

**OFFICER'S REPORT FOR:** Independent Hearings Commissioners:  
David McMahon (Chair)  
Gary Clark

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

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**REPORT DATED:** 18 March 2013

**DATE OF HEARING:** 02 April 2013 – 09 April 2013

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## **EXECUTIVE SUMMARY**

In November 2011 the Wellington Institute of Technology (WelTec) lodged a private plan change request with Council, which would create a Tertiary Education Precinct covering their campus. This contains land which WelTec owns or leases in the areas of Buick Street, Elizabeth Street, Kensington Avenue, Cuba Street and Bracken Street. Council agreed to adopt the private plan change as a Council plan change. By adopting the plan change, it becomes a change made by the local authority itself.

Proposed Plan Change 25 (the Plan Change) seeks the introduction of a new Tertiary Education Precinct which would apply to WelTec's existing campus in Petone for the purpose of providing for ongoing use and development of the campus to meet future tertiary education needs, whilst also providing greater certainty for the community.

The proposed plan change seeks to amend the relevant activity areas of the District Plan to specifically provide for tertiary education activities, whilst retaining the majority of the underlying zoning provisions. Specific additional controls are provided for in the Tertiary Education Precinct, where the precinct boundary abuts residential activities within the General Residential Activity Area. In addition, related changes to Chapter 14A (iii) (Car and Cycle Parking) and Chapter 14B (Signs) of the District Plan are proposed to more appropriately manage on-site carparking and signage requirements.

The Plan Change was notified on 27 March 2012, with submissions closing on 27 April 2012. The summary of submissions was notified on 19 June 2012, with further submissions closing on 03 July 2012.

A total of 157 original submissions, 1 late submission and 6 further submissions were received on proposed Plan Change 25.

A hearing of the submissions received on proposed Plan Change 25 is proposed to be held beginning on 02 April 2013.

The following report recommends that the Council accept or reject the submissions and further submissions for the reasons as outlined under Part 3 of this report and that the Plan Change be amended in accordance with Appendix 2 of this report.

## **Primary Issues**

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

### **1. Principle of a Tertiary Education Precinct**

The Plan Change proposes to introduce a Tertiary Education Precinct within the provisions that apply to the existing General Residential and General Business zonings that the WelTec campus currently occupies. The Plan Change also proposes for the Bracken Street site within Memorial Park which is currently zoned General Recreation Activity Area to have its own provisions.

Institutional precincts are an established mechanism in numerous District Plans throughout New Zealand. These have primarily been put in place for two reasons. Firstly a number of these (e.g. hospitals, seaports and tertiary education precincts) have been put in place as the underlying zoning was incapable of being able to provide for the use or the specific structures required without the necessity of applying for consent for every building or every non permitted use. In addition, and particularly applicable for this Plan Change, is that a large number of these precincts were previously designated under Part 8 of the Act which meant, as is the case of the Petone Campus, that the designation lapsed when the proposed plan was made operative. Notable examples of Institutional Precincts in Wellington City include two tertiary institutions and the Wellington Regional Hospital while in Hutt City, Hutt Hospital has its own provisions within the District Plan that recognise and provide for important community and often specialised campus style developments.

Clearly, as has been shown through previous contested resource consent processes, the existing zoning provisions in Petone do not provide for a policy framework that recognised the social and economic importance of the WelTec's facilities, or provide more planning certainty. In our view the proposed Plan Change policy provisions recognise the balance between the particular activity and the built form proposed while specifically taking into account amenity and character values of surrounding areas. For these reasons in principle we support the concept of a Tertiary Education Precinct.

### **2. Defining what is included in the term Tertiary Education Activities**

On the basis that the principle of a Tertiary Education Precinct has been established the next issue is what uses fall within the term Tertiary Education Activities. Clearly there are core educational, administration and support activities that are required for the functioning of a tertiary education facility and a definition is given of that term in the Education Act 1989. The matter of ancillary uses has been raised in submissions as the definition in the proposed Plan Change is relatively broad and potentially could include some retail activities and student accommodation.

We consider that there is uncertainty as to effects of some activities on some parts of the site with such a broad definition and it is appropriate to narrow the term to core functions and introduce a new definition of what are ancillary activities. In practical terms this may mean certain ancillary uses will require resource consent but these can in our view, be assessed on their effects and on their merits. For example there may be different effects in the provision of a small retail facility in the middle of the large Kensington West site, to a single student accommodation facility up to 12m in height in Elizabeth Street that would need to be assessed if proposed in the future.

It is therefore recommended to split the proposed definition for Tertiary Education Activities into two parts: Principal Tertiary Education Activities and Ancillary Tertiary Education Activities.

### **3. Consultation, Section 32 and Notification Issues**

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

It is considered that the process of consultation has been more than adequate for several reasons. Firstly there has been opportunity at the community level on Petone wide issues including the concept of specific provisions relating to tertiary education activities at the Petone campus as part of the Petone Vision. Secondly WelTec has carried out its own consultation and

that is outlined in the Plan Change documents. Thirdly in 2012 HCC carried out extensive local consultation on methods of on street parking management in the streets in proximity to the existing campus facilities while finally there has been an increased level of community awareness as a result of the notified resource consent applications considered in recent years. The fact that there are 158 submissions to this plan change also supports this view that the wider community has good awareness of what is proposed.

In terms of section 32 we believe that there are no fundamental flaws in the process to date. A section 32 analysis is included in the plan change documentation and this was adopted by HCC for the purposes of notification which the Council is entitled to do. In addition this section 42A report is part of the process, as are the consideration of submissions and the hearing itself. Importantly Councils decision after the hearing of submissions also constitutes part of the process.

Some submissions have questioned the proposed plan change provisions that either make activities permitted or restrict notification. Part of the Plan Change is to provide more certainty to future changes at the campus and in our view creating appropriate permitted activity standards and outlining the extent of notification where activities or potential structures are proposed that require resource consent, is sound resource management practice. In our view full notification of many development proposals is unnecessary, potentially costly and inefficient and in any event defeats the purpose of the Plan Change itself. The circumstances for limited notification to those directly adjoining the Precinct where consent is required and the effects of the proposal are potentially more than minor is outlined, in the notification statement.

#### **4. General Bulk and Location**

The Plan Change proposes some bulk and location amendments to the existing General Residential zoning, in terms of matters of height, recession planes, yards and building site coverage. Some are more restrictive, a number more permissive while factors such as noise, odour lighting, dust, etc. and building length remain unchanged. Parking issues and parking requirements are considered separately. The Plan Change as notified also proposed changes at the Bracken Street site but in all bulk and location respects no changes to the Cuba Street site (zoned General Business) are included.

Due to the diverse nature of the existing landholdings, the approach to appropriate permitted development conditions needs to be assessed on a site by site basis recognising the amenity values of adjoining residential uses as well as the overall existing character. In summary we believe that the bulk and location rules are appropriate with two notable exceptions being permitted height at both the Udy and Elizabeth Street parts of the campus which we discuss further below.

#### **5. Specific Sites**

##### **Bracken Street**

The Plan Change as notified proposes that the Bracken Street site located adjoining Memorial Park and the Shandon Golf course have specific recognition as part of the precinct.

It is considered that the inclusion of this site within the precinct is inappropriate due primarily to the distance of this site from the core facilities in Kensington Street over a kilometre away. As such if development proposals are to occur in the future they would be best considered under the General Recreation provisions and on their merits. It is therefore recommended that the changes to the General Recreation provisions within the Plan Change be deleted.

While not of direct consequence to the Plan Change it should be noted that the land is leased and in any event we understand that the use by WelTec has ceased.

##### **Kensington Street West**

This part of the campus is the most intensively developed part of the precinct and contains the core administrative functions and significant areas of teaching space. It also contains the biggest buildings including the large 8 storey T Block that is prominent from many parts of Petone.

The Plan change proposes permitted height limits of 12 m, 60% site coverage, a 3m southern yard requirement and specific recession planes on the southern boundary with the intention of

keeping the higher parts of any building further away from the southern residential boundary. It is considered that these permitted bulk and location rules are appropriate as they reflect the scale, intensity and investment in the existing facilities while specifically addressing the key potential amenity effects to adjoining residential buildings to the south.

Any structures that fall outside of these parameters would appropriately be considered as a discretionary restricted activity for all matters except for height. This is fully discretionary reflecting that effects of additional height may be to more than to the immediately adjoining properties where building bulk, over dominance, overlooking, sunlight access and proximity may be more of an issue.

### **Kensington Street East**

This site links Kensington West to the N Block located on Cuba Street. More restrictive bulk and location changes to General Residential permitted activity conditions are proposed with a 3m yard and a 2.5m + 37.5° recession plane compared with a side yard of 1m and a recession plane of 2.5m + 45° recession plane that applies to General Residential. This reflects the single storey residential nature of adjoining properties and the limitations on comprehensive development that exist due to the site's small size.

### **Elizabeth Street**

This part of the Precinct is bounded by Petone Central Primary School to the west, the Petone Recreation Ground to the north and residential properties fronting Buick and Elizabeth to the east. Access is via Buick Street and a northern access leg south of the Petone Recreation Ground. The site also contains the vacant single storey former Petone Courthouse listed by both HCC and the Historic Places Trust as a heritage building. The building appears to be in relatively poor condition.

In terms of the heritage building specific resource consent would be required to demolish or relocate the existing building and it is not the purpose of this plan change to predict whether such an outcome may occur or not. In addition the Elizabeth Street site also was the subject of a notified resource consent hearing in 2011.

In terms of bulk and location the permitted activity conditions proposed in the Plan Change are 12m height (compared to 8m currently) and maximum site coverage of 40% (compared to 35% currently) with yards and recession planes being the same that apply to General Residential (1m side yard and 2.5m + 45° recession plane). In terms of effects there are concerns about the height limit in that residential properties adjoining the frontage of the site are single storey and a 12m high building on the Elizabeth Street frontage may look out of context. However it appears that the rear of the site may be able to accommodate a higher building but that can be considered as a restricted discretionary activity if proposed and amenity and character matters can be addressed. The proposed permitted site coverage of 40% is considered appropriate as it is consistent with the maximum permitted site coverage throughout the medium density areas of the General Residential Activity Area.

### **Udy Street**

This large site is on the corner of Udy and Britannia Streets and bounded to the east by the Petone Recreation Ground and two residential properties to the south. It currently is laid out for WeITec carparking and from all accounts is underutilised for that purpose. It is assumed that this is due to lack of proximity to the teaching facilities with the site being relatively remote from the core Kensington West site diagonally across the Petone Recreation Ground.

As it is, the Udy Street site is in our view, clearly a development site and as a surface carpark an inefficient use of the land resource. As such it is appropriate to consider the form and scale of potential development. The Plan Change as notified proposes an increase in height to 12m, an increase in site coverage to 40%, a 3m yard on the southern boundary and stepped recession planes keeping the higher parts of the building away from the southern boundary.

In considering potential development there are concerns that the bulk and location provisions are very permissive and there are several ways in which the site could be developed up to a 12m height. It could be one large building or some smaller footprint buildings. As a permitted activity there is little ability for Council to influence design outcomes. The conditions are similar on this

site, to those of the sites on the eastern side of Kensington Ave and Elizabeth Street where the sites south of Udy Street are characterised by low scale development within a residential area.

Similarly, it is our view that the more appropriate bulk and location provisions of the General Residential Activity Area should apply on this site to ensure an appropriate scale of development. In order to provide more separation from the residential activities, maintenance of the 3m yard requirement is consistent with the approach taken on the eastern side of Kensington Ave. The maximum site coverage of 40% is considered appropriate for the reasons given above in relation to the Elizabeth Street site.

As with the Elizabeth Street site a higher than 8m high building may be appropriate depending the design, location and the way it addresses the Petone Recreation Ground and the prominent street corner. Such proposals are considered to be appropriately considered as restricted discretionary matters with assessment criteria relating to amenity, character, design and location.

### **Cuba Street**

As with Elizabeth Street the Cuba Street part of the Precinct was subject to a significant resource consent application process in 2010-11. From our understanding carparking and amenity matters were the two issues that attracted the most scrutiny. The Plan Change proposes no changes to the bulk and location provisions that apply to the current General Business Zoning which is supported. The issue of total parking provision and how it is managed is considered below.

## **6. Design Guides**

It is important to recognise that a number of submissions have concerns that there is not a Design Guide approach to the Tertiary Education Precinct. It is recognised that Wellington City Council have taken a Design Guide approach in its District Plan and to Institutional Precincts. However a number of Councils have not, utilising bulk and location parameters alone to influence design.

While Hutt City has design guidance in some areas such as the CBD, and for Jackson Street and have recently introduced design guidance for multi-unit housing there are no significant other areas covered including the Hospital Precinct or highly visible parts of Hutt City such as Petone Esplanade.

In this circumstance we are satisfied that the permitted activity bulk and location rules proposed with the exception of Udy and Elizabeth Street height can achieve good design outcomes without specific design guidance. If HCC's approach was to change in the future design guidance and methods to trigger assessment such as controlled activity assessment can be considered at that time.

## **7. Carparking Standards**

It is evident from submissions that on street carparking, associated with the current WelTec activities, have been a concern for residents in this part of Petone for some time. Apart from those areas closest to Jackson Street (Buick Street, Elizabeth Street, southern Kensington Street and southern Cuba Street) on street parking is uncontrolled within the immediate area around the Petone campus. The Kensington West part of the campus is also roughly equidistant between two rail stations. There are several aspects to this parking issues some of which can be considered through the District Plan rules while the matter of on street parking control is a matter for Council under the Local Government Act 2002.

### **HCC Parking Consultation**

In May 2012 in parallel with this Plan Change Council consulted and surveyed the areas most utilised as for street parking in the vicinity of WelTec and proposed residents parking areas and time restrictions if individual streets preferred those options. In the end the only uptake was a free residents parking trial of High Street between Cuba and Williams Streets. It is understood that HCC officers are agreeable to recommend implementing further restrictions in other streets if requested and they are warranted.

### **Carparking Approach**

It is clear that drivers will park as close as they can to where they have to go by weighing up factors such as parking restrictions and costs. With limited on site space apart from the Udy Street site and therefore limitations on convenient provision of off street parking, the campus relies on some level of on street carparking to currently operate.

