which apply for all activity types. A section has been added to provide guidance for assessing application for vehicle oriented activities such as drive through restaurants and service stations. In addition, a new section is added on managing large format retail activities as they are anticipated to be a major type of development in the central area.

4.40.3 Decision

Reject submission (4.2) by Rutherford Holdings Ltd as the request is beyond the scope of the Proposed Plan Change. The isolation strip can be removed under another process.

Accept submission (8.3) by MPRG in that the Design Guide is included as part of the Proposed Plan Change.

Reject submission (10.19) by Retail Holdings, insofar as the requested change to exempt at-grade parking from the building frontage guideline.

Reject further submission (FS7) that supported the submission by Retail Holdings.

Reject submission (10.20) by Retail Holdings. The requested change regarding the glass frontage guideline within the Design Guide is not considered necessary to achieve the intended outcomes.

Accept in part submission (10.21) by Retail Holdings, insofar as the requested change is dealt with under other amendments.

Accept in part further submission (FS7.11) by McDonald's, in support of the submission by Retail Holdings.

Reject submission (10.22) by Retail Holdings. The laneway map within the Design Guide is included for guidance purposes only and does not need to be removed.

Accept the submission by Retail Holdings that the use of the terms statutory and non-statutory be replaced in the Design Guide.

Reject further submission (FS4) by Westfield.

Accept submission (11.2) by Louise Ferrari, insofar as a link to heritage schedule is added to the Design Guide.

Accept submission (11.3) by Louise Ferrari, insofar as the amendments to the Design Guide achieve the relief sought.

Accept submission (11.4) by Louise Ferrari, insofar as the Managing Signage section in the Design Guide is retained.

Accept submission (13.6) by Harvey Norman, insofar as other amendments split the Riverfront Precincts (Core and Commercial).

Accept submission (14.17) by PPAG, insofar as the Design Guide is retained, with amendments responding to other submissions.

Reject submission (15.7) by GWRC, insofar as the land is not excluded from the Riverfront Precinct.

Reject further submission (FS5.3) by Harvey Norman in support of the submission by GWRC, insofar as the Precincts map is generally retained as notified.

Accept submission (15.8) by GWRC, insofar as the Design Guide is amended to include an acknowledgement of the flood risk.

Accept submission (15.9) by GWRC, insofar as the Design Guide is re-worded as requested.

Accept submission (16.6) by Hutt Valley Chamber of Commerce supporting the introduction of a Design Guide.

Accept in part submission (17A.1) by McDonald's, insofar as a section on vehicle oriented activities and large format retail activities is added to the Design Guide.

Reject submissions (17A.2), (17A.3), (17A.4) and (17A.5) by McDonald's, insofar as the Design Guide is not amended to take account of activities and buildings on the submitter's site.

Reject further submission (*FS4*) by Westfield, insofar as the Design Guide is retained (generally) as notified.

All amendments to the Design Guide are detailed in Appendix 3 of this report.

In addition, in amending the Design Guide in response to submissions, it was noted the Private or Public Lane Access Design, Walking and Cycling, and Servicing Sections in Part B of the Design Guide had incorrect layout and formatting in the notified version. The corrected pages of these Sections are also attached in Appendix 3.

Furthermore, Section 2.7 - Character and Context Description: “river parkland” is replaced with “river corridor”.

4.40.3 Reason

The introduction of the Design Guide was seen as important to achieving the outcomes sought by the Proposed Plan Change, particularly those around encouraging good quality building design to achieve better quality streetscape character and amenity values.

The Committee considered carefully the submission by Retail Holdings on the matter of the language within the Design Guide, specifically the reference to statutory and non-statutory provisions. The Committee agreed that this language is not appropriate. The attached amended version of the document has such references removed, with additional text added to qualify what each of the two main parts of the Design Guide address, and which parts would be given weight within the consent application assessment process.

CHAPTER 14A - TRANSPORT

4.41 SECTION 14A (III) 1.1.1 - AMEND ISSUE FOR ADEQUATE CAR PARKING PROVISION IN THE CENTRAL COMMERCIAL ACTIVITY AREA

(AMENDMENT 83)

4.41.1 Submission

Beverly Tyler [DPC14/3 (3.1)] requested that specific provision should be made in the Central Commercial Activity Area for parking including parking buildings.

New Zealand Transport Agency [DPC14/ES2 (ES2.1)] *opposed the submission (3.1) by Beverly Tyler.*

New Zealand Transport Agency [DPC14/9 (9.8)] requested that additional text be added to Section 14A(iii) 1.1.1 relating to the link between private vehicle use and congestion, as well as recognising the need for good alternative public transport options.

NZTA requested that the following words be inserted the Issue of 14A (iii) 1.1.1:

“Issue

The increased ownership of private vehicles and increased activity in the Central Commercial Activity Area in recent years has contributed to a high demand for long and short stay parking. Each activity should provide sufficient parking on site, however, the inner area sites are generally small which makes it difficult to provide on site parking. It is also desirable to maintain a continuous pedestrian frontage for shoppers. The potential growth of private vehicle commuter traffic from increased parking can also have adverse effects on the Central Commercial Activity Area environment, which needs to be considered to avoid, remedy or mitigate potential congestion.

Policies for the Central Commercial Activity Area have maintained the approach that sites within the inner area are not required to provide on site parking, as sufficient on and off street parking will be provided in the immediate vicinity. Sites in the outer area will be required to provide on site parking to meet the high demand for long and short stay parking, unless suitable alternatives such as good public transport uptake are available. The provision of safe and, adequate and well located parking contributes to the maintenance of amenity values, and the vitality and viability of the Central Commercial Activity Area.”

Greater Wellington Regional Council [DPC14/FS6 (FS6.3)] supported the submission (9.8) by NZTA.

Petone Planning Action Group [DPC14/14 (14.10)] requested that developments be required to provide one carpark per residential, retail or commercial unit in the Central Commercial Activity Area.

4.41.2 Discussion

The Proposed District Plan Change proposes changes to the current parking requirements. These changes relate to clarifying the requirements for large format retail activities, reducing the requirements for residential units from two carparks to one carpark per unit for new residential developments in parts of the Central Commercial Activity Area and re-defining the extent of the Inner and Outer Parking Districts in the Central Commercial Activity Area.

Submission both supporting and opposing the Proposed Plan Change were received.

The submission by New Zealand Transport Agency noted that the supply of carparking can be a contributor to the mode of transport, with a high supply of carparking generally relating to increased private vehicle use and less public transport. The Committee accepted the veracity of this statement, but noted also that some activities, such as apartment units require the provision of on site car parking spaces in order to maintain a level of amenity for future occupants and to maintain the character and quality of the central area generally.

Under Amendment 67 parking facilities are proposed to be a discretionary activity. Therefore, resource consent for such activities would be assessed on a case-by-case basis, and if considered appropriate, consent could be granted.

The New Zealand Transport Agency requested the addition of text to Issue 1.1.1. However, Proposed Plan Change 14 only proposes to add the words “and well located” to Issue 1.1.1, with all the other text in this Issue statement unchanged from the current District Plan. The Committee did not consider that the requested additional text is within the scope of the Proposed Plan Change, given the minor nature of the amendment to this section.

The submission by the Petone Planning Action Group sought that developments be required to provide one carpark per residential, retail or commercial unit in the Central Commercial Activity Area. Whilst not supported by the Reporting Planner for Council the Committee considered this submission carefully. Additional traffic information was also provided by Bill Barclay of Barclay Transport Planning to assist in addressing the parking issue.

On the basis of the information provided the Committee considered that there is a need for a minimum parking requirement in the central area for residential units.

4.41.3 Decision

Accept in part submission (3.1) by Beverly Tyler in so far as recognising that parking facilities are listed as a discretionary activity.

Accept in part further submission (*FS2 (2.1)*) by NZTA in so far as the text within the *Issues* clause is included as notified.

Reject submission (9.8) by NZTA. The requested text around the effects of the growth of private motor vehicles from increased parking is not included in the Issues section.

Reject further submission (*FS6 (6.3)*) by GWRC in support of submission (9.8) by NZTA.

Accept submission (14.10) by PPAG, insofar as Rule 14A(iii) 2.1 is amended to require 0.5 parking spaces per new residential unit.

Issue 14A (iii) 1.1.1 to be amended to read as follows:

Issue

The increased ownership of private vehicles and increased activity in the Central Commercial Activity Area in recent years has contributed to a high demand for long and short stay parking. Each activity should provide sufficient parking on site, however, the inner area sites are generally small which makes it difficult to provide on site parking. It is also desirable to maintain a continuous pedestrian frontage for shoppers. Policies for the Central Commercial Activity Area have maintained the approach that sites within the inner area are not ~~required to provide on~~

~~site parking, generally required to provide on site parking, though parking for residential units are required. as sufficient on and off street parking will be provided in the immediate vicinity.~~ Sites in the outer area will be required to provide on site parking to meet the high demand for long and short stay parking. The provision of ~~safe and~~, adequate and well located parking contributes to the maintenance of amenity values, and the vitality and viability of the Central Commercial Activity Area.

4.41.4 Reason

A balance is required to find the optimum combination of usable land and parking areas, as well as achieving the other objectives for the Central Commercial Activity Area. The core of the central area is focused on a pedestrian environment where private vehicle parking is less desirable. The periphery of the central area is more focused towards private vehicular transport in which the provision of parking is more appropriate.

The introduction of a new graduated minimum parking requirement is seen as the best mechanism to achieve the outcomes of improving the quality of the centre area environment. On balance the Committee considered that a minimum parking requirement for residential developments was appropriate and settled on one space for every 2 units. The Committee noted that some apartments will require a space, whilst others may not.

4.42 SECTION 14A (III) 1.1.1 - AMEND EXPLANATION AND REASONS FOR ADEQUATE CAR PARKING PROVISION IN THE CENTRAL ACTIVITY AREA

(AMENDMENT 84)

4.42.1 Submission

Beverly Tyler [DPC14/3 (3.2)] requested that specific provision should be made in the Central Commercial Activity Area for parking, including parking buildings. She noted that the District Plan needed to be changed to allow for the construction of parking buildings.

New Zealand Transport Agency [DPC14/FS2 (FS2.2)] opposed the submission (3.2) by Beverly Tyler.

New Zealand Transport Agency [DPC14/9 (9.9)] requested additional text be added to Section 14A(iii) 1.1.1 relating to the link between parking and travel demand.

NZTA requested that an additional paragraph be inserted after the fourth paragraph of the Explanation and Reasons of 14A(iii) 1.1.1, as follows:

"Parking must be considered in relation to traffic demand to manage potential adverse effects to the Central Commercial Activity Area. Such potential adverse effects include increased congestion from increased commuters, which in turn will decrease the amenity and pleasantness of the Central Commercial Activity Area."