The plan change documentation includes a report from Tim Kelly Transportation Ltd, where he proposes to alter the on-site carparking requirements from a straight staff + students ratio to a new formula. This new formula takes into account staff + student numbers but also relies on an acceptable level of on street parking in this case 300 spaces. This principle of acceptable on street parking is also reflected in the transportation policy additions proposed as is the principle that carparking requirements need to be considered on a campus wide basis where a shortfall in one location could be made up by additional supply in another. This is supported but the objective should be to maintain or improve the current situation and we recommend small changes to the policy framework to reflect this.

### **Monitoring and Review**

The document has been peer reviewed. In summary we concur with the findings that the approach taken is acceptable on the basis that the situation is monitored and reviewed ideally annually. This is because the situation can fluctuate with changes in student and staff numbers attending the campus. In addition the success of any travel demand initiatives reducing the percentage of both students and staff who travel by other means than the private car needs to be assessed.

On 1 March 2013 at the request of the Commissioners a prehearing meeting was held between traffic experts advising on the plan change. However this was not attended by all parties but the result from the representatives of WelTec and HCC advisers was a conferencing statement. This outlined a process of monitoring and reporting defining the scope of monitoring and frequency.

### **Recommendations**

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

1. That the Plan Change as notified be supported in principle subject to a number of changes to the text and appendices of the Plan Change. These are shown attached as Appendix 2 of this report.
2. That HCC Road and Traffic Division and WelTec formalise a process for ongoing on and off street parking monitoring.

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## **1. INTRODUCTION**

This report discusses and makes recommendations on submissions received in relation to proposed Plan Change 25 – Introduction of a Tertiary Education Precinct (hereafter referred to as the Plan Change).

The Plan Change seeks to amend the relevant activity areas of the City of Lower Hutt District Plan (referred to as the District Plan) to specifically provide for the tertiary education activities of the Wellington Institute of Technology (WelTec), whilst retaining the underlying zoning provisions. To ensure the activities of WelTec can be provided for in an appropriate way, and at the same time the particular character and amenity values of each of the surrounding areas is best recognised, rules are applied differently throughout the campus. Specific additional controls are provided for in the Tertiary Education Precinct, where the precinct boundary abuts residential activities within the General Residential Activity Area.

In addition to creating a Tertiary Education Precinct for the campus, related changes to Chapter 14A (iii) (Car and Cycle Parking) and Chapter 14B (Signs) of the District Plan are proposed to more appropriately manage on-site carparking and signage requirements. The specific changes proposed to the District Plan are detailed in Part 3 of the plan change document.

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

- Chapter 3 - Definitions;
- Chapter 4A - General Residential Activity Area;
- Chapter 6A - General Business Activity Area;
- Chapter 7A - General Recreation Activity Area;
- Chapter 14A - Transport; and
- Chapter 14B - Signs.

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

## **2. BACKGROUND**

### **2.1 Process**

In November 2011 WelTec lodged a private plan change request with Council, which would create a Tertiary Education Precinct covering the campus, encompassing land which WelTec owns or leases in Udy Street, Elizabeth Street, Kensington Avenue, Cuba Street and Bracken Street.

The process for a private plan change is set out in the First Schedule of the Resource Management Act 1991 (RMA). Any person may request a change to the District Plan and Council must consider that request.

Clause 25 of the First Schedule of the RMA requires Councils who have received a request for a private plan change to do one of four things:

- (i) Adopt the plan change request in whole or in part, and notify it as a Council initiated plan change; or
- (ii) Accept the plan change request in whole or in part, and notify it as a private plan change; or
- (iii) Decide to deal with it as a resource consent; or
- (iv) Reject the plan change request.

At its meeting on 13 December 2011 Council agreed to adopt the private plan change request as a Council plan change. By adopting the plan change, it becomes a change made by the local authority itself. This implies that the Council supported the proposed change inasmuch as it considered it appropriate to be notified as a plan change in its own name. The plan change must then be notified within four months of adoption and follow the process set out in Part 1 of the First Schedule of the RMA. Council's decision to adopt the private plan change limits the involvement of WelTec in the formal process although WelTec is a submitter in its own right and has full rights of participation.

The Plan Change was notified on 27 March 2012, with submissions closing on 27 April 2012. The summary of submissions was notified on 19 June 2012, with further submissions closing on 03 July 2012.

A total of 157 original submissions, 1 late submission and 6 further submissions were received on proposed Plan Change 25. A full list of submitters who have lodged submissions or further submissions on the Plan Change together with the relevant submission references is attached to this report as Appendix 1.

## **2.2 Consultation**

A number of earlier rounds of consultation have influenced the preparation of the private plan change request and the proposed plan change. This includes consultation undertaken by WelTec as part of previous resource consent application processes and other campus development activities, and consultation undertaken by Hutt City Council about the future development of Petone. The Council consultation processes include the preparation of the 'Petone Vision Statement' in 2006-2007 and the 'District Plan Review for Petone – Discussion Document' released for comment in June 2009. This earlier consultation was primarily with local residents in the vicinity of the WelTec campus, but also included groups with wider Petone interests (e.g. Petone Planning Action Group and Jackson Street Programme) and formal entities (e.g. Petone Community Board, Hutt City Council, Greater Wellington Regional Council, Wellington Tenth Trust/Port Nicholson Settlement Block Trust, Go Wellington and other public transport operators).

## **2.3 Historical Background**

Prior to 2003, most of the current WelTec campus was designated for educational purposes, meaning its use and development was restricted mainly by the terms of the designation and therefore the use and built development on the sites did not need to comply with the rules of the District Plan at the time. However, the ability to designate land for tertiary education purposes was removed by the implementation of the Resource Management Act in 1991. When the designation lapsed in 2003 WelTec as a tertiary education provider became fully bound by the rules of the District Plan.

The majority of WelTec's Petone campus is currently zoned General Residential Activity Area under the District Plan, with the remainder of the campus zoned General Business Activity Area and General Recreation Activity Area.

Therefore most changes to campus facilities currently trigger the need for resource consent as educational activities are not permitted in the General Residential Activity Area and the proposed buildings typically do not always comply with residential zone standards and/or with carparking requirements.

Hutt City Council is currently reviewing the District Plan provisions that relate to the wider Petone area, following on from the Petone Vision Statement and the Petone Discussion Document outcomes. The specific circumstances and issues arising from the campus being mainly located amidst residential areas were identified, during consultation for the Vision Statement and the Petone Discussion Document, as a specific issue which needed to be addressed in the overall review of the District Plan. The proposed plan change responds to the planning issues raised in the reviews and seeks to align with the overall direction that the Petone Vision Statement sets for the community in this area.

**2.4 Location and Context**

The Plan Change covers most of the existing WelTec Petone campus, which is predominantly located in central Petone north of Jackson Street and comprises both the ‘Main Petone Campus’ as well as a ‘satellite property’ at Bracken Street. Sites used and/or owned by WelTec but not included in the proposed precinct are:

- G Block in Wakefield Street (trade delivery);
- F Block in Victoria Street (vacant); and
- H Block in Jackson Street (vacant).

The land subject to the Plan Change is zoned the following under the District Plan:

- General Residential Activity Area
  - Kensington Avenue (West) - Main Campus;
  - Kensington Avenue (East) - P Block and Carpark;
  - Elizabeth Street - O Block, M Block and Carpark; and
  - Udy Street and Britannia Street - Udy Street Carpark.
- General Business Activity Area
  - Cuba Street - N Block and Wormald Building.
- General Recreation Activity Area
  - Bracken Street - K Block.

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

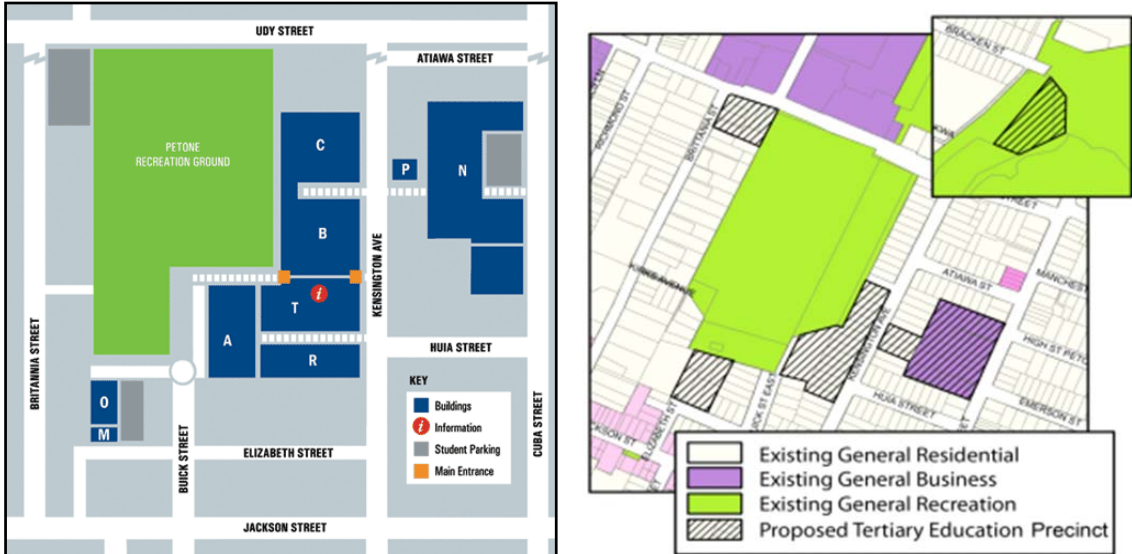


Figure 1: WelTec's Petone Campus Locations and Location of Proposed Tertiary Education Precinct

**2.5 Summary of Proposed Plan Change 25**

Proposed Plan Change 25 seeks to create a Tertiary Education Precinct which covers most of the existing WelTec campus in Petone. This is on land which WelTec owns or leases in the areas of Kensington Avenue, Elizabeth Street, Cuba Street, Udy Street and Bracken Street. Within the Plan Change District Plan provisions are proposed that would apply to WelTec's Petone campus as identified in the Tertiary Education Precinct.

The Plan Change proposes to amend the relevant activity areas of the District Plan for those areas within the Tertiary Education Precinct to specifically provide for tertiary education activities

(a definition of which is proposed) whilst retaining the underlying zoning provisions. To ensure the tertiary education activities can be provided for in an appropriate way, and at the same time the particular amenity of each of the surrounding areas is best protected, rules are applied differently throughout the proposed precinct. Specific additional controls are provided for where the precinct boundary abuts residential properties within the General Residential Activity Area.

The Plan Change proposes new permitted activity provisions (height, yards, recession planes etc.) which are intended to accommodate the operation requirements of a tertiary education provider, whilst protecting the amenity of the surrounding residential areas. The new permitted activity provisions take into account the size, bulk and design of the existing campus buildings. It also proposes an amendment to the existing parking standards to adjust the level of minimum on-site car parking to the anticipated level of demand for off-road car parking spaces by visitors of the Tertiary Education Precinct. The anticipated level of demand for car parking is calculated through a proposed formula, which is based on the number of staff and students, availability of on-street car parking and the usage of on-site car parks. The proposed car parking formula seeks that a sufficient supply of on-site carparking be provided without detracting from the amenity and character of the surrounding residential area.

The main changes to specific area provisions proposed by the Plan Change are:

### **General Residential Activity Area**

The following amendments to permitted activity conditions are proposed:

- **Maximum building height** - increased from the current 8m in this zone to 12m for much of the precinct. Lower maximum heights are specified for set distances from some boundaries with residential properties. Proposed maximum building height provisions in detail are
  - Kensington Avenue – West: 12m
    - no higher than 4m within 3m and 8m from southern boundaries
    - no higher than 8m within 8m and 12.5m from southern boundaries
  - Kensington Avenue – East: 8m (no changes proposed)
  - Elizabeth Street: 12m
  - Udy Street/Britannia Street: 12m
    - no higher than 4m within 3m and 8m from southern boundaries
    - no higher than 8m within 8m and 12.5m from southern boundaries
- **Minimum yards** – current permitted activity conditions for the General Residential Activity Area apply for yards (minimum 3m for front yards and 1m for other yards). Increased 3m side and rear yards are proposed for some boundaries with residential properties. Proposed minimum yard requirements in detail are
  - Kensington Avenue – West: 3m for southern boundary
  - Kensington Avenue – East: 3m for southern boundary
  - Elizabeth Street: no changes proposed
  - Udy Street/Britannia Street: 3m for southern boundary
- **Recession planes** - current permitted activity conditions for the General Residential Activity Area (2.5m + 45°) apply for recession planes. More restrictive recession planes are proposed for some boundaries in relation to adjacent residential properties. Proposed recession planes in detail are
  - Kensington Avenue – West: no changes to recession planes but additional height restrictions along southern boundaries

- Kensington Avenue – East: 2.5m + 37.5° for southern boundary
- Elizabeth Street: no changes proposed
- Udy Street/Britannia Street: no changes to recession planes but additional height limits along southern boundaries
- **Maximum site coverage** – increased from current 35% for much of the precinct, varying across the precinct from 40% over some of the campus to 60% for the Kensington Avenue West site which reflects the current site coverage. Proposed maximum site coverage provisions in detail are
  - Kensington Avenue – West: 60%
  - Kensington Avenue – East: 35% (no changes proposed)
  - Elizabeth Street: 40%
  - Udy Street/Britannia Street: 40%

Any tertiary activities within the residential activity area of the precinct which do not comply with the relevant yard, recession plane, and/or site coverage rules would become restricted discretionary activities.

Any tertiary activities within the residential activity area of the precinct which do not comply with the relevant maximum building height provisions would become fully discretionary activities.

#### **General Business Activity Area**

The concept of a Tertiary Education Precinct and tertiary education activities are introduced but no amendments to the permitted activity conditions are proposed.

Any tertiary education activities in the precinct that do not comply with the relevant permitted activity conditions would become restricted discretionary activities.

#### **General Recreation Activity Area**

The proposed amendments include an increase in permitted site coverage from 15% to 20% and permitted maximum floor area from 100m<sup>2</sup> to 200m<sup>2</sup> within the precinct.

#### **Parking**

Parking standards for the proposed precinct are calculated using a formula based on the number of staff and students, availability of on-street car parking and the usage of on-site car parks.

#### **Signs**

An increase in the maximum face area of signs from 1m<sup>2</sup> to 3m<sup>2</sup> is proposed within the residential activity area of the precinct.

### 3. ANALYSIS OF SUBMISSIONS AND RECOMMENDATIONS

The following sections of this Report provide a brief summary of the issues raised in submissions, a discussion of the issues raised and a recommendation in response to each of the decisions sought. Every effort has been taken to cover each matter raised in submissions.

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 [square brackets]. In summarising further submissions, the name of the further submitter is shown in ***bold italics***, with the submission number shown in *italics* within [square brackets] following the name of the initial submitter that they relate to:

For example:

**Rosy and Kevin Moar** [60.6] suggest that activities outside of normal business hours should be controlled to protect and enhance residential amenity. The submitters request that rules be introduced to reasonably control the activity which can be allowed on these sites outside normal business hours including noise, lux, fumes etc.

***Wellington Institute of Technology (WelTec)*** in their further submission oppose the submission of Rosy and Kevin Moar [160.6] as they consider that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area.

Where amendments to the proposed Plan Change provisions are recommended as a result of a submission, additional text is shown as underlined and text to be removed is shown as being ~~struck out~~:

For example:

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

Attached as Appendix 2 to this report are the revised amendments to the District Plan provisions further to the recommendations contained in this report. In the unlikely event that there is any inconsistency between the provisions contained in Appendix 2 and amendments made by the recommendations below, then the provisions in Appendix 2 shall be considered correct.

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

#### 3.1 Late Submission

Under Section 37 of the Act, Council has the power to decide whether or not to waive a failure to comply with a set timeframe. In this case, one late submission was received on 3 July 2012, 46 working days after the close of the submission period which was 27 March 2012 to 27 April 2012.

Council can only decide to waive the failure after taking into account:

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

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

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

### 3.2 General - Support

#### Submissions

**Angela Zhen Liu** [27.1] submits general support for the Plan Change, points out the need to consider economy in the city and considers that WelTec should be allowed to grow without lengthy consultation on every matter.

The **Wellington Institute of Technology (WelTec)** [58.1] submits general support for the Plan Change as it provides greater certainty for WelTec and the community and expresses support for differing rules across the campus. WelTec suggests some minor changes to provide further clarity and requests that the provisions of PC25 be retained generally, as notified, except as otherwise sought by their submission.

**Terence Broad** [66.1] submits general overall support for the Plan Change and the useful and practical concept of a Tertiary Education Precinct and requests to add a new special activity for tertiary education purposes.

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions oppose the submissions of

- *Angela Zhen Liu [162.5], [163.5] and [164.5] as the submitter gives no justification for the views expressed and these views are considered to be inappropriate, do not represent sound resource management practice and are contrary to the purpose of the RMA.*
- *WelTec [162.3], [163.3] and [164.3] as they consider that the Plan Change does not provide certainty to the community and the rules do not protect the amenity of surrounding areas but provide wide development rights to WelTec. These views are contrary to the submissions of Mr & Mrs Yardley, Nelson Street Trust and PUEA and are considered to be inappropriate, to not represent sound resource management practice, and to be contrary to the purpose of the RMA.*
- *Terence Broad [162.6], [163.6] and [164.6] as the submitter seems to be confused with the assessment of options, and seeks Council to add a new special activity for Tertiary Education Purposes but does not identify what this special activity is. Furthermore the submitter gives no justification for the views expressed, and these views are considered to be inappropriate, do not represent sound resource management practice, and are contrary to the purpose of the RMA.*

**Carolyn Nimmo** [161.1] lodged a late submission in general support of the Plan Change suggesting that WelTec should be allowed to expand appropriately while addressing residents' concerns as far as possible. The submitter supports the current situation being used as a baseline and any provisions reducing the use of private cars. The submitter is opposed to a cap on student and staff numbers as this would reduce WelTec's flexibility. (NB: This submission was received as a late submission and hence not included in the summary of submissions. Therefore other parties did not have the opportunity to submit a further submission in relation to this submission.)

#### Discussion

Supporting submissions support the Plan Change as notified. While this report recommends some changes in response to other submissions, it recommends that the concepts of the Plan Change be adopted as notified.

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

Accordingly it is recommended that the submissions be accepted in part, taking into consideration the recommendations made to amend the Plan Change as sought by other points of submission.

### **Recommendation**

That the submissions of **Angela Zhen Liu** [27.1], **Wellington Institute of Technology (WelTec)** [58.1] and **Terence Broad** [66.1] be accepted in part.

That the late submission of **Carolyn Nimmo** [161.1] be accepted in part, taking into account the reasons stated in Section 3 of this report for waiving the failure to comply with the submission period time frame.

That the further submissions of **Mr & Mrs Yardley** [162.3, 162.5, 162.6], **the Nelson Street Trust** [163.2, 163.5, 163.6] and **the Petone Urban Environmental Association (PUEA)** [164.2, 164.5, 164.6] be rejected.

Those parts of the submissions which are recommended to be **accepted** relate to proceeding and implementing the Plan Change subject to changes as recommended in this report.

Those parts of the submissions which are recommended to be **rejected** relate to the introduction of a new special activity for tertiary education purposes other than recommended throughout this report.

## **3.3 General - Support in Part**

### **Submissions**

The **Petone Community Board (PCB)** [28.1] supports the Plan Change in part as WelTec is considered to play a major role in the economy of Petone. The submitter is satisfied that initial issues raised with respect to the first draft of the precinct during informal pre-consultation have been addressed and that there will be no adverse effects on neighbouring sites. However the submitter suggests reducing the proposed maximum building height for the Udy Street site and O Block. The submitter requests that the Plan Change be amended to reflect their request regarding building height for the Udy Street carpark and the O Block land.

(NB: The initial submission of the Petone Community Board was received on 26 April 2012 and amended by comments received on 02 May 2012. It was endorsed retrospectively by the Petone Community Board at its meeting on 28 May 2012 (4 votes for, 3 votes against). At the same meeting the Petone Community Board resolved unanimously:

*“That the Board:*

- (i) acknowledges that many residents in the vicinity of WelTec harbour serious concerns regarding Proposed Private Plan Change 25; and*
- (ii) encourages the District Plan Subcommittee to take cognisance of residents’ views when considering its recommendations on submissions to Proposed Private Plan Change 25.”*

Furthermore emails were received from Tui Lewis and Mike Fisher (members of the PCB) expressing their lack of support for the initial PCB submission.

**New Zealand Historic Places Trust (NZHPT)** [62.1] expresses support for the Plan Change with amendments to the signage provisions.

**Rosy & Kevin Moar** in their further submission oppose the submission of the Petone Community Board [159.4] as it contains outrageous statements, no assessment of adverse effects and it was made in an unacceptable and undemocratic way.

**Wellington Institute of Technology (WelTec)** in their further submission support the majority of the submission of the Petone Community Board [160.3] as it recognises the role of WelTec within the area. The further submitter opposes the relief sought to amend the building height in Udy



Street carpark and the O Block land as it is considered that appropriate standards are included within the proposed plan change relating to setbacks, site coverage and recession planes and requests that the submission be allowed in relation to all matters excluding building height in Udy Street carpark and O Block land.

**Mr & Mrs Yardley the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions oppose the submissions of

- *Petone Community Board [162.2], [163.2] and [164.2] (26 April) as it contains a number of inaccuracies and overall the submitter's support is considered inappropriate, does not represent sound resource management practice and is contrary to the purpose of the RMA. The further submitters support the concerns of some board members recorded in the minutes of the PCB meeting 28 May 2012 and criticise the process the PCB used to prepare its submission. The further submitters request that the submission be afforded less weight on the basis that it does not represent the views of all of the Board members and because the submission does not appear to have been prepared in a manner which is consistent with the proper and democratic functioning of the Board.*
- *NZHPT [162.4], [163.4] and [164.4] as they consider it inappropriate for the submitter to support the entire Plan Change based on provisions relating to one specific property at 13 Elizabeth Street.*

### **Discussion**

These submissions support the main intention and concept as proposed while requesting some specific changes to parts of the Plan Change.

This report also recommends some changes in response to submissions while it recommends that the general intent and concept of the Plan Change be adopted as notified.

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

Accordingly it is recommended that the submissions be accepted in part, taking into consideration the recommendations made to amend the Plan Change in response to submissions.

Some amendments to the Plan Change provisions are recommended within this report, however the Plan Change intent and concept as notified remains unchanged and is considered the most appropriate in terms of achieving the purpose of the Act. Specific discussion on the Udy Street and Elizabeth Street (O Block) sites are referred to under the relevant sections relating to bulk and location standards proposed.

### **Recommendation**

That the submissions of **Petone Community Board (PCB)** [28.1], **New Zealand Historic Places Trust (NZHPT)** [62.1] and the further submission of **Wellington Institute of Technology (WeITec)** [160.3] be accepted in part.

*That the further submissions of **Rosy & Kevin Moar** [159.4], **Mr & Mrs Yardley** [162.2, 162.4], the **Nelson Street Trust** [163.2, 163.4] and the **Petone Urban Environmental Association (PUEA)** [164.2, 164.4] be rejected.*

Those parts of the submissions and further submissions that are recommended to be **accepted** relate to the general concept of the introduction of a Tertiary Education Precinct and the proceeding of the Plan Change subject to some changes.

## **3.4 General – Neutral**

### **Submissions**

The **Royal New Zealand Plunket Society** [85.1] is not opposed to the Plan Change but has raised significant concerns regarding potential impact on safe traffic flows, parking and signage.

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the submission of the Royal New Zealand Plunket Society [162.16], [163.16], [164.16] as they consider the concerns raised are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.

### **Discussion**

The submission is not opposed to the proposed Plan Change in general but raises concerns regarding the potential impact on traffic, parking and signage. For discussion of these issues please refer to relevant sections discussing traffic and signage provisions (3.10, 3.12 and 3.42 to 3.51).

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

### **Recommendation**

That the submission of **Royal New Zealand Plunket Society** [85.1] be accepted in part.

*That the further submissions of Mr & Mrs Yardley [162.16], the Nelson Street Trust [163.16] and the Petone Urban Environmental Association (PUEA) [164.16] be accepted in part.*

## **3.5 General - Opposition**

### **Submissions**

**Michael Debney** [26.1], **Marja Verkerk** [55.1], **Jude Wachswender** [56.1], **Roger Thackery** [63.1], **James Kwing** [67.1], **Craig McKirdy** [68.1], **Emani Iosefo** [82.1], **High Street Residents** [84.1, 84.4], **Petone Planning Action Group (PPAG)** [86.1], **Patrick Williams** [140.1] and **Lorraine Williams** [141.1] oppose the Plan Change and request that it be rejected in its entirety.

Marja Verkerk points out that the Plan Change disregards the objectives of the General Residential Activity Area.

Roger Thackery considers that the Plan Change does not protect, maintain and enhance residential and recreational areas and community facilities and there will be adverse effects on amenity values, recreational and historic character, community and social values.

Craig McKirdy points out that no plan change is needed as WelTec had indicated that they have no current plans to expand and is concerned about the potential impact of the Plan Change on amenity, property value, parking, increased student numbers and the removal of consultation and certainty.

High Street Residents state that while they support WelTec's educational objectives these should not be at the expense of neighbours and that the Plan Change will shift the burden from WelTec to surrounding residential areas. The Plan Change also fails to recognise the detrimental impact on amenity values. The submitter also requests that Council undertake careful policy work, consult widely and resubmit a revised plan.

Petone Planning Action Group considers that the Plan Change will not protect, maintain and enhance residential and recreational areas and community facilities and there will be adverse effects on amenity values, recreational and historic character, community and social values. They point out that the Plan Change does not provide safeguards requested in previous resource consents and lacks adequate controls over future activities (e.g. height, scale, massing and design). The submitter requests that HCC reject the Plan Change, or at least make changes to respond to submission points regarding each amendment. They also request that the Plan Change be heard by an Independent Commissioner.

**Carolyn Wadsworth** [2.1], **Robert Roy Carr** [11.1], **Denise Carr** [12.1], **Baden Atkin** [13.1], **Josephine & John Jones** [36.1], **Ken & Val Fitzmaurice** [37.1], **Alice Elizabeth Pollock** [38.1], **Dr Barnaby, C H May** [39.1], **Kathryn Joyce Vinten** [40.1], **Barbara Gibbs** [41.1], **Mavis Ann Rayner** [42.1], **Graeme Lyon** [44.1], **Peter & Nicola Prichard** [45.1], **Clinton Maulder** [72.1],

**Patricia Fraser [73.1], Dannie John Warren [74.1], Bocarda Print [75.1], Michael McCrorie [110.1], Alan & Jenny Mumford [111.1], Flora Beblidakis [113.1], Rose & Humphrey Foote [114.1], Cathy & Mike Reid [115.1], Vakharia Mukesh [116.1], Victoria Sutton [117.1], Rochelle Griffin [119.1], Wilma Cook [120.1], MJ Sammons [121.1], CJ Cosford [122.1], Peter & Catharina Philipsen [123.1], D Gordon [124.1], Sue Howard [125.1], Faith Lawson [126.1], Chris Skinn [127.1], Jonathan Mahoney [128.1], Graham Nesor [129.1], Paul McGillicuddy [130.1], Hazel Nesor [131.1], Gordon Craig [132.1], Jo St Just [133.1], Peter Cartwright [136.1], Esme Cartwright [137.1], A Hansen [138.1] and Maara Heather [146.1]** oppose the Plan Change as it would result in inappropriate effects on residential, recreational and community amenity, residential, recreational and historic character, community and social, traffic and safety of surrounding areas. The submitters request that Hutt City Council adopt the amendments, additions, and deletions sought by the Petone Urban Environmental Association in its submission.

Carolyn Wadsworth also states that the Plan Change will allow WelTec to sprawl unconstrained and will thereby ruin the character and spirit of Petone.

Baden Atkin considers that any redevelopment of any part of WelTec should be in keeping with the residential character of the neighbourhood.

Graeme Lyon believes that the Plan Change fails to protect, maintain and enhance residential and recreational areas neighbouring the proposed precinct.

Graeme Lyon and Peter & Nicola Prichard request that the Plan Change be heard by an independent commissioner.

**Janet Milne [4.1], Phyllis & Paul Andersen [5.1], Stephen Charles & Jane Frazes Parson [8.1], Matthew Earles [15.1], Barry & Wendy Delwyn Rozenberg [32.1], Merran Bakker [35.1], Sally Davina Selwood [53.1], Katherine Jane Clarke [54.1], Rosy & Kevin Moar [60.1], Andrea & Warwick Bolton [87.1] and Suega Boot [118.1]** oppose the Plan Change as it is considered to be contrary to Section 5 and Section 7 of the RMA, fails to protect, maintain and enhance residential and recreational areas neighbouring the precinct, would result in inappropriate effects on amenity, character, community, traffic and safety and fails to manage and provide for the interface between WelTec and the surrounding areas. The section 32 report is considered to be insufficient. The submitters request that Hutt City Council adopt the amendments, additions, and deletions sought by the Petone Urban Environmental Association in its submission.