Greater Wellington Regional Council [DPC14/FS6 (FS6.4)] supported the submission (9.9) by NZTA.

Retail Holdings Ltd and Lower Hutt Properties Ltd [DPC14/10 (10.15 and 10.16)] supported the existing text relating to parking areas, provided the submitter's request with respect to at-grade car parks is supported.

Westfield NZ Ltd [DPC14/FS4 (4.1)] supported the submission (10.16) by Retail Holdings.

Petone Planning Action Group [DPC14/14 (14.11)] requested clarification relating to the text in Section 14A(iii) 1.1.1, i.e how will well-located parking be achieved without parking space requirements in any new developments.

4.42.2 Discussion

The changes to parking requirements proposed through the Proposed Plan Change relate to clarifying the requirements for large format retail activities, reducing the requirements for residential units from two carparks to one carpark per two units in the Outer Parking District, and re-defining the extent of the Inner and Outer Parking Districts in the Central Commercial Activity Area.

A balance is required to find the optimum combination of usable land and parking areas, as well as achieving the other objectives for the Central Commercial Activity Area. The core of the central area is focused on a pedestrian environment where private vehicle parking is less desirable. The periphery of the central area is more focused towards private vehicular transport, for which the provision of parking is more appropriate. As noted in the submission from the New Zealand Transport Agency, the supply of carparking can be a contributor to the mode of transport, with a high supply of carparking generally relating to increased private vehicle use and less public transport.

The proposed amendments to Section 14A(iii) 1.1.1 seek to recognise the poor quality streetscape and degradation to urban character resulting from large areas of carparking. The support to this Amendment from Retail Holdings Ltd and Lower Hutt Properties Ltd is noted.

The submission from the New Zealand Transport Agency highlights the link between the supply of parking and travel demand. This issue is particularly apparent for large carparking areas. Further text is added to Section 14A(iii) 1.1.1 as detailed below to recognise this matter.

4.42.3 Decision

Accept in part submission (3.2) by Beverly Tyler, insofar as recognising that parking facilities are listed as a discretionary activity.

Accept in part further submission (FS2.2) by NZTA, insofar as the text is retained generally as it was notified.

Accept in part submission (9.9) by NZTA, insofar as the text is amended to recognise the link between provision of parking and travel demand.

Accept in part further submission (FS6.4) by GWRC, insofar as the text is amended to recognise the link between provision of parking and travel demand.

Accept submissions (10.15 and 10.16) by Retail Holdings, insofar as the text is amended to recognise the need for well designed parking areas.

Accept further submission (FS2.2) by NZTA.

Accept in part submission (14.11) by PPAG insofar as the text in Section 14A(iii) 1.1.1 has been clarified.

The Explanation and Reasons of Section 14A(iii) 1.1.1 to read as follows:

The provision of adequate car parking in the Central Commercial Activity Area assists the safe and efficient operation of the roading system ~~and enhances the amenity value of the area~~, thereby contributing to the vitality and viability of the commercial centre. However, large surface areas of car parking can detract from the streetscape and amenity values in the Central Commercial Activity Area. In addition, the provision of parking must be considered in relation to travel demand and increased traffic movements, which can also decrease the amenity and attractiveness of the Central Commercial Activity Area. Therefore, standards are used to manage the location, extent and design of car parking areas to ensure they maintain and enhance the streetscape and amenity values.

4.42.4 Reason

Providing positive guidance with respect to the design of car parking space in the Central Commercial Activity Area was seen as critical to the outcomes sought by the Proposed Plan Change, as poorly designed and unnecessarily large parking spaces can be detrimental to good quality streetscapes and amenity values.

The Committee noted that a consequential change stemming from the removal of a requirement for resource consent for larger car parking areas was a need to remove the last sentence from the Explanation and Reasons text.

The amendments to the wording of the Explanation and Reasons section are seen as appropriate and relevant, in that they assist in clarifying the outcomes sought by the amended provisions with the District Plan.

**4.43 SECTION 14A (III) 2.1 - AMEND CAR PARKING STANDARDS
(AMENDMENT 85)**

4.43.1 Submission

Beverly Tyler [DPC14/3 (3.3)] requested that new rules, similar to those for the Outer Central Area, requiring new developments in the Inner Parking Area to provide onsite parking using specific performance standards e.g. one car park space per residential unit for high rise apartment developments, preferably by providing basement carparks.

New Zealand Transport Agency [DPC14/FS2 (FS2.3)] opposed the submission (3.3) by Beverly Tyler.

Retail Holdings Ltd and Lower Hutt Properties Ltd [DPC14/10 (10.17)] supported Rule (iii) 2.1 (c) 'Special Parking Area' (i.)

Westfield NZ Ltd [DPC14/FS4 (4.2)] supported the submission (10.17) by Retail Holdings.

Harvey Norman Stores Pty NZ Ltd [DPC14/13 (13.3)] supported the deletion of the top-tier for on-site car parking requirements in this rule.

Petone Planning Action Group [DPC14/14 (14.10)] requested that the parking standards be amended to require at least one car park per future residential unit or retail or business development in the Central Commercial Activity Area. In addition, Petone Planning Action Group [DPC14/14 (14.12)] requested that the requirement for nil parking for retail activities and licenses premises of less than 500m² GFA be removed.

New Zealand Transport Agency [DPC14/FS2 (FS2.7 and FS2.8)] opposed the submissions (14.10 & 14.12) by PPAG.

Greater Wellington Regional Council [DPC14/15 (15.11)] requested a maximum parking standard for Outer Parking Area to limit over-supply within new developments (e.g. 1.5 car parks per dwelling).

New Zealand Transport Agency [DPC14/FS2 (FS2.9)] supported the submission (15.5) by GWRC.

Hutt Valley Chamber of Commerce [DPC14/16 (16.7)] opposed any reductions to the on-site parking requirements in the CBD. They submitted that residential developments in the CBD should be required to provide carparking, regardless of which precinct they are in.

New Zealand Transport Agency [DPC14/FS2 (FS2.10)] opposed the submission (16.7) by HVCC.

4.43.2 Discussion

The Proposed Plan Change proposes changes to the current parking requirements in the District Plan. Submissions were received both supporting and opposing the proposed provisions.

The support from Retail Holdings and Lower Hutt Properties Ltd and Harvey Norman Stores Pty NZ Ltd was noted.

Several submitters (Beverly Tyler, Hutt Valley Chamber of Commerce and PPAG) sought that there be some parking requirements for activities in the Central Commercial Activity Area.

A balance is required to find the optimum combination of usable land and parking areas, as well as achieving the other objectives for the Central Commercial Activity Area. The core of the central area is focused on a pedestrian environment where private vehicle parking is less desirable. The periphery of the central area is more focused towards private vehicular transport where the provision of parking is more appropriate. That being said, the Committee agreed with submitters that minimum parking requirements are essential to maintaining the character and amenity of the central area.

As noted in the submission from the New Zealand Transport Agency, the supply of carparking can be a contributor to the mode of transport, with a high supply of carparking generally relating to increased private vehicle use and less public transport. The Committee considered that the philosophy expressed by the submitter must be weighed against practical requirements, and in particular the need for parking supply to meet the demand generated by the activity.

4.43.3 Decision

Accept in part submission (3.3) by Beverly Tyler, insofar as a standard requiring the provision of on site parking for new residential developments is introduced.

Reject further submission (FS2.3) by NZTA, insofar as the submission by Beverly Tyler is accepted in part.

Accept submission (10.17) by Retail Holdings in that the amendment 85 is adopted as notified, apart from changes responding to other relief sought.

Accept submission (13.3) by Harvey Norman insofar as the notified change is adopted.

Accept in part submissions (14.10 and 14.12) by PPAG insofar as a standard that include a requirement for parking for new developments has been included.

Reject further submissions (FS2.7 and FS2.8) by NZTA in so far as the new standard for parking has been included.

Reject submissions (15.11) by GWRC, insofar as the notified text is retained.

Reject further submission (FS2.9) by NZTA insofar as the notified text is retained.

Accept in part submissions (16.7) by Hutt Valley Chamber of Commerce insofar as a standard is adopted to include a requirement for parking for new developments.

Accept further submission (FS2.10) by NZTA insofar as the notified text is amended to include a provision requiring parking for new developments.

Amend 14A (iii) 2.1 (c) (i) as follows:

Residential Activities: The minimum parking requirement for residential activities is 1 space for every two per single residential units.

Consequential Amendments:

Add new Policy to 14A (iii) 1.1.1 as follows:

(d) That adequate on site car parking is provided for residential activities in the Central Commercial Activity Area, recognising the different character and amenity between the Inner and Outer Central Area Parking Districts.

Amend first paragraph in the Explanation and Policy in 14A (iii) 1.1.1 as follows:

The provision of sufficient on and off street parking for the inner area has been maintained over a number of years. The inner area is identified as the Inner Central Area Parking District and is shown in Appendix Transport 2. Sites in this area shall not be required to provide on site parking, as these sites are generally small, and it would degrade the overall quality of the central area, such as breaking up the continuous pedestrian shopping frontage. However, residential areas in the Inner Central Area Parking District are required to provide on site parking to meet the parking demand generated by this type of activity, while maintaining or enhancing the character and amenity of the central area.

4.43.4 Reason

The introduction of a new graduated minimum parking requirement is seen as the best mechanism to achieve the outcomes of improving the quality of the centre area environment. On balance the Committee considered that some minimum parking requirement was appropriate and settled on one space for every 2 units, noting that some apartments will require a space, whilst others may not.

4.44 SECTION 14A(III) 2.2 - ADD CAR PARKING RULE - RESTRICTED DISCRETIONARY ACTIVITY

(AMENDMENT 86)

4.44.1 Submission

Harvey Norman Stores Pty NZ Ltd [DPC14/13 (13.10)] requested that new Rule 14A(iii) 2.2(c) be a Restricted Discretionary Activity instead of full Discretionary Activity.

Harvey Norman Stores Pty NZ Ltd [DPC14/13 (13.11)] requested clarification on the maximum width for carparking on street frontages.

Greater Wellington Regional Council [DPC14/15 (15.10)] supported proposed Rule 14A(iii) 2.2(c).

Hutt Valley Chamber of Commerce [DPC14/16 (16.8)] opposed the proposed rule restricting the maximum number of carparks on any one site to 90.

New Zealand Transport Agency [DPC14/FS2 (FS2.11)] *opposed the submission (16.8) by HVCC.*

4.44.2 Discussion

The Proposed Plan Change proposed to add a rule requiring that activities involving over 90 on site parking spaces require consent as a discretionary activity. The proposed rule seeks to manage the traffic effects, and the effects of large carparking areas on the streetscape and urban qualities of the central area. Submissions in both support and opposition to this new rule were received.