Stephen Charles & Jane Frazes Parson also express concern that the Plan Change gives residents less protection.

Merran Bakker suggests that Council should help WelTec to look for more suitable alternative sites and that the size of WelTec's existing buildings is out of scale and should not be used as a starting point. The submitter also requests that PC25 be heard by an independent commissioner.

Sally Davina Selwood considers that the Plan Change would allow WelTec to build on the corner of Britannia and Udy Street with no height restrictions and a reduction of light, sun and enjoyment to surrounding residents.

**Leon & Ruth Cooke [14.1], Roger Bagshaw [16.1], Lesley Dokter & Peter Wilson [17.1], Jo Raverty [18.1], Denis Lea [19.1], Khiem Trong Nguyen [20.1], Ruth Margaret Burton [21.1], Cuong Ngoc Do & Hau Thi Lai [31.1], Ian Hawij [46.1], Sian Bisson [48.1], Julie Dennison [49.1], Mary Horner [50.1], Rachael Badham [52.1], Patrick & Bridge Gower [57.1], Charles Avery [59.1], Nick Miller & Jan Simmons [61.1], Simon & Wendy Rogerson [69.1], Laura Newton-King [71.1], Barbara Scott [76.1], Nikki Chiappini & Brian Cole [77.1], Iain Jenkins [80.1], Kylie & Andrew Morrell [81.1], Albert & Geraldine Wayers [112.1], Susana Lemisio [134.1], Reg & Anne Cotter [142.1], Katrina Mannix [145.1], Vasu Govind [147.1] and Raelee Jenson & Manesh Kumar [157.1]** oppose the Plan Change as they consider it does not promote sustainable management as required by the RMA and fails to protect, maintain and enhance residential and recreational areas neighbouring the precinct. Also the precinct should only apply to the main campus area. The submitters consider that the Plan Change would adversely affect existing residential and recreational areas and facilities neighbouring the precinct and have adverse effects on amenity values, residential, recreational and historic character, and community

and social values. Effects include bulk and location of buildings, educational and associated retail and residential activities effects, traffic effects and associated safety in surrounding areas. Furthermore it is considered that the Plan Change does not manage the 'interface' (boundary) between WelTec and residential areas and does not provide safeguards that were required in previous resource consents. The submitters request that Hutt City Council reject the Plan Change, remove the outlying areas from the so-called precinct, adopt the amendments, additions and deletions sought by Petone Urban Environmental Association in its submission and make changes to respond to the submitter's submission points.

Leon & Ruth Cooke also think that WelTec who function as a business should not be extended privileges that affect neighbouring residential owners while removing their right to challenge them.

Ian Hawij considers that PC 25 jeopardizes privacy, noise control and security and that the potential loss of significant sunshine will impact on his family, garden and living space.

**Hilda Burgess** [3.1] opposes the Plan Change as it would not protect residential and recreational areas neighbouring the precinct and fails to manage and provide for the 'interface' between WelTec and the surrounding area. The submitter requests that Hutt City Council reject Plan Change 25 in its current form and adopt the amendments and decisions sought by Petone Urban Environmental Association in its submission.

**Michele Berez** [64.1] and **Roger Chandler** [65.1] oppose the Plan Change as they consider it does not give owners adjacent to the precinct safeguards around future activities of WelTec or protect the residential nature of Huia Street and is therefore not sustainable as required by the RMA. They request that Hutt City Council reject the Plan Change, make changes to respond to the submitter's submission points and adopt the amendments, additions and deletions sought by Petone Urban Environmental Association in its submission.

**Alfred Memelink** [22.1] opposes the Plan Change as he considers it could allow for potential unwanted developments to occur on the corner of Udy and Britannia Street and suggests that the Britannia Street frontage should retain the character and historical aspect of the street, ideally with single storey houses/bungalows. The submitter requests that Hutt City Council adopt the amendments, additions, and deletions sought by the Petone Urban Environmental Association in its submission.

**Tui Kent** [43.1] opposes the Plan Change because the proposed height of buildings and other aspects could have negative effects on the neighbourhood around WelTec and the Plan Change would provide certainty only for WelTec, not for residents. The submitter thinks that the precinct should only apply to the main campus and that 71 Cuba Street should not be included as WelTec does not own or lease it. Also the N Block could be worse than consented at the moment and therefore adequate controls over future activities (e.g. height, scale, design) should be established. The plan is considered to allow for unsuitable development for the N Block and therefore adequate controls over future activities (e.g. height, scale, design) should be established. Any future building developments should require notification and surveyor sign off. The submitter requests that Hutt City Council reject the Plan Change, remove 71 Cuba Street from the precinct, make changes to respond to the submitter's submission points and adopt the amendments, additions and deletions sought by Petone Urban Environmental Association in its submission.

**Mark & Anne Godfrey** [135.1, 135.2] oppose the Plan Change as they consider that WelTec has grown in direct conflict with the residential zoning causing degrading effects on residential amenity. The Plan Change favours WelTec and eliminates community consultation and the proposal has no community genesis. They request that the Plan Change be refused, that Hutt City Council adopt the amendments, additions, and deletions sought by the Petone Urban Environmental Association in its submission, and that PC25 be heard by an independent commissioner. The submitters are concerned that granting the Plan Change would favour one user and moderate the community's ability to manage impacts under the RMA. The submitters point out that the community is opposed to unfettered development of the WelTec site and are concerned that the removal of protection through the Plan Change overrules RMA protections and that the Plan Change is a method of avoiding reasonable controls on impacts on the community.

**Dwight Christian Poutoa** [6.1], **Deborah Michelle Poutoa** [7.1], **Sarah Beth Antunovic** [9.1], **Tyrone Lee Phillips** [10.1], **Thomas Reedy** [23.1], **Kathryn Mary Reedy** [24.1], **William D L Cooper** [29.1], **Carla Richelle Cooper** [30.1], **Patricia Alexandra Fraser** [78.1], **Dannie Warren** [79.1], **A Powers** [83.1], **Pat Sviatko** [89.1], **Frank Steven Sviatko** [90.1], **Anthony Joseph O'Connor** [91.1], **Michiko Ammon** [92.1], **Ranka Sunko** [93.1], **Judith Kathleen Exley** [94.1], **Lisa Michelle Wilde** [95.1], **David Tripp** [96.1], **Nikki Bennett** [97.1], **Jolene Hendry** [98.1], **Jamie Dawson** [99.1], **Karen Ferguson** [100.1], **Sharon McKendrick** [101.1], **Tessa McGuinness** [102.1], **Megan Hughes** [103.1], **Helen Tripp** [104.1], **Margaret Nicholas** [105.1], **Lesley Whitlock** [106.1], **Sue Moran** [107.1], **Lorraine Driskel** [108.1], **Beryl Henderson** [109.1], **Kathryn Delahunty** [143.1], **Mark Phegan** [144.1], **David Goldsbury** [148.1], **Matt Goldsbury** [149.1], **Diane Goldsbury** [150.1], **Kevin Goldsbury** [151.1]. **Scott Sonneman** [155.1] and **Helen Kneebone** [156.1] oppose the Plan Change as they consider it would result in inappropriate effects on (but not limited to) residential, recreational and community amenity, residential, recreational and historic character, community and social, traffic and safety of surrounding areas. The submitters request that Hutt City Council adopt the amendments, additions, and deletions sought by Residents of High Street in its submission.

Lisa Michelle Wilde also suggests that sensitive development and enhancement are the way forward, while residents must be given the opportunity to comment on any plans at all stages.

Nikki Bennett, Jolene Hendry, Jamie Dawson, Karen Ferguson, Sharon McKendrick, Tessa McGuinness, Megan Hughes and Helen Tripp all comment on the necessity for parents attending the Salvation Army Playgroup at 72 Cuba Street to park close to the building and that it is already hard to find a carpark close by.

**Lesley Kennedy & Menno van der Laan** [34.1] oppose the Plan Change as they consider it will significantly affect their home, their neighbours and *“the general residential amenity, along with the recreational aspects of the surrounding neighbourhood”*. They consider that the Plan Change would give WelTec the right to ignore residents (as they have done in the past) and do whatever they please. The submitters request that the Plan Change be rejected and the status quo be maintained or, if not rejected, that HCC, as a minimum, make the amendments, insertions, deletions and additions sought by the Petone Planning Action Group.

**Tui Lewis** [51.1] opposes the Plan Change as it would lead to a loss of residential and recreational amenity and character and have adverse effects on residential values, social impacts and community values and historic areas and character. The submitter requests that Council reject the Plan Change or if the Plan Change does go ahead, that HCC, as a minimum, make the amendments, additions, insertions and deletions sought by Petone Planning Action Group in their submission and request Christine Foster to assist with this proposed plan change process (hearing).

**High Street Residents** [84.2] submit that the need for a plan change has not been established and that the Plan Change seeks to retrospectively validate creep into residential areas. The submitter requests that Council undertake a more robust analysis of the options and implications of WelTec's needs in the context of a master plan that recognises the wide variety of uses in this area of Petone.

**Mike Fisher** [139.1] opposes the Plan Change as it does not protect, maintain or enhance residential and recreational areas and community facilities close to the precinct. The submitter considers that the Plan Change would adversely affect existing residential, recreational and community facilities and have adverse effects on amenity values, residential, recreational and historical character and community and social values. These effects include bulk and location of buildings, educational, associated retail and residential activities, traffic effects and associated safety in surrounding areas. The submitter states that potential retail development in the precinct could generate harmful effects on traffic and the amenity of adjacent residential properties.

The submitter is of the view that the changes made by WelTec do not address the impact on Recreation Ground users and residents adjacent to outliers. The Plan Change is also not considered to *“manage the interface”* between WelTec and the surrounding area. Adequate controls over future activities (e.g. height, scale, design) should be established. The submitter requests that the Hutt City Council reject the Plan Change, make changes to respond to the

submitter's submission points and adopt the amendments, additions and deletions sought by Petone Planning Action Group.

**Petone Urban Environmental Association (PUEA)** [152.4, 152.5, 152.6, 152.8], **Mr & Mrs Yardley** [153.4, 153.5, 153.6, 153.8] and the **Nelson Street Trust** [154.4, 154.5, 154.6, 154.8] consider that the Plan Change does not promote the sustainable management of natural or physical resources required by the RMA and fails to protect, maintain and enhance the residential and recreational areas and community facilities which neighbour the proposed precinct. The submitters comment that the Plan Change is not consistent with other plan provisions such as the provisions introduced by Plan Change 12, Heritage (i.e. the Old Court House) and matters protected and identified in the General Residential Area and Petone Recreation Area chapters. They consider it is unlikely that existing use rights for the precinct areas and for the current activities can be established. The submitters believe that the Plan Change is contrary to good resource management practice in that it seeks to confirm and reinforce the existing level of non-compliance including non-compliance with existing resource consent conditions. This is also considered to be inconsistent with the duty of the Council to act in accordance with its own plans. The submitters request that existing use rights are properly determined and established before using them in the proposed provisions and that the Council amend PPC25 in accordance with the submitters' submissions, which seek to strengthen and enhance the precinct approach.

**Wellington Institute of Technology (WelTec)** in their further submission support in part the submission of

- *Roger Thackery [160.7] as in their submission they have proposed an amendment to the definition of Tertiary Education Activities, so as to provide more certainty to the scale and potential nature of ancillary activities. They oppose the remainder of the submission of Roger Thackery as they consider that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework, which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be allowed in part in relation to the amendment of the definition of "Tertiary Education Activities" consistent with that sought in the submission by WelTec.*

*They oppose the relief sought in the submissions of*

- *High Street Residents [160.8]*
- *Petone Planning Action Group [160.9]*
- *Peter and Nicola Prichard [160.5]*
- *Rosy and Kevin Moar [160.6]*
- *Petone Urban Environmental Association (PUEA) [160.10]*
- *Mr & Mrs Yardley [160.11]*

*as they consider that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.*

**Mr & Mrs Yardley the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the submissions of

- *Roger Thackery [162.15], [163.15] and [164.15]*
- *High Street Residents [162.8], [163.8] and [164.8]*
- *Petone Planning Action Group as [162.7], [163.7] and [164.7]*
- *Peter and Nicola Prichard [162.13], [163.13] and [164.13]*
- *Rosy and Kevin Moar [162.14], [163.14] and [164.14]*
- *Tui Lewis [162.18], [163.18] and [164.18]*
- *Petone Urban Environmental Association (PUEA) [162.9], [163.9]*
- *Mr & Mrs Yardley [163.10], [164.9]*
- *Nelson Street Trust [162.10], [164.10]*

*as most of the matters and concerns raised are consistent with the concerns raised in their submissions and the relief sought is considered appropriate, represent sound resource*

management practice, and are consistent with the purpose of the RMA. They support the appointment of an independent commissioner in general while the request of a particular person is not considered appropriate.

**Peter & Nicola Prichard** in their further submission support the submission of the Petone Urban Environmental Association (PUEA) [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

**Rosy & Kevin Moar** in their further submission support the submissions of

- Petone Planning Action Group [159.2]
- Petone Urban Environmental Association (PUEA) [159.2]
- Peter & Nicola Prichard [159.1].

as they raise detailed and important questions and objections and careful consideration should be given to all of the points raised.

### **Discussion**

This section of the report considers those parts of the submissions that are either in general opposition or have questioned the necessity and/or validity of the Plan Change itself. It considers the

- principle of a precinct in this location;
- issues around existing use rights;
- the approach to permitted activities under the Precinct provisions.
- existing use rights in the context of the Plan Change
- and briefly outlines whether or not the Plan Change meets the principles of sustainable management.

Any other, more specific issues raised are considered throughout the following sections of this report.

### **Principle of a Tertiary Educational Precinct**

HCC continues to support the principle of allowing principal tertiary education uses (that is, education) on a site with a long history of educational use, without the need for resource consent for every building and every educational use, subject of course to compliance with various provisions regarding building height, setback and recession planes as well as a whole of campus approach to carparking. As outlined in the Section 32 report, such an approach is considered to provide an acceptable balance between the operational needs of a tertiary education provider and the protection and maintenance of existing residential amenity. The use of clear and reasoned provisions also adds the potential for more certainty for the Institution.