The support from Greater Wellington Regional Council was noted.

The larger the carparking area, the potentially more significant the effects on the central area could be.

The reporting Planner for Council advised that changing the activity status from a full discretionary activity to a restricted discretionary activity for proposed Rule 14A(iii) 2.2(c) was discussed at the pre-hearing meeting with Harvey Norman in August, as well as clarifying the carparking frontage requirements to streets.

The Committee considered carefully the issue of the need for an applicant to obtain consent to construct or form a large number of car parking spaces. The Committee noted the submission by the Hutt Valley Chamber of Commerce opposing any potential for the limitation on the number of car parking spaces available in the Central Commercial Activity Area.

The Committee considered that it is not necessary to impose a requirement that an applicant obtain a resource consent for the creation of more than 90 parking spaces on a site. They considered that the effects generated by such a development are adequately controlled under other provisions within the District Plan.

4.44.3 Decision

Accept in part submission (13.10) by Harvey Norman, insofar as no rule requiring consent for large car parking areas has been adopted.

Accept in part submission (13.11) by Harvey Norman, insofar as the maximum carparking frontage requirements in Amendment 49 is clarified.

Reject submission (15.10) by GWRC, insofar as Rule 114A (iii) 2.2 (c) is not adopted.

Accept submission (16.8) by HVCC, insofar as a rule requiring consent for over 90 parking spaces is not adopted.

Reject further submission (*FS2.11*) opposing the submission by HVCC. The HVCC submission is adopted.

Delete Discretionary Activity 14A 2.2:

~~(c) In the Outer Central Area Parking District of the Central Commercial Activity Area, where the number of parking spaces on site exceeds 90.~~

Further consequential amendment: Re-number

4.44.4 Reason

The Committee considered carefully the implications of a rule controlling the number of car parking spaces on a site, and in particular the submission by the Hutt Valley Chamber of Commerce. The Committee were mindful of the implications of allowing car parks to be formed, either at grade or within a parking building, and the consequential effects of such activity. The Committee considered however that there are sufficient provisions within the District Plan to control the environmental effect of creating large-scale car parking areas. They were also cognisant of the fact that a shortfall in car parking space in the central area has the potential to create adverse effects.

The Committee concluded that on balance there was not need for a specific requirement for car parking, and that such an approach would achieve the outcomes sought by the Proposed Plan Change.

4.45 SECTION 14A (IV) 1.1.1 - AMEND EXPLANATION AND REASONS FOR SAFE ADEQUATE PROVISION FOR SERVICING

(AMENDMENT 87)

4.45.1 Submission

Petone Planning Action Group [DPC14/14 (14.13)] requested that the references to the Petone area may need amending when the Petone provisions are reviewed.

4.45.2 Discussion

The reporting Planner for Council advised that at the pre-hearing meeting with Petone Planning Action Group in August the reference to Petone was discussed, noting the wording of concern to the submitter is existing text that is not proposed to be changed under Proposed Plan Change 14. PPAG were

also advised that the appropriateness of this existing wording could be reviewed as part of any Proposed Plan Change for the Petone Area.

4.45.3 Decision

Accept in part submission (14.13) by the PPAG in so far as retaining the reference to Petone.

4.45.4 Reason

The Committee considered that there is adequate scope to review the terminology, specifically the reference to Petone as part of a future plan change process.

4.46 SECTION 14A(IV) 2.1 - AMEND PERMITTED ACTIVITY LOADING AND UNLOADING STANDARDS

(AMENDMENT 88)

4.46.1 Submission

Retail Holdings Ltd & Lower Hutt Properties Ltd [DPC14/10 (10.18)] requested that specific loading requirements apply to supermarkets and retail activities serviced by articulated trucks.

Retail Holdings requested that Table 7 (Loading Area Requirements) of clause 14A(iv) 2.1 be amended to read as follows:

<i>GFA (m²)</i>	<i>No of spaces</i>	<i>Minimum Design Vehicle</i>
<i><2000</i>	<i>1</i>	<i>Maximum rigid truck</i>
<i>2000-4000</i>	<i>1</i>	<i><u>For supermarkets and retail activities serviced by articulated truck – Maximum articulated truck Plus 1 Maximum rigid truck:</u> <u>For all other retail and industrial activities 1 Maximum rigid truck</u></i>
<i>>4000</i>	<i>1</i>	<i><u>For supermarkets and other retail activities serviced by articulated truck – 1 Maximum articulated truck Plus 2 Maximum rigid truck:</u> <u>For all other retail and industrial activities 2 Maximum rigid truck</u></i>

Westfield NZ Ltd [DPC14/FS4 (FS4.1)] supported the submission (10.18) by Retail Holdings.

Petone Planning Action Group [DPC14/14 (14.14)] requested Rule 14A(iv) 2.1 be amended to require residential developments to provide loading spaces.

4.46.2 Discussion

The Proposed Plan Change proposed the inclusion of provision allowing residential units in the Central Commercial Activity Area without the need to provide loading facilities.

Submissions sought that specific loading requirements apply to certain activities and that there is a requirement for loading spaces for residential developments.

The objectives for the central area aim to maintain and enhance the vitality and vibrancy of the area. One method for achieving this objective is to provide opportunities for residential development. Loading requirements are not considered a mandatory requirement for residential developments as they tend to be used less frequently. Alternative loading space is also available, such as on service lanes and on-street loading areas. Therefore, the proposed loading facility exemption for residential activities has been included as notified.

In terms of amending the loading standards to provide specific requirements for supermarkets and other retail activities serviced by articulated trucks, this standard is considered uncertain and could create issues around enforceability. For example, buildings may be used by different types of retail activities over a period of time, and the type of vehicles used to deliver goods to these activities may also differ. Therefore, the notified version of the loading requirements is retained.

4.46.3 Decision

Reject submission (10.18) by Retail Holdings, insofar as the wording of the notified provision is adopted.

Reject further submission (*FS4.1*) by Westfield that supported the submission (10.18) by Retail Holdings.

Reject submission (14.14) by PPAG, insofar as the notified loading facility exemption for residential activities is adopted.

4.46.4 Reason

There is a recognised need for loading facilities in the central area and a requirement that such facilities be provided was seen as crucial to achieving the outcome of maintaining and enhancing the vitality and vibrancy of the area.

Whilst the Committee noted the submission that there should be a requirement for the provision of loading areas for residential units, the infrequency of deliveries to/from residential activities was considered to be such that a requirement in this regard is not necessary.

The Committee considered that providing specific requirements for supermarkets and other retail activities serviced by articulated trucks would unnecessarily complicate the rule. It was noted that any proposal for a larger format development that does not achieve compliance with the loading requirements could seek resource consent for a dispensation from the loading standard. Such a proposal would be assessed on a case-by-case basis and on its merits.

4.47 APPENDIX TRANSPORT 2 - AMEND AND OUTER CENTRAL PARKING DISTRICT MAP

(AMENDMENT 91)

4.47.1 Submission

McDonald's Restaurants NZ Ltd [DPC14/17A (17.8)] requested that Appendix Transport 2 be amended by removing the block bounded by Raroa Road, High Street and Kings Crescent, and in particular the McDonald's site at the corner of High Street and Raroa Road (and also fronting Kings Crescent) from the Inner Parking District and including it in the Outer Parking District instead.

Westfield NZ Ltd [DPC14/FS4 (FS4.2)] supported the submission (17.8) by McDonald's.

4.47.2 Discussion

The Proposed Plan Change proposes the inclusion of Inner and Outer Parking District zones within the Central Commercial Activity Area. Different parking requirements apply to the two districts to reflect the predominant uses and parking/traffic outcomes sought for those areas.

The reporting Planner for Council advised that it is his recommendation that the McDonald's site be retained in the Core Precinct for the reasons outlined in the discussions around other amendments. For similar reasons, it is recommended that the McDonald's site be retained in the Inner Parking District.

4.47.3 Decision

Accept in part submission (17.8) by McDonald's, insofar as the Raroa Road frontage of the McDonald's site will not be subject to the verandah and display window requirement.

Reject further submission (FS4.2) by Westfield, insofar as the Appendix Transport 2 is included as notified.

The notified Appendix Transport 2 Inner and Outer Central Parking Districts map is included as notified.

4.47.4 Reason

The Committee agreed that the parking districts appropriately identify the two distinct areas within the commercial centre. The provisions introduced through the Proposed Plan Change are therefore considered to be suitable in terms of the extent to which they will achieve the traffic and parking outcomes intended by the Proposed Plan Change. Overall, this approach is considered to be the most appropriate to avoid, remedy or mitigate adverse effects and to achieve the Anticipated Environmental Results identified in the District Plan.

CHAPTER 14B - SIGNS

4.48 SECTION 14B 2.1.5 - AMEND PERMITTED ACTIVITY SIGNAGE STANDARDS

(AMENDMENT 92)

4.48.1 Submission

Retail Holdings Ltd & Lower Hutt Properties Ltd [DPC14/10 (10.23)] requested that the proposed changes to standard 14B 2.1.5 (c) (iv) be deleted.

Westfield NZ Ltd [DPC14/FS4 (FS4.1)] supported the submission (10.23) by Retail Holdings.

McDonalds Restaurants NZ Ltd [DPC14/FS7 (FS7.12)] supported the submission (10.23) by Retail Holdings.

McDonalds Restaurants NZ Ltd [DPC14/17A (17.9)] requested that the proposed changes to standard 14B 2.1.5(c)(iv) not apply to the Core Precinct.

Westfield NZ Ltd [DPC14/FS4 (FS4.2)] supported the submission (17.A) by McDonald's.

Harvey Norman Stores Pty NZ Ltd [DPC14/13 (13.12)] requested that the sign standards be amended to apply to the Riverfront (Core) Precinct and Riverfront (Commercial) Precinct.

Harvey Norman requested Rule 14B2.1.5 (c) (iv) and (v) be amended to read:

“(c) *Maximum Face Area:*

(iv) *Where a sign is erected within the Core, Riverfront (Core) or Residential Transition Precincts of the Central Commercial Activity Area identified in Appendix Central Commercial 1 - Precincts, the maximum face area of all signs shall not exceed 5m².*

(v) *Where a sign is erected within the Commercial or Riverfront (Commercial) Precincts of the Central Commercial Activity Area identified in Appendix Central Commercial 1 - Precincts, the maximum face area of all signs shall not exceed 20m².”*

4.48.2 Discussion

The Proposed Plan Change proposes to amend the Permitted Activity Conditions for signs in the Commercial Activity, Business Activity, Community Iwi areas, excluding the Petone Commercial Activity Area 1. The changes are in relation to the maximum permissible face area – Rule 14B 2.1.5 (c). The proposed change require that where signs are erected within the Core, Riverfront or Residential Transition Precinct of the Central Commercial Activity Area the face of the sign should not exceed 5m², and where a sign is in the Commercial Precinct its face area should not exceed 20m².