The proposed Tertiary Education Precinct recognises the long established nature of the tertiary education use and the position, bulk and appearance of existing buildings, some of which vary from the surrounding residential environment. It also reflects the investment in the existing buildings and activities currently being carried out in Petone. The proposed precinct aims to prevent any additional impact on residential amenity, by triggering the need for resource consent where tertiary education uses do not comply with the permitted standards.

The use of designations is commonly used to allow educational uses such as schools to provide additional facilities without the need for resource consent. The use of precincts for established institutions such as hospitals and tertiary education providers is also established within the Wellington region, with Tertiary Education Precincts used in Wellington City and in Upper Hutt while in Hutt City the Hospital has its own precinct called the Community Health Activity Area.

Further to this in Wellington City three institutional precincts are provided for being Victoria University's Kelburn campus, Massey University's Mount Cook campus (including Wellington High School) and Wellington Hospital. The first two are directly applicable to the proposed Tertiary Education Precinct in that they provide site specific controls relating to formerly designated sites and are located within or adjoining established residential areas. Without these specific controls these sites would have been subject to the underlying zoning. The Institutional Precincts in Wellington are also linked to Design Guides considered necessary due to possible

changes in role, and in the case of both Massey University and the Hospital, redevelopment opportunities. It is considered that the issue of design guidance is the only area of difference between Wellingtons Institutional Precincts and the Petone site and is discussed later in this report.

Similarly in Upper Hutt activities relating to the institutional functions of the Rimutaka Prison, Trentham Military Camp and educational functions on the site of the New Zealand International Campus (former Central Institute of Technology) are specifically recognised by inclusion as Special Activities Zones. The main characteristics of the Special Activity Zone are the form and scale of building development, the nature and intensity of activities on the sites and their effects on the environment. This recognises the special characteristics of the sites and provides planning provisions for use and bulk and location but no formal design requirements.

There is also strong similarity between Petone and the University sites in Wellington in that there has been some conflict with local residents because of development into or adjoining residential neighbourhoods and through pressure on street parking.

It is therefore recognised in the Plan Change that certain types of uses are desirable within or near established centres, provide social and economic benefits to the wider community, but are unlikely to be satisfactory accommodated in buildings of the same scale or form as domestic dwellings. Therefore the concept of a Tertiary Education Precinct is supported.

### **Permitted Activities**

It is apparent that various submitters are concerned as to what future development could occur within the proposed precinct, without the need for resource consent. It is clear that adjacent residents wish to comment on future buildings/structures erected in this area and they have doubts as to whether WelTec or the Council will sufficiently protect their amenity through the proposed District Plan provisions. The proposed provisions do remove the certainty that a resource consent would need to be submitted for each building and the likelihood that such an application would be notified in all circumstances.

In the face of this uncertainty, the Plan Change proposes specific permitted activity conditions for the precinct, which restrict the range of activities and the scale of building work, which could be built without the need for resource consent. The drafting of these limits have considered the existing permitted baseline for new buildings in this area and recognised the scale and mass of the existing buildings. It is recognised that reducing the effects of the existing buildings as requested by submitters is outside the scope of the Plan Change. The new proposed parameters for development which can be built in the precinct without resource consent establishes some certainty about the nature and scale of possible development. The concern that the proposal allows unfettered development of the precinct is not true as the Plan Change allows for certain activities and structures within clearly defined parameters.

Submitters that have objected to the proposed plan change are supported to the degree that changes are recommended to remove the Bracken Street site from the proposed precinct and create separate rules for the principal and ancillary tertiary education uses.

The approach to permitted activity amenity or bulk and location standards (height yards, coverage and recession planes) that we have taken is that there is sufficient information provided to make a reasonable assessment as to impacts or alternatively whether provisions are drafted to trigger resource consent where this impacts cannot be predicted (such as ancillary uses, development above permitted conditions).

While some reasonably substantial amendments are recommended, the Plan Change intent and concept as notified are recommended to remain unchanged.

### **Existing Use Rights**

The Plan Change includes a number of provisions which refer to and recognise the existing activities which occur on the subject land, in order to provide a context for the policies and methods which follow. This includes outlining the special characteristics, scale and intensity of the WelTec activities, which warrant the establishment of a precinct with a more targeted planning framework.



Some submitters have raised concerns that these references represent an attempt to legitimise activities which do not comply with present district plan requirements. The issue of whether any of the activities referred to in the Plan Change are currently being lawfully undertaken or not, is beyond the scope of this decision. The Council however has no reason to believe that the existing buildings have not been lawfully authorised either by the pre 2003 designation or by specific consent. Importantly though any question of previous non-compliance with district plan requirements will however not be affected by the Plan Change.

### **Notification practice**

The Plan Change proposes specific notification provisions for the precinct precluding public and limited notification for certain activities. In response to submissions received this report recommends changes to these proposed provisions, precluding only public notification whilst providing for limited notification.

Whilst it is expected that any development falling into a controlled or restricted discretionary application would not necessarily need to be notified, provision remains for notification in the case that the anticipated effects on the wider area are considered by HCC as the regulatory authority to be more or likely to be more than minor. Section 95 of the RMA allows Council to decide if special circumstances exist which would warrant the limited or public notification of resource consents, regardless of notification clauses inserted into District Plans. The intention of the notification clause as recommended by this report is to point out, that a resource consent falling under this activity classification will not be automatically notified but there are circumstances where notification may occur.

### **RMA Principles**

The submissions from Petone Urban Environmental Association, Mr & Mrs Yardley and the Nelson Street Trust raise concerns that the Plan Change “does not promote the sustainable management of natural or physical resources required by the RMA and fails to protect, maintain and enhance the residential and recreational areas and community facilities which neighbour the proposed precinct”. It is considered that this concern is not valid.

Firstly it is considered that the RMA is not intended to require resource consent for all development or the majority of development and the suggestion that the Tertiary Education Precinct is being used to override the objectives of the RMA is without foundation. The Act provides a considerable degree of flexibility to local authorities to determine appropriate planning provisions for their administrative area.

It is our view that the Plan Change as drafted subject to some modifications is consistent with the principles of the Act. Our reasons for this are outlined throughout this report.

### **Extent of the Precinct**

Some submitters raise issues regarding the inclusion of certain sites within the proposed precinct. These issues are discussed in the relevant section throughout this report.

### **Recommendation**

That the submissions of

**Michael Debney [26.1], Marja Verkerk [55.1], Jude Wachswender [56.1], Roger Thackery [63.1], James Kwing [67.1], Craig McKirdy [68.1], Emani Iosefo [82.1], High Street Residents [84.1, 84.4], Petone Planning Action Group (PPAG) [86.1], Patrick Williams [140.1] and Lorraine Williams [141.1], Carolyn Wadsworth [2.1], Robert Roy Carr [11.1], Denise Carr [12.1], Baden Atkin [13.1], Josephine & John Jones [36.1], Ken & Val Fitzmaurice [37.1], Alice Elizabeth Pollock [38.1], Dr Barnaby, C H May [39.1], Kathryn Joyce Vinten [40.1], Barbara Gibbs [41.1], Mavis Ann Rayner [42.1], Graeme Lyon [44.1], Peter & Nicola Prichard [45.1], Clinton Maulder [72.1], Patricia Fraser [73.1], Dannie John Warren [74.1], Bocarda Print [75.1], Michael McCrorie [110.1], Alan & Jenny Mumford [111.1], Flora Beblidakis [113.1], Rose & Humphrey Foote [114.1], Cathy & Mike Reid [115.1], Vakharia Mukesh [116.1], Victoria Sutton [117.1], Rochelle Griffin [119.1], Wilma Cook [120.1], MJ Sammons [121.1], CJ Cosford [122.1], Peter & Catharina Philipsen [123.1], D Gordon [124.1], Sue**

Howard [125.1], Faith Lawson [126.1], Chris Skinn [127.1], Jonathan Mahoney [128.1], Graham Nesor [129.1], Paul McGillicuddy [130.1], Hazel Nesor [131.1], Gordon Craig [132.1], Jo St Just [133.1], Peter Cartwright [136.1], Esme Cartwright [137.1], A Hansen [138.1], Maara Heather [146.1], Janet Milne [4.1], Phyllis & Paul Andersen [5.1], Stephen Charles & Jane Frazes Parson [8.1], Matthew Earles [15.1], Barry & Wendy Delwyn Rozenberg [32.1], Merran Bakker [35.1], Sally Davina Selwood [53.1], Katherine Jane Clarke [54.1], Rosy & Kevin Moar [60.1], Andrea & Warwick Bolton [87.1], Suega Boot [118.1], Leon & Ruth Cooke [14.1], Roger Bagshaw [16.1], Lesley Dokter & Peter Wilson [17.1], Jo Raverty [18.1], Denis Lea [19.1], Khiem Trong Nguyen [20.1], Ruth Margaret Burton [21.1], Cuong Ngoc Do & Hau Thi Lai [31.1], Ian Hawij [46.1], Sian Bisson [48.1], Julie Dennison [49.1], Mary Horner [50.1], Rachael Badham [52.1], Patrick & Bridge Gower [57.1], Charles Avery [59.1], Nick Miller & Jan Simmons [61.1], Simon & Wendy Rogerson [69.1], Laura Newton-King [71.1], Barbara Scott [76.1], Nikki Chiappini & Brian Cole [77.1], Iain Jenkins [80.1], Kylie & Andrew Morrell [81.1], Albert & Geraldine Wayers [112.1], Susana Lemisio [134.1], Reg & Anne Cotter [142.1], Katrina Mannix [145.1], Vasu Govind [147.1], Raelee Jenson & Manesh Kumar [157.1], Hilda Burgess [3.1], Michele Berez [64.1], Roger Chandler [65.1], Alfred Memelink [22.1], Tui Kent [43.1], Mark & Anne Godfrey [135.1, 135.2], Dwight Christian Poutoa [6.1], Deborah Michelle Poutoa [7.1], Sarah Beth Antunovic [9.1], Tyrone Lee Phillips [10.1], Thomas Reedy [23.1], Kathryn Mary Reedy [24.1], William D L Cooper [29.1], Carla Richelle Cooper [30.1], Patricia Alexandra Fraser [78.1], Dannie Warren [79.1], A Powers [83.1], Pat Sviatko [89.1], Frank Steven Sviatko [90.1], Anthony Joseph O'Connor [91.1], Michiko Ammon [92.1], Ranka Sunko [93.1], Judith Kathleen Exley [94.1], Lisa Michelle Wilde [95.1], David Tripp [96.1], Nikki Bennett [97.1], Jolene Hendry [98.1], Jamie Dawson [99.1], Karen Ferguson [100.1], Sharon McKendrick [101.1], Tessa McGuinness [102.1], Megan Hughes [103.1], Helen Tripp [104.1], Margaret Nicholas [105.1], Lesley Whitlock [106.1], Sue Moran [107.1], Lorraine Driskel [108.1], Beryl Henderson [109.1], Kathryn Delahunty [143.1], Mark Phegan [144.1], David Goldsbury [148.1], Matt Goldsbury [149.1], Diane Goldsbury [150.1], Kevin Goldsbury [151.1], Scott Sonneman [155.1], Helen Kneebone [156.1], Lesley Kennedy & Menno van der Laan [34.1], Tui Lewis [51.1], High Street Residents [84.2], Mike Fisher [139.1], Petone Urban Environmental Association (PUEA) [152.4, 152.5, 152.6, 152.8], Mr & Mrs Yardley [153.4, 153.5, 153.6, 153.8] and the Nelson Street Trust [154.4, 154.5, 154.6, 154.8] be rejected where requesting the withdrawal of plan change, while it is recommended to reject in part/accept in part those submissions requesting changes to Plan Change to the extent that changes are proposed.

That the further submissions of *Mr & Mrs Yardley* [162.7, 162.8, 162.9, 162.10, 162.13, 162.14, 162.15, 162.18], the *Nelson Street Trust* [163.7, 163.8, 163.9, 163.10, 163.13, 163.14, 163.15, 163.18] and the *Petone Urban Environmental Association (PUEA)* [164.7, 164.8, 164.9, 164.10, 164.13, 164.14, 164.15, 164.18], *Peter & Nicola Prichard* [158.2] and *Rosy & Kevin Moar* [159.1, 159.2] be rejected where requesting the withdrawal of plan change, while it is recommended to reject in part/accept in part those submissions requesting changes to Plan Change to the extent that changes are proposed.

That the further submissions of *Wellington Institute of Technology (WelTec)* [160.5, 160.6, 160.7, 160.8, 160.9, 160.10, 160.11] be accepted in part.

### 3.6 General - Process and Documentation, Consultation, Section 32

#### 3.6.1 Process and Documentation

##### Submissions

*Petone Urban Environmental Association (PUEA)* [152.7, 152.9, 152.10, 152.11, 152.12], *Mr & Mrs Yardley* [153.7, 153.9, 153.10, 153.11, 153.12] and the *Nelson Street Trust* [154.7, 154.9, 154.10, 154.11, 154.12] question whether the Plan Change creates a precinct as opposed to preferential 'spot zoning' and state that many of the amendments proposed have the potential to undermine the precinct.

The submitters consider that given that Council have adopted the proposed plan change (an action which implies support), the Council should not decide the matter itself and request that an independent commissioner be appointed.

The submitters request that the introduction to the Plan Change document as notified be re-written to better reflect the precinct as a planning mechanism and to recognise the existing conflict between the nature and scale of existing Tertiary Education Activities and residents and other community and recreational activities. They also request that consideration be given to amending the General Residential Area provisions of the plan. They consider that amending the plan to make "Tertiary Education Activities" outside the precinct in the General Residential Activity Area a non-complying activity would assist in preserving the residential character of the area and effectively maintain the integrity of the precinct.

The submitters question the purpose of the Plan Change and consider that the objectives and policies need to be amended to better define residential amenity and introduce mechanisms to recognise and protect amenity values. Notwithstanding the above, they consider that their approach "would strengthen and enhance the precinct approach".

The submitters are critical that no future development plan has been included which makes it difficult to determine future requirements for Tertiary Education Facility and consider that the current approach does not represent sound resource management planning practice. The submitters are concerned that the Plan Change seeks to maintain or worsen adverse effects rather than mitigating them. They believe that the permitted activity conditions need to be more tightly defined and address a wider range of issues

The submitters request that the Council amend PPC25 in accordance with their submissions, which seek to strengthen and enhance the precinct approach, to re-write the introduction to the Precinct plan change to better reflect the precinct as a planning mechanism and to recognise the existing conflict between the nature and scale of existing Tertiary Education Activities and residents and other community and recreational activities.