The Committee agreed that signs play an important role of identifying activities and facilities. They provide information, identify places, control and direct traffic, and advertise products, goods and services. However, signs can degrade the character and visual amenity values of environments. The Committee accepted that, in order to maintain and enhance the character and visual amenity values of the Central Commercial Activity Area, rules and standards need to apply.

The reporting Planner for Council advised that during the review of the current District Plan provisions for the Central Commercial Activity Area, excessively large signs were identified as a particular issue in detracting from the visual qualities and amenity in the central area. Some signs were considered to be excessively out of scale to the buildings they were attached to, and degraded the character and visual amenity in these locations.

The Committee acknowledge that a balance is required between recognising the extent to which signs have a role and function in the central area, while minimising the potential adverse effects on the character and visual amenity values. The Committee noted that submitters expressed concern that the proposed 5m² threshold for all signs in some precincts unduly restricts the amount of signage.

The reporting Planner for Council advised that unproportionally large signs can overly dominate character and amenity values. He suggested that the 5m² rule be deleted and the proportionality standards (14B 2.1.5 (c) (i)) be amended by replacing the percentage threshold with a linear threshold. Sketch plans showing how the new rule would work were provided.

In considering the wording of the standard the Committee considered photographs that were provided to them as additional information showing existing signs in the Lower Hutt commercial centre, and also examples of signage rules used by other territorial authorities in the region.

It was considered that, on balance the best solution to achieve the outcomes sought would be to use a simple rule providing for a maximum % of wall or metres squared, rather than the lineal approach. And keep the standard of 30% or 20m² throughout the central area.

The rule is simply written in plain English and would therefore be easy to understand.

4.48.3 Decision

Reject submission (10.23) by Retail Holdings, insofar as the maximum sign face of 5m² is included.

Reject further submissions (FS4.1) by Westfield and (FS7.12) by McDonald's insofar as the maximum sign face of 5m² is included.

Reject submission (13.12) by Harvey Norman, insofar as reference to Riverfront (Core) and Riverfront (Commercial) is not made.

Accept in part submission (17.9) by McDonald's, insofar as the rule is not precinct specific.

Accept submission (FS4.2) by Westfield, insofar as the Core Precinct reference is not added.

Include Rule 14B 2.1.5 (c) as follows:

- c) Maximum Face Area:
- (i) Where any sign is painted on or attached in any way to the exterior of a building, the maximum face area of all signs visible in any one direction shall ~~may~~ not exceed 30% of the area of that wall ~~up to a maximum face area of 20m².~~
 - (ii) Where a sign is erected within the Avalon Business Activity Area the maximum face area of all signs erected at the main entrance to the site shall not exceed 3m².
 - (iii) The maximum face area of free standing signs shall be 20m².
 - ~~(iv) Where a sign is erected within the Core, Riverfront or Residential Transition Precincts of the Central Commercial Activity Area identified in Appendix Central Commercial 1 Precincts, the maximum face area of all signs shall not exceed 5m².~~
 - ~~(v) Where a sign is erected within the Commercial Precinct of the Central Commercial Activity Area identified in Appendix Central Commercial 1 Precincts, the maximum face area of all signs shall not exceed 20m².~~

4.48.4 Reason

The Committee appreciated that signs have a role and function in the central area. They also acknowledged that the potential adverse effects of signs on character and visual amenity values must be minimised.

The limitation on sign face-area is effective in controlling the environmental effects of signs, particularly the scale of the sign, to a level that is appropriate to the surrounding environment.

The operative text relating to the Maximum Face Area standard (Standard 14B 2.1.5 (c)) was seen as the most appropriate wording to achieve the outcome sought by the Proposed Plan Change. It is simple and easy to understand,

making the standard clear for future applicant's, and should therefore lead to consistency of interpretation.

CHAPTER 14C- NOISE

4.49 SECTION 14C 2.12 - AMEND PERMITTED ACTIVITY STANDARD NOISE

(AMENDMENT 93)

4.49.1 Submission

Petone Planning Action Group [DPC14/14 (14.15)] supported the amendment to standard 14C 2.1.2 (b).

4.49.2 Discussion

The Committee noted the support from submitters to standard 14C 2.1.2(b).

4.49.3 Decision

Accept submission (14.15) by PPAG.

AMENDMENTS ADOPTED WITHOUT SUBMISSION

No submissions were received with respect to the following amendments:

Amendment 2	Section 1.10.4	Objective for Commercial Activity
Amendment 5	Chapter 3 (Definitions)	Dwellinghouse
Amendment 6	Chapter 3 (Definitions)	Noise Sensitive Activity
Amendment 7	Section 5A 1.1.1	Heading - Capacity of the Central Commercial Activity Area
Amendment 8	Section 5A 1.1.1	Issue - Capacity of the Central Commercial Activity Area
Amendment 9	Section 5A 1.1.1	Objective - Capacity of the Central Commercial Activity Area
Amendment 10	Section 5A 1.1.1	Policies - Capacity of the Central Commercial Activity Area
Amendment 11	Section 5A 1.1.1	Explanation and Reasons - Capacity of the Central Commercial Activity Area
Amendment 12	Section 5A 1.1.2	Delete Residential Activity Section
Amendment 14	Section 5A 1.1.3	Delete Service Stations Section
Amendment 16	Section 5A 1.1.4	Delete Traffic Effects of Large Scale Retail Activities Section
Amendment 20	Section 5A 1.2.1	Delete Weather Protection Section
Amendment 22	Section 5A 1.2.2	Delete Building Frontages and Display Windows Section
Amendment 24	Section 5A 1.2.3	Delete Landscaping and Screening Section
Amendment 25	Section 5A 1.2.3	Add New Adjoining Residential Areas Section
Amendment 26	Section 5A 1.2.4	Delete Wind Protection Section
Amendment 28	Section 5A 1.2.5	Delete Sites Abutting Residential or Recreation Activity Areas Section
Amendment 30	Section 5A 1.2.6	Delete Sites that do not Abut Residential Activity Areas but are Adjacent to Residential Activity Areas Section
Amendment 32	Section 5A 2.1	Delete Permitted Activities (a) to (j)
Amendment 36	Section 5A 2.1	Add Permitted Activity (d) - Total or Partial Demolition or Removal of Buildings and Structures
Amendment 40	Section 5A 2.1.1	Add Permitted Activity Standard (c) – Sunlight Protection
Amendment 45	Section 5A 2.1.1	Delete Permitted Activity Standard (h) – Sites that do not Abut Residential Activity Areas
Amendment 46	Section 5A 2.1.1	Add Permitted Activity Standard (h) – Lighting
Amendment 47	Section 5A 2.1.1	Delete Permitted Activity Standard (i) – Building Frontages and Display Windows
Amendment 48	Section 5A 2.1.1	Add Permitted Activity Standard (i) – Dust
Amendment 53	Section 5A 2.2.1	Amend Heading
Amendment 55	Section 5A 2.2.1	Delete Matters of Discretion for Restricted Discretionary Activities (c)
Amendment 56	Section 5A 2.2.1	Amend Matters of Discretion for Restricted Discretionary Activities (d)

Amendment 58	Section 5A 2.2.1	Add Matters of Discretion for Restricted Discretionary Activities (e)
Amendment 59	Section 5A 2.2.2	Amend Heading for Standards and Terms
Amendment 63	Section 5A 2.3	Add Discretionary Activities (c) Non-compliance with Wind Requirements
Amendment 64	Section 5A 2.3	Add Discretionary Activities (d) Residential Activities on the Ground Floor
Amendment 66	Section 5A 2.3	Add Discretionary Activities (f) Car Sales Yards
Amendment 67	Section 5A 2.3	Add Discretionary Activities (g) Parking Facilities
Amendment 68	Section 5A 2.3	Add Discretionary Activities (h) Industrial Activities
Amendment 69	Section 5A 2.3	Add Discretionary Activities (i) Trading Warehouses
Amendment 70	Section 5A 2.3	Amend Discretionary Activities (j) and (k) Brothels and Commercial Sexual Services
Amendment 71	Section 5A 2.3	Add New Assessment Criteria
Amendment 72	Section 5A 2.4	Delete Non-Complying Activities
Amendment 73	Section 5A 3	Amend Anticipated Environmental Results
Amendment 77	Section 5A Appendix Central Commercial 4	Sunlight Protection
Amendment 78	Section 5A Appendix Central Commercial 5	Wind Protection
Amendment 79	Section 5A Appendix Central Commercial 6	Wind Report
Amendment 80	Section 5A Appendix Central Commercial 7	Noise Insulation Construction Schedule
Amendment 82	Section 14A(i) 2.1(f)	Amend Provisions of Roads
Amendment 89	Appendix Transport 1(a)	Amend Roading Hierarchy Classification Schedule
Amendment 90	Appendix Transport 1(c)	Amend Central Commercial Area Inset

Decision:

The amendments are all adopted as notified.

Cr RW Styles
CHAIR

APPENDIX 1

CHANGES TO DISTRICT PLAN PROPOSED PLAN CHANGE 14

The Committee's decisions result in the following amendments to the Proposed Plan Change:

(Note for the purpose of this report only the changes made as a result of a decision in this report are shown here).

AMENDMENT 1 [1.10.2]

Amend the Explanation and Reasons for the Central Commercial Activity Area in relation to Amenity Values as follows:

Central Commercial Activity Area

This Activity Area is the central focal point of the city as the main area of commercial, community and civic activities. Further diversity in the activity mix is anticipated, with increased levels of residential activities and service industries. The environment is characterised by a number of complementary activities of different size and scale. Buildings are of a mix of heights and ages, are constructed in a variety of styles and with a diverse range of materials. The relationship of buildings to the public realm (streets and open space areas) significantly contributes to the amenity values of the Central Area. Large surface areas of carparking and car sales could detract from the amenity values in this area. Improvements to the amenity values in the central area are planned, including improving the building quality and public realm. New private development or significant redevelopments are expected to contribute to such amenity values, while still remaining commercially workable or viable.

AMENDMENT 4 [1.10.4]

Delete the existing Explanation and Reasons for Commercial Activity and add new Explanation and Reasons:

It is important the Plan recognises and provides for the respective roles and function of each centre in the hierarchy, to ensure these roles and functions are complementary and do not conflict. Therefore, activities within the commercial areas will be managed based on the hierarchy to ensure the continued vitality and vibrancy of the existing areas. In addition, certain commercial activities located outside the identified commercial centres may undermine the role and function of an integrated approach to commercial centres. Therefore, it is important the management framework for other Activity Areas recognise and manage these types of activities and development to protect the vitality and vibrancy of the Commercial Activity Areas. It is also important that the urban design and amenity goals for the commercial centres and the Central Area are consistent with the goal of encouraging economic activity in those areas.