The submitters further request that the following wording (or similar) be inserted by way of explanation to the introduction of PC25 which records:

'In past years the tertiary education institution has had some conflict with local residents because of moves to expand into the surrounding residential areas. For this reason Council generally requires the Precincts to develop within their existing boundaries to protect nearby residential neighbourhoods from the encroachment of non-residential development. Future expansion of the precinct is not prohibited, but Council seeks to ensure that any of Tertiary educational institution boundaries is properly evaluated. Expansion proposals will be dealt with under the Plan Change process to enable a full assessment of environmental effects.'

The submitters also request that the precinct plan records that considerable scope for expansion of Tertiary Education Activities is possible at the institution's other campuses, e.g. the new hospitality school and Wakefield Street site in Wellington, the Petone Memorial College site and the Jackson Street site in Petone and the close management relationship that WelTec has with Whitirea all of which have space available for further development and have more preferable zoning. This recognises that the Precinct Area is a finite area that is currently subject to relatively intense development. As a result of the nature of the site, limited new development opportunities are restricted.

The submitter considers that the reference to WelTec in the plan change document is inappropriate and should be deleted.

***Wellington Institute of Technology (WelTec) in their further submission oppose the relief sought in the submissions of***

- *Petone Urban Environmental Association (PUEA) [160.10]*
- *Mr & Mrs Yardley [160.11]*

as they consider the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.

**Mr & Mrs Yardley the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the submissions of

- Petone Urban Environmental Association (PUEA) [162.9], [163.9]
- Mr & Mrs Yardley [163.10], [164.9]
- Nelson Street Trust [162.10], [164.10]

as most of the concerns raised are consistent with the concerns raised in their submission, and are considered appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.

**Peter & Nicola Prichard** in their further submission support the submission of Petone Urban Environmental Association (PUEA) [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

**Rosy and Kevin Moar** in their further submission support the submissions of Petone Urban Environmental Association (PUEA) [159.2] as the submission raises detailed and important questions and objections. Careful consideration should be given to all of the points raised.

### **Discussion**

There are several matters to this part of the submissions of Petone Urban Environmental Association, Mr & Mrs Yardley and the Nelson Street Trust.

#### **Spot Zoning**

Some submissions including that from PUEA have questioned the issue as to how the precinct provisions vary from a spot rezoning. As has been stated the use of Special Activity Areas or Institutional Precincts are an established planning mechanism in New Zealand taking into account the specific circumstances of the use and buildings required to accommodate these activities. It is considered that these provisions adequately take this into account while specifically considering residential amenity.

There are a number of examples of so called “spot zoning” within the plan which take into account specific sites and specific uses that have been identified as requiring plan policy provisions different to those that apply for residential activities in the General Residential Area. This is not unusual for plans where site specific issues have needed to be taken into account when determining plan provisions or the existing rules were inflexible in terms of providing for a particular use. However it is considered that the Tertiary Education Precinct having been through a specific plan change process relating to multiple parcels of land does not constitute spot zoning.

#### **Use of Commissioners**

The submission from PUEA and others request the use of independent commissioners as HCC’s decision to adopt the Plan Change as its own implies support for the Plan Change. A commissioner has been appointed. In respect of HCC’s support for the Plan Change we see no issues. As can be seen from background to the Plan Change the private plan change was adopted by Council as being sufficient to proceed through to public notification. It should also be noted that while the concept is supported there are a number of changes recommended as part of this report that differ from the private plan change document lodged.

#### **WelTec Development Plans**

The submissions are critical that there are no future development plans and as such it is difficult to determine future requirements. In response the Plan Change sets the framework for future development taking into account both the potential use and the bulk and location of potential buildings. That is the normal practice when considering plan provisions. It would however be useful at the hearing for WelTec to be able to respond to what its own development plans are if there is sufficient certainty to do so.

## Introduction to the Plan Change

Submitters have requested that the introduction to the plan change document itself be amended and have proposed new wording as follows

*'In past years the tertiary education institution has had some conflict with local residents because of moves to expand into the surrounding residential areas. For this reason Council generally requires the Precincts to develop within their existing boundaries to protect nearby residential neighbourhoods from the encroachment of non-residential development. Future expansion of the precinct is not prohibited, but Council seeks to ensure that any of Tertiary educational institution boundaries is properly evaluated. Expansion proposals will be dealt with under the plan change process to enable a full assessment of environmental effects.'*

This is not supported for the following reasons:

- The principal purpose of the proposed wording is intended to discourage additional development on the site, which is contrary to the purpose of the Plan Change which is to manage appropriate development within bulk and location parameters set by the Plan Change.
- The additional words are not necessary, as by definition the precinct provisions would not apply to any land beyond the identified precinct boundaries.
- The Plan Change has been drafted to achieve an acceptable balance between the operational needs of tertiary education provider and the character and amenity values of adjacent land uses.
- The introduction of the plan change document is included to define the scope and purpose of the Plan Change and will not be incorporated into the District Plan, if adopted.

### **Recommendation**

That the submissions of **Petone Urban Environmental Association (PUEA)** [152.7, 152.9, 152.10, 152.11, 152.12], **Mr & Mrs Yardley** [153.7, 153.9, 153.10, 153.11, 153.12] and the **Nelson Street Trust** [154.7, 154.9, 154.10, 154.11, 154.12] and the further submissions of **Peter & Nicola Prichard** [158.2], **Rosy and Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.9, 162.10], **the Nelson Street Trust** [163.9, 163.10] and the **Petone Urban Environmental Association (PUEA)** [164.9, 164.10] be rejected.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.10, 160.11] be accepted.

## 3.6.2 Pre-Plan Change Consultation

### **Submissions**

**Patrick & Bridget Gower** [57.2] are disappointed by the lack of consultation and consider the notification phase as too short and poorly timed.

**Rosy & Kevin Moar** [60.1] criticise that Council has not consulted with the community in good faith in preparing the Plan Change.

**High Street Residents** [84.2] submit that consultation has fallen short of acceptable standards.

**Petone Urban Environmental Association (PUEA)** [152.1], **Mr & Mrs Yardley** [153.1] and the **Nelson Street Trust** [154.1] are concerned that there has been very little and vastly inadequate consultation with the community. They consider that Council has failed to comply with Schedule 1 part 1 of the RMA, which requires consultation to be carried out in a manner consistent with the principles of consultation outlined in s.82 of the Local Government Act (LGA) 2002.

**Wellington Institute of Technology (WelTec)** in their further submission opposes the relief sought in the submissions of

- *Rosy and Kevin Moar* [160.6]
- *High Street Residents* [160.8]
- *Petone Urban Environmental Association (PUEA)* [160.10]
- *Mr & Mrs Yardley* [160.11]

as they consider the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.

**Mr & Mrs Yardley** [the **Nelson Street Trust** and the **Petone Urban Environmental Association (PUEA)**] in their further submissions support the submissions of

- *High Street Residents* [162.8], [163.8] and [164.8]
- *Petone Urban Environmental Association (PUEA)* [162.9], [163.9]
- *Mr & Mrs Yardley* [163.10], [164.9]
- *Nelson Street Trust* [162.10], [164.10]
- *Rosy and Kevin Moar* [162.14], [163.14] and [164.14]

as most of the concerns raised are consistent with the concerns raised in their submissions, and are considered appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.

**Peter & Nicola Prichard** in their further submission support the submission by the **Petone Urban Environmental Association (PUEA)** [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

**Rosy and Kevin Moar** in their further submission support the submissions by the **Petone Urban Environmental Association (PUEA)** [159.2] as the submission raises detailed and important questions and objections. Careful consideration should be given to all of the points raised.

### **Discussion**

These submissions concern consultation in advance of the Plan Change. The Plan Change document at section 5.7 (pages 60 and 61) outlines previous consultation carried out by WelTec and HCC. This states that there were a number of earlier rounds of consultation that have occurred as part of resource consent application process for applications submitted on the site and consultation undertaken by Hutt City Council about the future development of Petone.

Clearly the previously contested resource consent processes have heightened the awareness of the Plan Change amongst the local community but importantly the process also included the structured Council led processes carried out through the Petone Vision Statement in 2006-07 and the District Plan Review for Petone – Discussion Document in mid-2009. These specifically sought feedback on the concept of a Special Activity Area for WelTec and included targeted consultation with residents and interested groups. In addition Hutt City Council has also consulted widely within the direct area of WelTec in relation to On Street Parking Management in March 2012. This consultation and the resulting Council minute in respect to actions, is discussed further under parking related submissions.

In preparation of the private plan change WelTec and their consultants undertook targeted consultation which focused on local residents and interest groups and consisted of meetings with individuals and groups and the distribution of a summary document outlining the background of the Plan Change and asking for feedback.

Informed by previous processes, the plan change consultation also includes the notification, the submissions and the hearing itself whose timeframes are prescribed by the Act itself.

It is unclear as to why the submitters consider that the process has been flawed. It is considered that the prior consultation process was robust for a plan change such as this and can easily meet HCC's obligations under the Local Government Act as well as the consultation provisions contained within the first schedule of the RMA.

### **Recommendation**

That the submissions of **Patrick & Bridget Gower** [57.2], **Rosy & Kevin Moar** [60.1], **High Street Residents** [84.2] **Petone Urban Environmental Association (PUEA)** [152.1], **Mr & Mrs Yardley** [153.1] and the **Nelson Street Trust** [154.1] and the further submissions of **Peter & Nicola Prichard** [158.2], **Rosy and Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.8, 162.9,

162.10, 162.14], the **Nelson Street Trust** [163.8, 163.9, 163.10, 163.14] and the **Petone Urban Environmental Association (PUEA)** [164.8, 164.9, 164.10, 164.14] be rejected.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.6, 160.8, 160.10, 160.11] be accepted.

### 3.6.3 Section 32

#### Submissions

**Janet Milne** [4.1], **Phyllis & Paul Andersen** [5.1], **Stephen Charles & Jane Frazes Parson** [8.1], **Matthew Earles** [15.1], **Barry & Wendy Delwyn Rozenberg** [32.1], **Merran Bakker** [35.1], **Sally Davina Selwood** [53.1], **Katherine Jane Clarke** [54.1], **Rosy & Kevin Moar** [60.1], **Andrea & Warwick Bolton** [87.1] and **Suega Boot** [118.1] consider the Section 32 report to be insufficient.

**High Street Residents** [84.2] criticise that the Section 32 report is inadequate and does not address statutory requirements adequately.

**Petone Planning Action Group (PPAG)** [86.1] express their disagreement with the Section 32 report.

**Petone Urban Environmental Association (PUEA)** [152.2, 152.3, 152.13], **Mr & Mrs Yardley** [153.2, 153.3, 153.13] and the **Nelson Street Trust** [154.2, 154.3, 154.13] consider that the Assessment of Environmental Effects (AEE) provided for the Proposed Plan Change is inadequate and provides very little (if any) assessment as to the adverse effects that may occur. Furthermore the AEE provides no assessment on the overshadowing of buildings, increases in building bulk and height allowed, effects on residential amenity such as privacy and increased noise, as well as impacts on heritage items and recreational areas.

The submitters state that the Section 32 Report is flawed in that it fails to demonstrate that the objectives are the most appropriate way to achieve the purpose of the RMA, the policies and rules are efficient and effective and most appropriate to achieve the objectives, and the benefits and costs of the policies and rules are warranted. As a result the submitters challenge the report under Section 32A of the RMA. The submitters note that the assessment of matters contained has been undertaken from WelTec's perspective rather than by the Council and that WelTec's perspective may differ to those of the HCC or the community. For example the Section 32 Report has stated that a Design Guide is undesirable yet HCC uses multiple Design Guides already and they are valid and effective planning tools, especially for precincts. Furthermore the Section 32 Report does not adequately assess the various options that are available for parking & traffic.

**Wellington Institute of Technology (WelTec)** in their further submission oppose the relief sought in the submissions of

- *Rosy and Kevin Moar* [160.6]
- *High Street Residents* [160.8]
- *Petone Planning Action Group* [160.9]
- *Petone Urban Environmental Association (PUEA)* [160.10]
- *Mr & Mrs Yardley* [160.11]

as they consider the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the submissions of

- *Petone Planning Action Group* as [162.7], [163.7] and [164.7]
- *High Street Residents* [162.8], [163.8] and [164.8]
- *Petone Urban Environmental Association (PUEA)* [162.9], [163.9]
- *Mr & Mrs Yardley* [163.10], [164.9]
- *Nelson Street Trust* [162.10], [164.10]

- *Rosy and Kevin Moar [162.14], [163.14] and [164.14]*

*as most of the concerns raised are consistent with the concerns raised in their submissions, and are considered appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.*

**Peter & Nicola Prichard** in their further submission support the submission by the Petone Urban Environmental Association (PUEA) [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

**Rosy & Kevin Moar** in their further submission support the submissions of

- *Petone Planning Action Group [159.2]*
- *Petone Urban Environmental Association (PUEA) [159.2]*

*as they raise detailed and important questions and objections and careful consideration should be given to all of the points raised.*

### **Discussion**

A section 32 analysis is a requirement of the Resource Management Act for all plan changes. It essentially involves an assessment of all relevant environmental and social costs and benefits of the Plan Change. From the Quality Planning Website<sup>1</sup> the following describes the purpose of a section 32 evaluation.

*Under Section 32 of the Resource Management Act 1991 (RMA), any proposed regional and district plan, plan change (including any private plan change), variation, national environmental standard (NES) and national policy statement (NPS) must be accompanied by an evaluation that assesses both:*

- *the extent to which each objective is the most appropriate way to achieve the purpose of the RMA*
- *whether the proposed policies and methods are the most appropriate way in which to achieve the objectives in terms of their efficiency and effectiveness.*

In terms of process the Council adopted the section 32 report provided by WelTec, and it was provided to submitters without any major modifications. It is considered that this approach was open to the Council, on the basis that the WelTec section 32 report accurately reflected the scope and nature of the issues that the Council considered were relevant to an evaluation of the Plan Change.

Council reached its own view on the section 32 matters, and prepared a report which is considered to have accurately summarised its analysis and conclusions. In doing so, the Council drew heavily from the report provided by WelTec, but this is not precluded by the Act.

Some submitters have expressed the view that the section 32 report prepared in this case was not comprehensive enough. It is considered that the report was sufficiently detailed, bearing in mind its role within the broader First Schedule process. The format is also clearly based upon the good practice guidance contained in Quality Planning Guidance Note in that it

- *Identifies the issues*
- *Outlines four principal options in relation to zoning and District Plan provisions.*
- *For categories of zoning, activities, building form, parking and loading and signage analyses the four options against criteria of effectiveness and efficiency; benefits and costs.*
- *Outlines the risk of acting or not acting.*

As a section 32 report is prepared in the preliminary stages of the First Schedule process, it is not required to anticipate all the issues and effects which may arise from the proposal involved. Instead, it is intended to provide submitters with enough information on the proposal, and the Council's preliminary views about it, to enable them to undertake their own analysis. Issues and

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<sup>1</sup> <http://www.qualityplanning.org.nz/index.php/plan-steps/section-32>



effects not identified in the report can be raised in submissions, and fully considered by the Council before reaching a final view.

The Council is also required to undertake a further section 32 evaluation prior to making its final decision. The primary focus for the Council in making its final decision will be the submissions made. Section 32 provides a useful framework for analysing the submissions, and criteria for determining whether to accept or reject them.

The section 32 report identifies key environmental and social costs and benefits of the Plan Change, which the Council largely remains in agreement with. Although, this report was based on information prepared by WelTec, it is considered to adequately address the major issues. The suitability of the plan provisions has also been reassessed in light of submitter's comments and adjustments have been made to ensure this report accurately covers the anticipated impacts. Where uncertainty has arisen on this matter, additional professional advice has been obtained.

In relation to section 32 this is a continual and progressive analysis throughout the Plan Change process which continues through the notification, submissions, hearing and the Councils decision. This report outlines the work that Council has done including the commissioning of separate reports on traffic/ parking and design matters as well as evaluating other activity and built form criteria within the Plan Change. The reasons for these conclusions are provided under the discussion headlines and explanations are provided why other submissions did not lead to changes. This forms part of the section 32 evaluation as will the decision report.

Overall in our view the section 32 analysis for this Plan Change including the submissions and the analysis contained in this report adequately assesses the environmental and social costs and benefits of the proposed changes.

### **Recommendation**

That the submissions concerning the adequacy of the section 32 Report from **Janet Milne** [4.1], **Phyllis & Paul Andersen** [5.1], **Stephen Charles & Jane Frazes Parson** [8.1], **Matthew Earles** [15.1], **Barry & Wendy Delwyn Rozenberg** [32.1], **Merran Bakker** [35.1], **Sally Davina Selwood** [53.1], **Katherine Jane Clarke** [54.1], **Rosy & Kevin Moar** [60.1], **Andrea & Warwick Bolton** [87.1], **Suega Boot** [118.1], **High Street Residents** [84.2], **Petone Planning Action Group (PPAG)** [86.1], **Petone Urban Environmental Association (PUEA)** [152.2, 152.3, 152.13,], **Mr & Mrs Yardley** [153.2, 153.3, 153.13] and the **Nelson Street Trust** [154.2, 154.3, 154.13] and the further submissions from **Peter & Nicola Prichard** [158.2], **Rosy and Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.7, 162.8, 162.9, 162.10, 162.14], **the Nelson Street Trust** [163.7, 163.8, 163.9, 163.10, 163.14] and the **Petone Urban Environmental Association (PUEA)** [164.7, 164.8, 164.9, 164.10, 164.14] be rejected.

That the further submission from **Wellington Institute of Technology (WelTec)** [160.6, 160.8, 160.9, 160.10, 160.11] be accepted.

## **3.7 General - Site Specific Issues**

### **3.7.1 Elizabeth Street**

#### **Submissions**

**New Zealand Historic Places Trust (NZHPT)** [62.2, 62.3, 62.4, 62.5, 62.6] supports the inclusion of 13 Elizabeth Street in the precinct but is concerned with potential effects on heritage values of the building. The submitter supports the retention of standard recession plane requirements and yard setbacks for the property and also supports the proposed 40% maximum site coverage. Changing the maximum building height to 12m is supported as the submitter considers that the existing heritage rules will allow for full consideration of effects on heritage values. The submitter is concerned that the increase in the signage allowance on this site may be potentially detrimental to the heritage values of the building and site. The submitter requests that the Plan Change is accepted as notified in regard to the changes affecting the Petone Magistrate's Court at 13 Elizabeth Street, with the exception of the proposed signage rules. The submitter also requests that an exemption to the proposed signage rules be applied to the Petone

Magistrate's Court at 13 Elizabeth Street, to ensure that the heritage values of the site are taken into consideration, should any additional signage be proposed. They consider that existing residential signage rules should continue to apply.

**Rosy & Kevin Moar** [60.3] oppose the change of the maximum building height for 13 Elizabeth Street to 12m because there is no justification for this change and it would be out of keeping with the surrounding buildings. The submitters request that properties on Elizabeth Street be excluded from the zone. If they are included, then the existing normal residential rules governing the permitted height, bulk, footprint etc. be retained

**Roger Thackery** [63.7] considers that the Elizabeth Street area is not being used for tertiary education and therefore requests that it be removed from the precinct.

**Mark & Anne Godfrey** [135.5] state that the area contains a number of buildings which HCC deems heritage sites and are concerned that allowing WelTec relatively unfettered development rights would lessen the community's right to protect these sites.

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions oppose in part and support in part the submission of New Zealand Historic Places Trust [162.4], [163.4] and [164.4] as they consider the submitter fails to consider the impact of the PPC25 on the historic heritage of the Petone Recreation Ground, in particular the historic gates. The impact of the PPC25 on the precinct is not isolated to just the Court House, but has wider affects. It is also considered inappropriate for the submitter to support the entire Proposed Plan Change based on provisions relating to one specific property at 13 Elizabeth Street. Mr & Mrs Yardley, the Nelson Street Trust and PUEA support in part the continuation of the existing residential signage rules as it is considered these provisions are appropriate.

*They support the submission of Rosy and Kevin Moar [162.14], [163.14] and [164.14] and Roger Thackery [162.15], [163.15] and [164.15] as suggest matters are consistent with their submission, and the relief sought is considered appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.*

**Wellington Institute of Technology (WelTec)** in their further submission oppose the submissions of

- *Rosy and Kevin Moar [160.6]*
- *Roger Thackery [160.7]*

*as they consider that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area.*

### **Discussion**

The Plan Change proposes to include the properties at 9 – 13 Elizabeth Street as part of the proposed Tertiary Education Precinct.

While the New Zealand Historic Places Trust supports the inclusion of the site as well as the proposed bulk and location provisions they raised concerns regarding the proposed signage provisions for the site. Other submitters opposed the inclusion of the site as well as the proposed bulk and location provisions.

The site currently forms part of the existing campus. One of the buildings on this site is the Former Petone Court House at 13 Elizabeth Street. The court house is a single story brick building and was constructed in 1911. The building has been registered by the New Zealand Historic Places Trust as a Category II building and is listed and protected as a heritage building under the relevant chapter of the District Plan. The building has been vacant since 1991, it is listed as an earthquake risk building and is in very poor condition. Other buildings on the Elizabeth Street site include a single storey building next to the Old Petone Court House which was constructed in 1996 and is currently used as a child care centre (M Block) and a series of prefabricated single storey wooden buildings constructed in the 1970s and refurbished in the late 90s (O Block).

It is agreed with the NZHPT that the existing provisions for heritage buildings under the District Plan provide sufficient protection for the Old Petone Court House. Most alterations, repairs and modifications as well as any change in use and the relocation or demolition of the building would require resource consent under the current heritage provisions of the District Plan.

Despite the current use of the site for tertiary education activities the site is more residential in character and scale. The existing buildings are compatible with the surrounding residential area. The site is considered to be similar to the eastern side of Kensington Avenue and it is therefore considered appropriate for provisions similar to those for the eastern side of Kensington Avenue to apply to the Elizabeth Street site. This would acknowledge the residential character and scale of the existing site and adjacent area. It could be that a higher building is appropriate particularly at the northern side of the site. However this would need to be considered on its merits and by resource consent.

It is therefore recommended to amend the Plan Change by withdrawing the proposal to increase maximum building height to 12m and retain the currently existing maximum building height of 8m. By applying the maximum building height of the General Residential Activity Area there would be no need for additional setbacks in height, yards or recession planes.

It is however considered appropriate to retain the increased the maximum site coverage of 40%. This equals the maximum site coverage of medium density general residential areas within the District Plan and is therefore considered to be suitable for a site included in the proposed Tertiary Education Precinct and surrounded by residential properties and open space.

The fact that minimum yard requirements and recession planes do not apply to internal boundaries as well as the proposed increased site coverage provides the site with additional development potential for tertiary education activities while managing the potential adverse effects on neighbouring residential properties.

While the proposed signage provisions for the Tertiary Education Precinct apply to the wider Elizabeth Street site it needs to be kept in mind that the rules for Heritage Buildings and Structures as outlined in Chapter 14F of the District Plan still apply to the Old Petone Court House, meaning that any changes to the building that are visible from the road frontage would still require a resource consent.

The site does not contain any other buildings or structures that are currently listed and protected under the heritage provisions of the District Plan.

For further discussion please refer to sections 3.18 to 3.21 and 3.23 to 3.26 of this report.

### **Recommendation**

That the submissions of **New Zealand Historic Places Trust (NZHPT)** [62.2, 62.3, 62.4, 62.5, 62.6] and **Rosy & Kevin Moar** [60.3] be accepted in part. That the submissions of **Roger Thackery** [63.7] and **Mark & Anne Godfrey** [135.5] be rejected

*That the further submissions of **Mr & Mrs Yardley** [162.4, 162.14, 162.15], the **Nelson Street Trust** [163.4, 163.14, 163.15] and the **Petone Urban Environmental Association (PUEA)** [164.4, 164.14, 164.15] and **Wellington Institute of Technology (WellTec)** [160.6, 160.7] be accepted in part.*

Those parts of the submissions and further submissions that are recommended to be **accepted** relate to:

- The support for the introduction of a Tertiary Education Precinct and the inclusion of the Elizabeth Street site.
- Retaining the increased site coverage of 40%.
- Reducing the proposed maximum building height for the Elizabeth Street site from 12m to 8m.

Those parts of the submissions and further submissions that are recommended to be **rejected** relate to:

- The support of an increased building height of 12m.
- The exclusion of the Elizabeth Street site from the precinct.

- That, if the site is included, the General Residential Activity Area provisions apply unchanged.
- Signs.

### 3.7.2 Bracken Street

#### Submissions

**Department of Conservation (DoC)** [25.1] opposes the inclusion of the Bracken Street site as the land is owned by Her Majesty the Queen, administered by DoC, leased to HCC and subleased to WelTec. The submitter requests that the land should not be included as future use past the expiry of lease in 2016 has not yet been contemplated.

**Wellington Fish & Game Council** [33.1] opposes the inclusion of the Bracken Street site as the area is owned by DoC and leased to HCC. The submitter is concerned over potentially significant adverse effects on Te Mome Stream and Hutt River under the proposed changes. The submitter requests that the application in its current form be declined.

**Lesley Kennedy & Menno van der Laan** [34.3] oppose the inclusion of the Bracken Street site as WelTec no longer provides horticulture courses. The submitters request that Bracken Street not be included as part of the precinct.

**Tui Lewis** [51.7] opposes the inclusion of the Bracken Street site in the precinct.

**Roger Thackery** [63.3] opposes the inclusion of the Bracken Street site in the precinct and points out that 20% site coverage would equate to almost 1500m<sup>2</sup> of buildings.

**Mark & Anne Godfrey** [135.6] oppose the inclusion of the Bracken Street site in the precinct as they consider that HCC has no power to grant zoning over DoC land.

**Petone Urban Environmental Association (PUEA)** [152.11], **Mr & Mrs Yardley** [153.11] and the **Nelson Street Trust** [154.11] submit that the land at 26 and 26A Bracken Street (K Block) is owned by the Minister of Conservation as a conservation area and is subject to the Conservation Act 1987. The Section 32 report wrongly identifies this as land owned by HCC. The submitter considers it is entirely inappropriate for this land to be included in PPC25 as part of the Precinct and that it should be deleted.

**Wellington Institute of Technology (WelTec)** in their further submission oppose the submissions of

- *Department of Conservation* [160.2]
- *Wellington Fish & Game Council* [160.4]
- *Roger Thackery* [160.7]
- *Petone Urban Environmental Association (PUEA)* [160.10]
- *Mr & Mrs Yardley* [160.11]

*as the precinct zoning and overlay standards would not change land ownership or any lease arrangement between DoC and Hutt City Council and any future works on the site would be assessed against the Wellington Regional Council Freshwater Plan. They consider that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.*

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the submissions of

- *Department of Conservation* [162.11], [163.11] [164.11]
- *Wellington Fish & Game Council* [162.12], [163.12] [164.12]
- *Roger Thackery* [162.15], [163.15] and [164.15]
- *Tui Lewis* [162.18], [163.18] [164.18]
- *Petone Urban Environmental Association (PUEA)* [162.9], [163.9]
- *Mr & Mrs Yardley* [163.10], [164.9]
- *Nelson Street Trust* [162.10], [164.10]

as most of the concerns raised are consistent with the concerns raised in their submissions, and are considered appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.

**Peter & Nicola Prichard** in their further submission support the submission of **Petone Urban Environmental Association (PUEA)** [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

**Rosy and Kevin Moar** in their further submission support the submission of **Petone Urban Environmental Association (PUEA)** [159.2] as the submission raises detailed and important questions and objections. Careful consideration should be given to all of the points raised.

### **Discussion**

The Plan Change proposes to include the properties at 26 Bracken Street as part of the proposed Tertiary Education Precinct.

The submissions listed above all concern the inclusion of the Bracken Street site within the Tertiary Education Precinct. The site itself is located within the Memorial Park Open Space Area and adjoins both the headquarters of the Petone Football Club and the Shandon Golf Course.

It is physically separate from the remainder of WelTec located well east of Cuba Street the primary north south arterial road in this part of Petone. Importantly this site is currently zoned General Recreation Activity Area and buildings are more yard based, reflecting its former use as a horticultural education facility that has now ceased.

In terms of property matters we understand that the site is owned by the Department of Conservation, leased by Hutt City Council and then subleased to WelTec. From a Reserves Act perspective the site is not gazetted as reserve under the Reserves Act but is held for conservation purposes, pursuant to section 62 of the Conservation Act 1987.

We also understand from the submission from the Department of Conservation that the end of the lease is forthcoming. While tenure is not an RMA issue, in this case it does reflect that other approvals or consents will also be required, further complicating the inclusion of this site in the Tertiary Education Precinct.