AMENDMENT 10 [5A 1.1.1]

Amend the Policies in 5.1.1.1 as follows:

Policies

- (a) Identify the extent of the Central Commercial Activity Area which is generally is bounded by High Street to the south, Cornwall Street to the east, Daly and Rutherford Streets to the west and Melling Road and Brunswick Street to the north, including the Market Grove area, as shown on District Plan Map C4.
- (b) Recognise that the Central Commercial Activity Area has ~~four~~ five precincts, being: Core, Commercial, Riverfront (Core), Riverfront (Commercial) and Residential Transition, which have different issues and values, with different management approaches (see Map in Appendix Central Commercial 1 - Precincts).
- (c) Provide for offices, capacity through providing for the redevelopment of existing property in the Central Commercial Activity Area, and making more efficient use of the land resource by providing for a wide range of activities.
- (d) Provide for taller buildings in the Central Commercial Activity Area to accommodate a wide range of activities, while ensuring taller buildings do not detract from the character, qualities and amenity values of the central area and adjoining residential and recreational areas.
- (e) Restrict activities and development in areas outside the Central Commercial Activity Area that have the potential to undermine or detract from the vitality and vibrancy of the Central Community Activity Area, except as provided for in the other Commercial Activity Areas.

AMENDMENT 11 [5A 1.1.1]

Delete the Explanation and Reasons in 5.1.1.1 and replace with new text to read as follows:

Explanation and Reasons

The Central Commercial Activity Area needs to be of a sufficient capacity to meet the needs of current and future generations. The existing footprint of the central area is well-established with boundaries defined based on existing land uses. Within the overall central area, there are ~~four~~ five sub-areas or precincts which have specific issues and values. These precincts are entitled Core, Commercial, Riverfront (Core), Riverfront (Commercial) and Residential Transition, and have different management frameworks and requirements applying to the respective precincts.

Based on recent development trends, there is surplus capacity within this existing footprint to meet the anticipated needs of current and future generations for the central area through the more efficient use of land. This more efficient use is through the redevelopment of existing sites, and through additions and alterations to existing buildings. In addition, providing for a greater mix of activities in the central area provides for the adaptive re-use of existing buildings which may be currently underutilised.

Furthermore, taller buildings provide the ability to more efficiently use the existing central area land resource. However, by providing for taller buildings, care is required to ensure these taller buildings do not detract from the amenity values of the central area and adjoining areas.

Commercial activities located outside the Central Commercial Activity Area may undermine the role and function of the central area. Therefore, it is important the management framework for other Activity Areas recognise and manage these types of activities and development to protect the vitality and vibrancy of the Commercial Activity Areas.

AMENDMENT 13 [5A 1.1.2]

Add a new 5A 1.1.2 Activities:

5A 1.1.2 Activities

Issue

The mix and diversity of activities in the Central Commercial Activity Area required to generate a commercial, civic and social 'heart' for the city, which supports economic and social wellbeing.

Objective

To increase the mix and diversity of activities in the Central Commercial Activity Area in a way that increases the number of people living, working within, and visiting the area.

Policies

- (a) Provide for and encourage a wide range of activities within the Central Commercial Activity Area, provided their adverse effects are compatible with other activities and the character and amenity values for the area.
- (b) Ensure that activities are managed to avoid, remedy or mitigate adverse effects (including reverse sensitivity effects) in the Central Commercial Activity Area or on properties in nearby residential areas.
- (c) Restrict certain activities which may be incompatible with other activities and/or degrade the character and amenity values of the Central Commercial Activity Area.

Explanation and Reasons

Providing for a wide range of activities in the Central Commercial Activity Area is one of the primary strategies in creating and maintaining a vibrant and attractive central area. The central area is not just a commercial or business district (i.e. CBD), but a place that additionally supports local culture, civic function, entertainment, residential living, socialising and generally a vibrant place. By providing flexibility in the use of land and buildings, this strategy enables developers and building owners to meet the changing dynamics of the economy and society. In addition, this strategy makes efficient use of the land

within the Central Commercial Activity Area by providing opportunities for the re-use and redevelopment of existing buildings for different activities.

In providing for a wide range of activities, there is potential to cause adverse effects both within the Central Commercial Activity Area and in areas beyond its boundary, such as nearby residential areas. These effects include dust, noise and glare. Plan manages these effects through applying performance standards to ensure these effects are avoided, remedied or mitigated.

Certain activities, such as service stations and industrial activities, may be incompatible with other activities in the Central Commercial Activity Area, in terms of their nature and intensity of use, traffic generation, noise and odour. Therefore, the Plan restricts the establishment and operation of specific activities to manage the location, nature and scale, to ensure if they are established, that they operate in a manner which does not detract from the values for people living, working within, and visiting the central area.

AMENDMENT 15

Add a new 5A 1.1.3 Retail Activities:

5A 1.1.3 ~~Retail~~ Nature and Scale of Activities

Issue

The nature and widely different scale of ~~retail~~ activities can degrade the quality and sustainability of the existing Central Commercial Activity Area.

Objective

To encourage a central public focused ~~retail~~ core and to recognise and provide for a mix of ~~retail-format-sizes~~ activities in some parts of the Central Commercial Activity Area.

- (a) Provide for retail a mix of activities throughout the Central Commercial Activity Area based on precincts.
- (b) Manage the scale and location of ~~retail~~ activities based on precincts to ensure that they sustain the vitality and vibrancy of the Central Commercial Activity Area, while recognising the commercial and practical constraints that affect the viability of new activities.
- (c) Ensure ~~retail~~ activities and developments contribute to an attractive and public focused ~~retail~~ core, and are compatible with the qualities and amenity values of the Central Commercial Activity Area, while remaining viable propositions for commercial investment.

Explanation and Reasons

~~Retail a~~ Activities are continually changing in response to market pressures. As the central focus and main concentration of existing ~~retail~~ activity in Lower Hutt City, the Central Commercial Activity Area needs to be adaptive to these changes, while ensuring these changes do not degrade or undermine the vitality and vibrancy of this area and its amenities.

The retail activities in the central area are a mix of larger format/anchor, specialty and comparative shops. They vary in size throughout the central area, with a general pattern of small-scale specialty shops at the southern end and larger-scale shops at the northern end.

AMENDMENT 18

Add a new 5A 1.1.5 Hutt River Corridor:

5A 1.1.5 Hutt River Corridor

Issue

Orientation and identity of the Central Commercial Activity Area in relation to the Hutt River corridor.

Objective

To recognise and enhance the significant amenity, natural and recreational values of the Hutt River and its relationship to activities in the Central Commercial Activity Area.

Policies

- (a) Encourage the development of a river side promenade by managing activities and development along the river frontage, in conjunction with flood protection works.
- (b) Ensure that activities and development along the riverbank does not adversely affect the stability of the flood protection works, limit public access to the river or impact on the amenity, natural and recreational values of the area.

Explanation and Reasons

The Hutt River contributes to the identity and special qualities of the central area. Recognising and enhancing the relationship of the Central Commercial Activity Area to the Hutt River corridor would contribute towards improving the attractiveness and vitality of the central area. A new river side promenade could occur in conjunction with an upgrade to the flood protection works adjacent to the central area. This upgrade provides opportunities for the redevelopment of the relationship of buildings and development along this edge of the central area.

The Hutt River Flood Plain Management Plan is a non-statutory document setting out a 40-year blueprint for the management of the river corridor. Greater Wellington Regional Council is responsible for managing the river, flood protection and flood warning systems, while Hutt City Council is responsible for land use activities in and adjacent to the river corridor, including the development of a river side promenade. The two Councils work in partnership in managing the river corridor.

~~The river is also an ever present flood risk to the central area. Upgrading and ongoing maintenance of the flood protection works is required to ensure the integrity of these structures are maintained. It is important that activities and development are managed on and adjacent to these flood protection works to protect them from damage. It is imperative the management of the river corridor is undertaken in collaboration with Greater Wellington Regional Council.~~

AMENDMENT 19 [5A 1.1.6]

Add new Rule 5A 1.1.6 Vehicle Orientated Activities:

5A 1.1.6 Vehicle Oriented Activities

Issue

Vehicle-oriented activities that affect the transport network and demand for large parking areas.

Objective

To maintain and enhance convenient and safe access to and throughout the Central Commercial Activity Area.

Policies

- (a) Manage the establishment and operation of vehicle-oriented activities where traffic generation is likely to have adverse effects on the safety and efficiency of the transport network in the Central Commercial Activity Area and on the amenity values of the central area.
- (b) Promote improved services and facilities for public transport and other modes of non-motorised transport, including for people with limited mobility, in the Central Commercial Activity Area and connections to the wider city.
- (c) Manage the potential traffic effects in the Central Commercial Activity Area by using travel demand management techniques for large-scale development proposals, such as integrated retail complexes.

Explanation and Reasons

Some types of activities have a heavy dependence on private motor vehicles for access, such as supermarkets, takeaway outlets and service stations. Managing these types of activities ensures the effects on the transport network can be effectively assessed. However, it is recognised there are some existing vehicle oriented activities in the central area which contribute to its role and function as one of the primary commercial centres in Hutt City.

This management approach also relates to retail activity precincts for the Central Commercial Activity Area, where vehicle-oriented activities are typically larger in scale. This integrated approach ensures that vehicle oriented activities are managed in terms of their effects on the amenity values of the central area.

Overall, good access to the central area for all modes of transport would contribute towards a sustainable city. The District Plan seeks to promote improved access to the central area for all modes of transport, including public transport and non-motorised modes of transport such as pedestrians and cycling. Providing for the needs of people with mobility requirements also contributes to the wellbeing of residents and visitors. A collaborative approach with other authorities will be required in implementing these policies, including the New Zealand Transport Agency and Greater Wellington Regional Council.

AMENDMENT 21

Add a new 5A 1.2.1: Quality of Buildings and Open Spaces:

5A 1.2.1 Quality of Buildings and Open Spaces

Issue

The quality of buildings (internally and externally) and open spaces (including surface carparks) affects the amenity values of the Central Commercial Activity Area.

Objective

To maintain and enhance the built character in the Central Commercial Activity Area by ensuring development addresses the attributes of the anticipated character of the area, while being consistent with the goal of encouraging investment and growth.

Policies

- (a) Provide for alterations and minor additions to existing buildings, subject to minimum standards, and encourage high quality urban and built form design for these building modifications.
- (b) Manage new buildings and developments and larger additions to existing buildings, to be well designed and to contribute to the creation or maintenance of an integrated, safe and attractive Central Commercial Activity Area with a high standard of streetscape and pedestrian amenity.
- (c) Manage new buildings and developments and larger additions to existing buildings, to achieve a high quality urban and built form design, to integrate with the surrounding streetscape and buildings and to contribute to the anticipated character for the precincts within the Central Commercial Activity Area.

- (d) Manage building height based on precincts which reflect the form and context of their location, with taller buildings in the Core, Riverfront (Core) and Riverfront (Commercial) Precincts and lower buildings in the Commercial and Residential Transition Precincts.
- (e) Manage prominent sites to promote identity, visual reference and orientation, and act as gateways by managing the design and appearance of new buildings and developments, including additions and alterations.
- (f) Encourage all new buildings to provide appropriate levels of natural light to occupied spaces within the building.
- (g) Encourage the quality and amenity of residential buildings by guiding their design to ensure current and future occupants have adequate private outdoor space, ongoing access to daylight, and an external aspect.
- (h) Ensure that commercial and practical considerations are taken into account in assessment of the above policies, together with the objectives of achieving vital and vibrant centres with mixed activities.

Explanation and Reasons

The function and attractiveness of the central area is contributed to by the design of buildings and developments. Alterations and small additions to existing buildings within the Central Commercial Activity Area are provided for to facilitate the upgrading, modification or conversion of the existing building stock in the central area. For these small modifications to existing buildings, Council will encourage high quality building design to make a positive contribution to the built character and quality of the central area.

New buildings and developments and larger additions to existing buildings within the Central Commercial Activity Area will be specifically managed to ensure they relate well to the public environment and support the overall role of the central area as the focal point of commercial, community and civic functions.

It is recognised there are a variety of existing building forms and styles which are of a mixed quality. The District Plan seeks to manage the design of buildings and developments to ensure they positively contribute to the central area environment by adopting best practice urban design outcomes. Through the development and implementation of design guidance, the Council will guide and assess the appropriateness of the urban design outcomes resulting from development in the central area.

The general built form of Lower Hutt City is based on a conceptual urban transect of taller buildings and higher density in the central area through to lower buildings and density in the surrounding areas. In the Central Commercial Activity Area, the tallest buildings are located in the centre, being the Core, Riverfront (Core) and Riverfront (Commercial) Precincts, with lower buildings in the Commercial and Residential Transition Precincts reflecting the gradation towards the predominantly residential areas. Height standards are applied to manage new buildings which reflect this built form.

Taller buildings on prominent sites will be specifically managed due to their greater visual exposure and their role in creating landmark features. Particular sites in the Central Commercial Activity Area have been identified as prominent sites, with supporting design guidance provided to manage the building design.

Provision has been made for intensive residential development in the Central Commercial Activity Area. It is important buildings to be occupied for residential living purposes are designed to provide suitable amenity for the future occupants (e.g. natural light and sunlight access, and an external aspect). Encouraging provision for natural light to all habitable and high use areas of new buildings will assist in creating an attractive internal environment and help to reduce the on-going energy requirements of new buildings. Design guidance is provided to encourage quality residential buildings to be developed which provide for these qualities as the Central Commercial Activity Area develops further.

AMENDMENT 23 [5A 1.2.2]

Add a new 5A 1.2.2: Relationship of Buildings to Streets and Open Spaces:

Issue

The relationship of buildings to streets and open spaces (including parks and reserves) affects the quality of these public places and their amenity for people using them.

Objective

To ensure development maintains and enhances the amenity and safety of the Central Commercial Activity Area, in particular, maximizing pedestrian comfort and safety.

Policies

- (a) Ensure that buildings are designed and located in a manner that maintains or enhances the safety, convenience, accessibility and amenity of pedestrian spaces and linkages within the Central Commercial Activity Area.
- (b) Require new buildings to provide ~~maintain~~ an active, transparent and continual frontage (except for vehicle and service access), as well as shelter along identified streets, to provide a pedestrian focused central core to the Central Commercial Activity Area.
- (c) Encourage ~~p~~Protection of sunlight access to identified public spaces including streets and open spaces within the Central Commercial Activity Area and ensure new buildings and additions and alterations to existing buildings minimise overshadowing of the identified public spaces during periods of high use.
- (d) Encourage high quality urban design directed at enhancing the relationship of buildings with public open space and having regard to the significant heritage elements and built form of existing scheduled

heritage buildings as well as the commercial and practical constraints that affect new developments.

- (e) Encourage buildings to be well designed to manage the adverse effects on amenity values, including visual, wind and glare.

Explanation and Reasons

Maintaining and enhancing the amenity values in the Central Commercial Activity Area will make the area more attractive and enjoyable for people. The relationship of buildings to the public environment, such as streets and open spaces, makes an important contribution to the amenity and safety within the central area. One important interface is the ground level relationship between buildings and the streetscape. Requiring display windows and buildings to be located on the front boundary of identified key roads maintains and enhances the quality of the streetscape for pedestrians. In addition, requiring shelter for pedestrians along the identified key roads provides protection from adverse climatic conditions and provides a more comfortable environment.

One of the valued qualities of the Lower Hutt City central area is the access of sunlight to public spaces, including streets and open spaces. However, it is recognised that protecting sunlight access to all areas of public space in the central area would conflict with some other objectives for the Central Commercial Activity Area. Therefore, specific locations have been identified based on highly used areas within the central area to protect for sunlight access to provide an attractive environment to visitors and residents in the central area.

The design of buildings influences the amenity values of the central area, as well as recognising the elements and form of heritage buildings. The District Plan encourages high quality urban design through guidance and advocacy from an early stage in the building design process.

The existing wind speeds at ground level within the Central Commercial Activity Area are variable, with some areas experiencing high and dangerous conditions. In addition, in some locations within the Central Commercial Activity, such as areas of open space and outdoor street activity, calmer wind conditions are desirable to provide a more attractive environment. The wind conditions contribute to the overall amenity in the central area, with buildings having a direct relationship with the resultant wind conditions. Accordingly, the District Plan manages new buildings and larger additions to existing buildings over 12 metres in height in specific locations to ensure the wind conditions are not worsened.

AMENDMENT 27 [5A 1.2.4]

Add a new 5A 1.2.4: Hutt River Corridor :

Issue

The orientation and interaction between buildings and the Hutt River corridor and its effects on the identity and amenity of the city.

Objective

To recognise and enhance the significant amenity, natural and recreational values of the Hutt River and its relationship to development in the Central Commercial Activity Area.

Policies

- (a) Encourage the development of a river side promenade by managing buildings and development along the river frontage, in conjunction with flood protection works.
- (b) Manage new buildings and larger additions to existing buildings in the Riverfront (Core) and Riverfront (Commercial) Precincts to ensure they are designed to provide for adaptation in the future to respond to the upgraded flood protection works.
- (c) Ensure that buildings and development along the riverbank do not adversely affect the stability of the flood protection works, limit public access to the river or impact on the amenity, natural and recreational values of the area.
- (d) Facilitate improved public access between the river and the remainder of the Central Area, and along the riverbank between Ewen Bridge and Melling Bridge to incorporate the river's intrinsic amenity values into the central area and enhance the visual and access linkages between the river and the central area.

Explanation and Reasons

Buildings located within the Central Commercial Activity Area which are adjacent to the Hutt River corridor present some opportunities and constraints for maintaining and enhancing the attractiveness and vitality of the central area. The development of a river side promenade could occur in conjunction with an upgrade to the flood protection works adjacent to the central area. Buildings and development adjacent to this promenade will play a key role in activating this area, to create a vibrant and attractive area. New buildings and larger additions to existing buildings in the Riverfront (Core) and Riverfront (Commercial) Precincts need to be designed to provide for future adaptation to facilitate the long term vision for the riverfront, such as providing for a future active edge on the first floor facing Daly Street. Furthermore, in managing new buildings and development and larger additions to existing buildings, a key characteristic will be facilitating improved public access along the river corridor and connections with the core area of the Central Commercial Activity Area.

The river corridor itself is identified and managed in the District Plan for flood protection purposes. ~~Physical flood protection measures are built and maintained by Greater Wellington Regional Council, with planned upgrading to occur. For the section of the river corridor adjacent to the Central Commercial Activity Area, upgrade works may be undertaken in the future. It is important that activities and development are managed on and adjacent to these flood protection works to protect them from damage. It is imperative the~~

management of the river corridor is undertaken in collaboration with Greater Wellington Regional Council. In addition, the Hutt River Flood Plain Management Plan is a non-statutory document setting out a 40-year blueprint for the management of the river corridor. Greater Wellington Regional Council is responsible for managing the river, flood protection and flood warning systems, while Hutt City Council is responsible for land use activities in and adjacent to the river corridor, including the development of a river side promenade.

For the physical flood protection works built and maintained by Greater Wellington Regional Council, including future upgrade works, it is important that activities and development within the Central Commercial Activity Area are managed to protect these works from damage. It is imperative the two Councils work in partnership in managing the river corridor.

AMENDMENT 29 [5A 1.2.5]

Add a new 5A 1.2.5: Carparking:

Issue

Providing for carparking within the Central Commercial Activity Area in a way that does not dominate streetscapes, or break up continuous built frontages, which can detract from the area's amenity values. Also, provide for carparking in a way that reduces the reliance on private vehicles and encourages the use of sustainable transport modes.

Objective

To promote carparking in locations and configurations which recognise and provide for their potential effects on streetscapes and the public environment.

Policies

- (a) Ensure that on-site carparking, servicing, manoeuvring, and access for all sites within the Central Commercial Activity Area avoids, remedies or mitigates the adverse effects on both traffic safety and efficiency, and on pedestrian safety and convenience.
- (b) Ensure that the design, location and scale of on-site car parking, servicing, manoeuvring and access have regard to the nature of the existing or proposed use of the site (including commercial and practical constraints that affect the development).
- (c) Manage on-site carparking based on the Central Commercial Activity Area precincts, to maintain and enhance the streetscape and character in the different precincts.
- (d) Manage ground level carparking areas and carparking within structures in the Core, Riverfront (Core), Riverfront (Commercial) and Residential Transition Precincts to maintain and enhance the streetscape and character in these precincts.

- (e) Manage the location, scale and nature of on-site ground level carparking areas in the Commercial Precinct to maintain and enhance the streetscape and character in this precinct.
- (f) Manage carparking structures and buildings and other areas providing large numbers of carparks to avoid or mitigate the adverse effects on the traffic network and character and amenity values in the Central Commercial Activity Area.

Explanation and Reasons

Activities within the Central Commercial Activity Area require good access provision both for pedestrians and vehicle based users. The integration of the transport network with development and activities is essential for the effective functioning of the central area. The provision of carparking needs to ensure that supply is both adequate and well located, while not compromising other forms of transport or degrading the amenity values of the central area. The supply of carparking can influence the transport modes people use.

The provision of suitable on-site carparking, servicing and access for all sites in the Central Commercial Activity Area is essential for the efficient functioning of the city. However, it is not necessary for each individual site to be self-sufficient, with the ability for shared facilities or reliance on public facilities, such as public carparks and service lanes, or public transport. If on-site carparking, servicing and access is to be provided on-site, it should reflect the anticipated existing or future needs of the activities”.

On-site car parking ~~can also degrade~~ can be designed in a way to enhance the streetscape and character of the Central Commercial Activity Area. Therefore, performance standards and design guidance is provided to ensure on-site car parking is provided in a manner which recognises and reflects the streetscape and character of the different precincts in the Central Commercial Activity Area. These standards and guidelines include managing ground level car parking and car parking structures.

AMENDMENT 31 [5A 1.2.6]

Add a new 5A 1.2.6: Energy Efficient and Low Impact Urban Development:

5A 1.2.6 Energy Efficient and Low Impact Urban Development

Issue

Energy efficient and low impact urban development can reduce demand on resource use and support alternative energy sources.

Objective

To promote energy efficiency and environmental sustainability in development and use in the Central Commercial Activity Area.

Policies

- (a) Promote energy efficiency in the design and construction of buildings and developments, and in the operation of activities in the Central Commercial Activity Area, such as through the provision of solar access.
- (b) Provide for the installation and operation of domestic scale renewable energy generation facilities, such as roof top wind turbines.
- (c) Encourage the incorporation of low impact urban development principles in the design and construction of developments, including stormwater management and water quality.
- (d) Promote cycle parking in new buildings.

Explanation and Reasons

Using energy more efficiently can reduce the demand for new energy generation and, thereby limit adverse effects on the environment from the generation and distribution of energy. Incorporating energy efficient principles into the design and construction of buildings and development can have short and long term benefits in terms of minimising adverse effects on the environment. For example, designing for solar access means providing for the sun to penetrate a building, a site or an open space to gain solar heat in winter and controlling solar radiation in summer.

Similarly, self-sufficiency with renewable energy generation can provide opportunities for reduced energy demand on the wider energy network. By adopting low impact urban development principles in the design of a building, this can have a number of positive outcomes, including reduced water demand, improved water quality and health benefits.

As research and technology is advancing in the areas of energy efficiency, renewable energy generation and low impact urban development, the District Plan aims to promote and facilitate the use of these initiatives, but not place any requirements at this time. Some matters are addressed in other legislation, such as the Building Act 2004 (specifically the Building Code) and other energy requirements.

The provision of cycle parking in buildings is one way to encourage increased cycling to, from and within the central area.

AMENDMENT 35 [5A 2.1]

Add a new Permitted Activity 5A 2.1(c):

- (c) The erection, construction and development of additions to existing buildings where the gross floor area of ~~with the additions having a gross floor area of~~ is less than 5% of the gross floor area ~~size~~ of the existing building.

AMENDMENT 41 [5A 2.1.1]

Add a new Permitted Activities – Condition 5A 2.1.1(d):

(d) Building Frontages and Display Windows:

~~Any part of a building fronting a street, pedestrian mall, pedestrian walkway, or other public space~~ For sites within the area identified in Appendix Central Commercial 3 – Verandahs, Building Frontages and Display Windows, the following building requirements shall be met:

~~shall be built to the front boundary and have display windows along the frontage. The display windows shall meet the following requirement:~~

- ~~(i) All buildings shall be built to the front road boundary of the site; and~~
- ~~(ii) Any parts of a building fronting a street, pedestrian mall, pedestrian walkway or other public space shall have at least 60% transparent glass display windows for the ground floor facade surface on each facade.~~
- ~~(i) Within the Core, Commercial and Riverfront Precincts identified in Appendix Central Commercial 1 – Precincts, minimum of 60% of the ground floor façade surface shall be transparent glass display windows.~~

AMENDMENT 42 [5A 2.1.1]

Add a new Permitted Activities – Condition 5A 2.1.1(e):

(e) Verandahs

~~Any part of a building fronting a street, pedestrian mall, pedestrian walkway, or other public space~~ For sites within the area identified in Appendix Central Commercial 3 – Verandahs, Building Frontages and Display Windows, the following verandah requirements shall be met:

~~identified in Appendix Central Commercial 3 – Verandahs, Building Frontages and Display Windows shall have a verandah. The verandah shall meet the following requirements:~~

- ~~(i) Any parts of a building fronting a road, pedestrian mall, pedestrian walkway or other public space shall have a verandah.~~
- ~~(ii) A minimum clearance of 2.5 metres directly above the footpath or formed ground surface.~~
- ~~(iii) No more than 4 metres (measured at the base of the verandah fascia) directly above the footpath or formed ground surface.~~
- ~~(iiiv) Extend for the full length of the building.~~
- ~~(iv) Extend outwards from the front of the building to the far side of the kerbing less 450mm, or 3 metres whichever is the lesser.~~
- ~~(vi) Provide continuous shelter with any adjoining verandah or pedestrian shelter.~~

AMENDMENT 44 [5A 2.1.1]

Amend the existing Permitted Activities - Condition 5A 2.1.1(g) as follows:

(g) Sites Abutting Residential ~~or Recreation~~ Activity Areas:

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

- (i) Buildings and structures shall comply with the recession plane requirements of the abutting Residential ~~or Recreation~~ Activity Areas.
- (ii) Side and rear yards - minimum of 7 metres from the side and rear boundaries of any site in the Residential ~~or Recreation~~ Activity Area.
- (iii) All outdoor storage, carparking, and servicing areas must be screened so they are not visible from abutting sites in the Residential ~~or Recreation~~ Activity Area.
- (iv) Servicing of activities shall not occur between the hours of 10.00pm and 7.00am.
- *(v) No mechanical repair and servicing of motor vehicles, trailers or motor fuelled domestic equipment shall be undertaken on the site.

**(v) added under Amendment 65.*

(h) Sites Abutting Recreation Activity Areas:

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

- (i) Buildings and structures shall comply with the recession plane requirements of the abutting Recreation Activity Areas.
- (ii) Side and rear yards - minimum of 7 metres from the side and rear boundaries of any site in the Residential Activity Area.
- (iii) All outdoor storage, carparking, and servicing areas must be screened so they are not visible from abutting sites in the Recreation Activity Area.

Consequential Amendments (Re-numbering Rules 5A 2.1.1)**(hi) Lighting**

Any activity shall comply with the following requirements:

- (i) The emission of light (including glare) shall ensure that direct or indirect illumination does not exceed 8 lux (lumens per square metre) at the windows of buildings used for residential activities in any Residential Activity Area.
- (ii) Subject to the above standard, pedestrian routes and carparks available for public use during hours of darkness shall be lit at a minimum of 10 lux, measured in accordance with AS/NZS 1158.3.1 : 2005 and amendments.

(ij) Dust

Any activity shall not create a dust nuisance at or beyond the boundary of the site to the extent it causes an adverse effect. This standard applies

to contaminants which are not subject to a discharge consent and which are temporary or intermittent in nature.

(jk) Parking, Loading and Access

Any activity shall comply with the following requirements:

- (i) The requirements in Section 14A: Transport.
- *(ii) For front road boundaries not identified in Appendix Central Commercial 3 - Verandahs, Building Frontages and Display Windows and in the Commercial Precinct identified in Appendix Central Commercial 1 - Precincts, any surface or ground level parking area shall not exceed a maximum width of ~~15m~~ 18m along the site frontage or 40% of the site frontage whichever is the lesser.
- (iii) In the Residential Transition Precinct identified in Appendix Central Commercial 1 - Precincts, no surface or ground level parking area shall be visible from a public space.

*(ii) amended under Amendment 49.

(kl) General Rules:

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

AMENDMENT 49 [5A 2.2]

**Add a new Permitted Activities – Condition 5A2.1.1(k):*

Amendment affects Permitted Activities – Conditions. Changes made above

**Permitted Activities – Conditions are re-numbered in response to changes to Amendment 44*

AMENDMENT 50 [5A 2.2]

Amend the existing Restricted Discretionary Activities 5A 2.2(a) to (c) as follows:

- ~~(a) Any single retail activity with a gross floor area exceeding 500m² up to 3,000m² in the Core, Riverfront and Residential Transition Precincts identified in Appendix Central Commercial 1 – Precincts.~~
- ~~(b) Any single retail activity with a gross floor area exceeding 3,000m² in the Commercial Precinct identified in Appendix Central Commercial 1 – Precincts.~~
- ~~(c) Emergency Facilities.~~
- ~~(da)~~ The construction, alteration of, and addition to buildings and structures, except for those works permitted under Rules 5A 2.1(b) and (c).
- ~~(eb)~~ The construction, alteration of, and addition to buildings and structures over 12 metres in height (except for those works permitted under Rules 5A 2.1(b) and (c)) and where any part of the building or structure fronts a street, pedestrian mall, pedestrian walkway, or other public space identified in Appendix Central Commercial 5 – Wind Protection.
- ~~(c)~~ Emergency Facilities.
- ~~(d)~~ The construction, alteration of, and addition to buildings and structures, except for those works permitted under Rules 5A 2.1(b) and (c).

- (e) The construction, alteration of, and addition to buildings and structures over 12 metres in height (except for those works permitted under Rules 5A 2.1(b) and (c)) and where any part of the building or structure fronts a street, pedestrian mall, pedestrian walkway, or other public space identified in Appendix Central Commercial 5 – Wind Protection.
- *(f)** Except where stated in the Central Commercial Activity Area or General Rules, any Permitted Activity which fails to comply with any of the relevant Permitted Activity Conditions, or relevant requirements of Chapter 14 - General Rules.

**(f) added under Amendment 62.*

AMENDMENT 52 [5A 2.2]

Add a non-notification/service clause to 5A 2.2 to read:

Non-notification/service

In respect of ~~Rules 5A 2.2(d) and (e)~~ Rule 5A 2.2, applications do not need to be publicly notified and do not need to be served on affected persons.

AMENDMENT 54 - 58 [5A 2.2.1]

** Amend the Matters in which Council has restricted its Discretion 5A 2.2.1(a) and (b) as follows:*

- (a)** **The construction, alteration of, and addition to buildings and structures, except for those works permitted under Rules 5A 2.1(b) and (c).**
- (i) Design, external appearance and siting of the building or structure.
 - (ii) Traffic effects, including effects on the transport network and the suitability of site access and site servicing arrangements.
 - (iii) Matters in the Central Commercial Activity Area Design Guide (Appendix Central Commercial 8).
- (b)** **The construction, alteration of, and addition to buildings and structures over 12 metres in height (except for those works permitted under Rules 5A 2.1(b) and (c)) and where any part of the building or structure fronts a street, pedestrian mall, pedestrian walkway, or other public space identified in Appendix Central Commercial 5 – Wind Protection.**
- (i) The effects of wind on public space and adjoining areas.
- (c)** **Emergency Facilities.**
- (i) Traffic Effects:
 - The adverse effects on the roading network generated by the emergency facilities.
 - The adverse effects on traffic, cycle and pedestrian movement, parking and access in the immediate vicinity of the site.

- (ii) Appearance of Buildings and Structures:
 - The adverse effects on the visual impression of the streetscape. In this respect an important consideration is the likely impact on the continuous display window frontage requirements.
- (iii) Matters in the Central Commercial Activity Area Design Guide (Appendix Central Commercial 8).

** Discretionary matters (a) to (c) are re-worded and numbered in response to changes to rule adopted under Amendment 50.*

- (d) **The construction, alteration of, and addition to buildings and structures, except for those works permitted under Rules 5A 2.1(b) and (c).**
 - (i) Design, external appearance and siting of the building or structure.
 - (ii) Traffic effects, including the suitability of site access and site servicing arrangements.
 - (iii) Matters in the Central Commercial Activity Area Design Guide (Appendix Central Commercial 8).
- (e) **The construction, alteration of, and addition to buildings and structures over 12 metres in height (except for those works permitted under Rules 5A 2.1(b) and (c)) and where any part of the building or structure fronts a street, pedestrian mall, pedestrian walkway, or other public space identified in Appendix Central Commercial 5 - Wind Protection.**
 - (i) The effects of wind on public space and adjoining areas.

***(f) Except where stated in the Central Commercial Activity Area or General Rules, any Permitted Activity which fails to comply with any of the relevant Permitted Activity Conditions, or relevant requirements of Chapter 14 - General Rules.**

- (i) Any actual or potential adverse effects arising from the proposed non-compliance, and measures to avoid, remedy or mitigate such effects.

**(f) added under Amendment 62.*

AMENDMENT 61 [5A 2.2.2]

Amend 5A 2.2.2 (c) as follows:

- (c) **The construction of new buildings and structures under Rule 5A 2.2.1(e) The construction, alteration of, and addition to buildings and structures over 12 metres in height (except for those works permitted under Rules 5A 2.1(b) and (c)) and where any part of the building or structure fronts a street, pedestrian mall, pedestrian walkway, or other public space identified in Appendix Central Commercial 5 - Wind Protection shall comply with the following standards:**

AMENDMENT 62 [5A 2.3]

Amend 5A 2.3 Discretionary Activities (a) and (b) as follows:

- (a) Except where stated in the General Rules, ~~any Permitted or Restricted Discretionary Activity which fails to comply with any of the relevant Permitted Activity Conditions, Restricted Discretionary Activity Standards or Terms, or relevant requirements of Chapter 14 - General Rules.~~

Rule 5A 2.3 (b) is deleted in its entirety.

AMENDMENT 64 [5A 2.3]

Add a new Discretionary Activity 5A 2.3(d):

- (d) Residential activities on the ground floor in the Core, Riverfront (Core), Riverfront (Commercial) and Commercial Precincts identified in Appendix Central Commercial 1 - Precincts.

AMENDMENT 65 [5A 2.3]

Add a new Discretionary Activity 5A 2.3(e):

Rule 5A 2.3 (e) is amended as follows:

- (e) Service stations, except for the mechanical repair and servicing of motor vehicles, (excluding trucks, buses and heavy vehicles) trailers and motor fuelled domestic equipment, provided that all motor repair and servicing activities are undertaken inside a building.

For the purposes of this rule, mechanical repairs and servicing shall not include body repairs, panel beating, trimming, spray painting, and heavy engineering (such as engine reboring and crankshaft regrinding).

Amendment also affects Rule 2.1.1 (g). Changes made above.

AMENDMENT 66 [5A 2.3]

Add a new Discretionary Activity 5A 2.3(f):

- (f) Car Sales Yards in the Core, Riverfront (Core), Riverfront (Commercial) and Residential Transition Precincts identified in Appendix Central Commercial 1 - Precincts.

AMENDMENT 74 [5A Appendix Central Commercial1]

Delete Appendix Central Commercial 1 and add a new Appendix Central Commercial 1 – Precincts

In response to a matter identified in submissions by Harvey Norman Stores Pty NZ Ltd the Appendix Central Commercial 1 Precinct has been separated

into the Riverfront (Core) Precinct and the Riverfront (Commercial) Precinct. The change has resulted in consequential amendments to text throughout the Proposed Plan Change. These changes are made as appropriate in this document (Appendix 1).

AMENDMENT 76 [5A Appendix Central Commercial 3]

Delete Appendix Central Commercial 3 and add a new Appendix Central Commercial 3 – Verandahs, Building Frontages and Display Windows

A new plan is attached as Appendix 2 to this Decision.

AMENDMENT 81 [5A Appendix 8]

Add a new Appendix Central Commercial 8 – Central Commercial Activity Area Design Guide:

An amended version of the Design Guide is attached as Appendix 3 to this Decision.

AMENDMENT 83 [14A(iii) 1.1.1]

Amend the Issue in 14A(iii) 1.1.1 Adequate Car Parking Provision in the Central Commercial Activity Area as follows:

Issue

The increased ownership of private vehicles and increased activity in the Central Commercial Activity Area in recent years has contributed to a high demand for long and short stay parking. Each activity should provide sufficient parking on site, however, the inner area sites are generally small which makes it difficult to provide on site parking. It is also desirable to maintain a continuous pedestrian frontage for shoppers.

Policies for the Central Commercial Activity Area have maintained the approach that sites within the inner area are not required to provide on site parking, generally required to provide on site parking, though parking for residential units are required. as sufficient on and off street parking will be provided in the immediate vicinity. Sites in the outer area will be required to provide on site parking to meet the high demand for long and short stay parking. The provision of safe and, adequate and well located parking contributes to the maintenance of amenity values, and the vitality and viability of the Central Commercial Activity Area.

Add a new Policy to 14A (iii) 1.1.1 as follows:

***(d) That adequate on site car parking is provided for residential activities in the Central Commercial Activity Area, recognising the different**

character and amenity between the Inner and Outer Central Area Parking Districts.

**(d) added under Amendment 85.*

AMENDMENT 84 [14A(iii) 1.1.1]

Amend the Explanation and Reasons in 14A(iii) 1.1.1 Adequate Car Parking Provision in the Central Commercial Activity Area as follows:

The provision of sufficient on and off street parking for the inner area has been maintained over a number of years. The inner area is identified as the Inner Central Area Parking District and is shown in Appendix Transport 2. Sites in this area shall not be required to provide on site parking, as these sites are generally small, and it would degrade the overall quality of the central area, such as breaking up the continuous pedestrian shopping frontage. *However, residential activities in the Inner Central Area Parking District are required to provide on site parking to meet the parking demand generated by this type of activity, while maintaining or enhancing the character and amenity of the central area.

**Sentence added under Amendment 85.*

Parking within the Inner Central Area Parking District has been provided through two main public parking areas. There is on street parking for short stay purposes and both long and short stay parking is available at the Riverbank Carpark and the Centre City Plaza Car Park. Changes may occur in the future to these existing parking areas, as well as the provision of new parking facilities in other locations. This ensures that there is adequate long and short stay parking available for the central area workforce and retailers.

The Outer Central Area Parking District does require that adequate on site parking provision is made. The parking requirements for retail activities, commercial services, licenced premises will be determined on the gross floor area of the building, using a graduated system. Where a comprehensive retail development involves a range in sizes of retail activities then the parking requirement will be determined on an aggregate basis.

There are also on site car parking requirements for other commercial activities. The on site parking requirement for each activity is based on the type and scale of activity, and the associated trip generation factor. The criteria have been based on appropriate measures of the intensity of each activity, such as gross floor area. The Outer Central Area Parking District is shown in Appendix Transport 2.

The provision of adequate car parking in the Central Commercial Activity Area assists the safe and efficient operation of the roading system ~~and enhances the amenity value of the area,~~ thereby contributing to the vitality and viability of the commercial centre. However, large surface areas of car parking can detract from the streetscape and amenity values in the Central Commercial Activity Area. In addition, the provision of parking must be considered in relation to travel demand and increased traffic movements, which can also decrease the amenity and attractiveness of the Central

Commercial Activity Area. Therefore, standards are used to manage the location, extent and design of car parking areas to ensure they maintain and enhance the streetscape and amenity values.

AMENDMENT 85 Parking Standard [14A (iii) 2.1 (c) (i)]

Amend 14A (iii) 2.1 (c) (i) as follows:

Residential Activities: The minimum parking requirement for residential activities is 1 space for every two per single residential units.

Amendment also affects Policy 14A (iii) 1.1.1 (d) and Explanation and Reasons 14A (iii) 1.1.1. Changes made above.

AMENDMENT 86 [14A(iii) 2.2]

Delete Discretionary Activity 14A 2.2:

- (a) Where a Permitted Activity proposes to provide less than the required number of parking spaces.
- (b) Where a Permitted Activity is unable to provide the required number of parking spaces on site.
- ~~(c) In the Outer Central Area Parking District of the Central Commercial Activity Area, where the number of parking spaces on site exceeds 90.~~
- ~~(d)~~ Any other Permitted, Controlled or Restricted Discretionary Activity which fails to comply with any of the relevant Permitted Activity - Conditions.

AMENDMENT 92[14B 2.1.5]

Amend 14B 2.1.5 Permitted Activities - Conditions In all Commercial Activity Areas, Business Activity Areas, and Community Iwi Activity Area 3 - Kokiri Centres, excluding the Petone Commercial Activity Area 1 as follows:

c) Maximum Face Area:

- (i) Where any sign is painted on or attached in any way to the exterior of a building, the maximum face area of all signs visible in any one direction shall ~~may~~ not exceed 30% of the area of that wall ~~up to a maximum face area of 20m².~~
- (ii) Where a sign is erected within the Avalon Business Activity Area the maximum face area of all signs erected at the main entrance to the site shall not exceed 3m².
- (iii) The maximum face area of free standing signs shall be 20m².
- ~~(iv) Where a sign is erected within the Core, Riverfront or Residential Transition Precincts of the Central Commercial Activity Area identified in Appendix Central Commercial 1 Precincts, the maximum face area of all signs shall not exceed 5m².~~
- ~~(v) Where a sign is erected within the Commercial Precinct of the Central Commercial Activity Area identified in Appendix Central Commercial 1 Precincts, the maximum face area of all signs shall not exceed 20m².~~

APPENDIX 2

**REVISED COPY OF APPENDIX CENTRAL COMMERCIAL 3 -
VERANDAHS, BUILDING FRONTAGES AND DISPLAY WINDOWS**

APPENDIX 3

**REVISED COPY OF APPENDIX CENTRAL COMMERCIAL 8 -
CENTRAL COMMERCIAL ACTIVITY AREA DESIGN GUIDE**