For planning reasons it is considered that inclusion within the Tertiary Education Precinct is not appropriate and that insufficient justification has been put forward. The reasons are that the site is in a rather remote and isolated location in relation to the main campus and is low scale and low density, reflecting the scale and layout of other servicing buildings for recreational activities.

In addition development in accordance with the proposed permitted activity conditions may lead to unacceptable impacts and it would be preferable that any site development proposals be considered on their merits under the existing General Recreation Activity Area provisions. The deletion of the site from the precinct is therefore considered appropriate.

For further discussion refer to sections 3.37 to 3.41 of this report.

### **Recommendation**

That the submissions of **Department of Conservation (DoC)** [25.1], **Wellington Fish & Game Council** [33.1], **Lesley Kennedy & Menno van der Laan** [34.3], **Tui Lewis** [51.7], **Roger Thackery** [63.3], **Mark & Anne Godfrey** [135.6], **Petone Urban Environmental Association (PUEA)** [152.11], **Mr & Mrs Yardley** [153.11] and the **Nelson Street Trust** [154.11] and the further submissions of **Peter & Nicola Prichard** [158.2], **Rosy and Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.9, 162.10, 162.11, 162.12, 162.15, 162.18], the **Nelson Street Trust** [163.9, 163.10, 163.11, 163.12, 163.15, 163.18] and the **Petone Urban Environmental Association (PUEA)** [164.9, 164.10, 164.11, 164.12, 164.15, 164.18] be accepted.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.2, 160.4, 160.7, 160.10, 160.11] be rejected.

### 3.7.3 Udy Street/Britannia Street

#### Submissions

**Merran Bakker** [35.6, 35.7] is concerned that the heritage qualities of Britannia Street could be undermined by inappropriate buildings on the Udy Street site and that any activity which brings more people into the area will have impacts on parking and traffic. The submitter requests that the Udy Street site be retained as a car park and that any development on the Udy/Britannia Street site should be restricted to fit in with this special neighbourhood.

**Mavis Anne Rayner** [42.2] has no objection to 'school room' type buildings on the Udy/Britannia Street corner but considers that a high rise residence on Britannia Street would not be suitable.

**Tui Lewis** [51.6] is concerned about the proposed building height of 12m for the site.

**Roger Thackery** [63.7] considers that the Udy Street area is not being used for tertiary education activities and is not part of the core WelTec area. The submitter requests that the Udy Street site be removed from the precinct.

**Mark & Anne Godfrey** [135.3] are concerned that the Plan Change would allow WelTec to proceed with a hostel on the site, which would have severe impacts on after-hours traffic volumes on Britannia Street. The submitters are also concerned that as a result of the Plan Change, they would lose their right to challenge such a change.

*Wellington Institute of Technology (WelTec) in their further submission oppose the submission of Roger Thackery [160.7] as they consider that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area.*

*Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA) in their further submissions support the submissions of Roger Thackery [162.15], [163.15] and [164.15] and Tui Lewis [162.18], [163.18] and [164.18] as a number of matters raised are consistent with Mr & Mrs Yardley's, the Nelson Street Trust's and PUEA's submission and are considered appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.*

#### Discussion

The Plan Change proposes to include the site at the corner of Udy Street and Britannia Street as part of the proposed Tertiary Education Precinct.

The site is located on the south western corner of the intersection of Udy Street and Britannia Street and is currently laid out as a carpark. There is some landscaping around the edges of the site the most notable of which are the Pohutukawa trees that border the playing fields of the Petone Recreation Ground. There is one adjoining residential boundary to the south comprising two single storey houses as well as dwellings on the western side of Britannia Street largely consisting of single storey houses set back from the Britannia Street frontage. The site is currently zoned General Residential Activity Area and consists of 8 titles and an access leg from Britannia Street.

From the parking report the carpark, while allocated for use by staff and students of WelTec, is understood to be poorly utilised. Visual inspections since October have revealed that few cars have been parked in the carpark although that is different at certain times of the year and at different times of the week. It should be noted that HCC's own surveys carried out in May 2012 revealed a higher usage but still only a small percentage of the available space. This brings into question the issue that the use of the site for carparking is an inefficient use of the land resource.

In terms of the Tertiary Education Precinct it is considered that this site is appropriately included. Part of the reason for this is that it is located opposite the General Business Activity Area to the north of Udy Street and adjoining the Petone Recreation Ground itself and is relatively close across the Petone Rec to the core facilities of WelTec located in Kensington Street West. In addition the site realistically is the primary greenfield site available to contain some form of development for tertiary education purposes and is in the ownership of WelTec.

The Plan Change proposes specific but targeted changes to bulk and location standards that apply to general residential activities. These seek to maintain a level of amenity to adjoining occupiers while allowing the potential for buildings up to 12m high, which is higher than the current residential limit of 8m. Specific recession planes as well as yard requirements on the southern boundary are proposed to assist in protecting abutting residential properties from increased shading. The maximum site coverage is proposed to be raised to 40% from 35%.

While we accept that the bulk and location standards are a useful foundation and will maintain residential amenity, the site is relatively large, prominent and adjoins the Petone Recreation Ground. It could be developed in a number of ways ranging from one large building to a number of smaller ones without the opportunity to have any influence on good design outcomes. We therefore consider it appropriate that this site be considered Restricted Discretionary in terms of design in order for the appropriate level of assessment by Council.

To achieve this it is recommended to reduce the permitted maximum building height to 8m. This reflects the low density residential surrounding of the site. Any new building that does not comply with the 8m maximum height or any other permitted activity condition would require resource consent as a restricted discretionary activity with Council's discretion restricted to design, external appearance and siting in addition to amenity values, landscaping and screening. As a result of this recommended change to the maximum building height the additional step back provisions which were proposed in the Plan Change to compensate for the increased building height would no longer be required.

In terms of concerns about the site being used as hostel accommodation it should be noted that a recommendation in this report is that only core educational uses would be permitted but other activities such as student accommodation would be restricted discretionary activities. The compatibility of the use as well as the structures would be considered by resource consent if that were to be pursued.

Further discussion of this can be found in sections 3.18 to 3.26 of this report.

### **Recommendation**

That the submissions of **Merran Bakker** [35.6, 35.7], **Mavis Anne Rayner** [42.2], **Tui Lewis** [51.6], **Roger Thackery** [63.7], **Mark & Anne Godfrey** [135.3] and the further submissions of **Mr & Mrs Yardley** [162.15, 162.18], **the Nelson Street Trust** [163.15, 163.18] and **the Petone Urban Environmental Association (PUEA)** [164.15, 164.18] be accepted in part.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.7] be accepted in part.

Those parts which are recommended to be **accepted** relate to the introduction of more restrictive provisions for the Udy Street site in particular with regards to bulk and location, design and appearance.

Those parts which are recommended to be **rejected** relate to the exclusion of the Udy Street site from the precinct.

## **3.7.4 Kensington Avenue - R Block**

### **Submissions**

**Rosy & Kevin Moar** [60.4] are concerned with the proposed rules for the R Block and suggest that block should act as a transition between WelTec's larger buildings and neighbouring residential properties. The submitters request that the R Block retains the existing normal height, bulk, footprint and design restrictions of the underlying residential zone, to facilitate this. If a larger building is allowed on R Block, then the same provisions for set-backs and recession planes which are required for the southern boundary should also be required for the western boundary.

**Wellington Institute of Technology (WelTec)** in their further submission support in part the submission of Rosy and Kevin Moar [160.6] and note the concerns raised in relation to Lot 1 DP 5460 and Lot 4 8102, and on this basis WelTec has proposed an amendment to Standard 4A.2.1.1 (z) (iii) to clarify that the staggered setback and recession plane standards which apply to the southern boundary also apply to the boundary with Lot 1 DP 5460 and Lot 4 8102. In its

submission, WelTec also proposed an amendment to the definition of Tertiary Education Activities so as to provide more certainty to the scale and potential nature of ancillary activities. The further submitter opposes the remainder of the submission of Rosy and Kevin Moar as they consider that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be allowed in part in relation to amendment of Standard 4A.2.1.1 (z) (iii) and definition of "Tertiary Education Activities" consistent with that sought in the submission by WelTec.

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the submission of Rosy and Kevin Moar [162.14], [163.14] and [164.14] as suggest matters are consistent with their submissions, and the relief sought is considered appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.

### **Discussion**

The Plan Change proposes to include properties on the western side of Kensington Avenue as part of the proposed Tertiary Education Precinct.

The area is located on the western side of Kensington Avenue and can be considered as the main part of the existing WelTec campus in Petone. The site is highly developed and contains several single, two and three storey buildings as well the rather dominant eight storey high Tower Block. It is bounded by residential properties in the south, the Petone Recreation Ground on the west, a small cul-de-sac to the north and Kensington Avenue to the east. The R Block is located at the southern end of the Kensington Avenue West site

It is considered appropriate to include this site in the Tertiary Education Precinct as it forms the main campus of the institution and has historically been used for tertiary education purposes. Also WelTec as well as its predecessors have continuously invested and developed the site and the current buildings and we have no reason to believe that the buildings and the uses have not been established lawfully.

For this site it is proposed to raise the maximum site coverage to 60% (currently 35%) and the maximum building height to 12m (currently 8m) in combination with recession planes/stepped height restrictions and increased yard requirements for the southern boundary.

The proposed provisions for this part of the campus have been established to reflect the existing level of building development in this area. However the increased maximum height of 12m is offset by providing for increased building set back and stepped building height requirements along the southern boundary (R Block) of the precinct to protect abutting residential properties from increased shading and building dominance.

The proposed site specific requirements together with the underlying area wide Permitted Activity Conditions which still apply are considered appropriate to create a transition area between larger buildings within the precinct and the neighbouring residential properties. They protect adjoining residential neighbours from additional shading and other adverse effects while providing for ongoing use and development of the campus.

The request that the additional yard and recession plane provisions should also apply to western boundaries with abutting residential sites has been accepted by amending the wording of the Permitted Activity Conditions accordingly.

For further discussion refer to sections 3.18 to 3.26 of this report

### **Recommendation**

That the submission of **Rosy & Kevin Moar** [60.4] and the further submissions of **Wellington Institute of Technology (WelTec)** [160.6], **Mr & Mrs Yardley** [162.14], **the Nelson Street Trust** [163.14] and **the Petone Urban Environmental Association (PUEA)** [164.14] be accepted in part.



Those parts which are recommended to be **accepted** relate to the clarification that the proposed special bulk and location requirements that apply to the southern boundary of the Kensington West site apply to all boundaries of this site with Lot 1 DP 5460 and Lot 4 8102.

Those parts which are recommended to be **rejected** relate to the suggested application of the underlying General Residential Activity Area provisions to the R Block site.

### **3.7.5 Leased Properties, Extent of Precinct**

#### **Submissions**

**Hilda Burgess** [3.1] considers that the precinct concept should only apply to the main campus area. The submitter requests that outlying areas be removed from a “so-called” Tertiary Education Precinct

**Lesley Kennedy & Menno van der Laan** [34.5] are opposed to the inclusion of leased land as they consider that the owners of buildings/land leased by WelTec should not profit from increased bulk and location provisions.

**Tui Kent** [43.1] considers that the precinct should only apply to the main campus and that 71 Cuba Street should not be included as WelTec does not own or lease it.

**Peter and Nicola Prichard** [45.4] are concerned about the extent of Lots outside the traditional campus proposed to be within the precinct and request that Lot 5 8120 and Lot 5 8120 (diagram in full submission) be removed from the WelTec Precinct.

**Tui Lewis** [51.5] is opposed to the inclusion of leased land and considers it needs to be removed from the precinct.

**Marja Verkerk** [55.1] points out that sites not legally owned by WelTec should not be included in the precinct.

**High Street Residents** [84.3] submit that the WelTec campus is a discontinuous collection of properties and poorly designed and located facilities and does not fit the definition of a precinct. The submitter criticises that the Plan Change seeks to retrospectively validate creep into residential areas and assumes that the Cuba Street area has only been added to avoid parking requirements. A key reason for the precinct is considered to be the establishment of a campus wide parking approach which will never work. The submitter requests that the Plan Change only relate to the original WelTec site bounded by Kensington Ave and the Petone Recreation Ground.

**Petone Planning Action Group (PPAG)** [86.1] request that out-lying areas be removed from the “so-called” precinct.

**Mike Fisher** [139.1] suggests that the precinct should only apply to the main campus area because the inclusion of outliers and leased properties, while useful for WelTec to determine a car parking formula, does nothing to allay concerns that the campus would spread across Petone. Furthermore the Udy/Britannia Street site should not be included, as the development for student accommodation or other buildings would be at odds with the residential nature of the area. The submitter requests that the outlying areas be removed from the “so-called” precinct.

**Petone Urban Environmental Association (PUEA)** [152.11], **Mr & Mrs Yardley** [153.11] and the **Nelson Street Trust** [154.11] submit that while the ownership of land is not generally an RMA issue, given the relaxation of height and bulk provisions it may not be appropriate for land that is leased and not owned by the tertiary education institution to be included in the precinct. If a leased site is included in the precinct, and developed in accordance with the precinct provisions including reliance on the off-street parking provisions and campus wide parking approach, then conceivably a leased site could be developed that relies on car parking on another part of the campus or the leased property could provide car parking for another part of the precinct. Also in the event that the lease comes to an end and is no longer used for Tertiary Education Activities the precinct may lose off-street car parks provided on the leased site or the leased site may be left with insufficient off-street car parking because that property has been developed in reliance of the campus wide car parking approach, using the proposed formula, rather than those of the General Business Area. Building owners would potentially benefit from the relaxed precinct rules

as they could develop their properties to a level over and above what is permitted for the underlying zone.

**Rosy & Kevin Moar** in their further submission support the submissions of

- *Peter and Nicola Prichard [159.1]*
- *Petone Planning Action Group [159.2]*
- *Petone Urban Environmental Association (PUEA) [159.2]*

*as the submissions raise detailed and important questions and objections. Careful consideration should be given to all of the points raised. They endorse the concerns about the possible impact of development of 'R Block', possible future redevelopment of 'A Block' and unsafe access to 'O Block' parking through the grounds of the Petone Recreation Ground and adjacent to the only children's playground in central Petone.*

**Wellington Institute of Technology (WelTec)** in their further submission oppose the submissions of

- *Peter and Nicola Prichard [160.5]*
- *High Street Residents [160.8]*
- *Petone Planning Action Group [160.9]*
- *Petone Urban Environmental Association (PUEA) [160.10]*
- *Mr & Mrs Yardley [160.11]*

*as they consider that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area.*

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the submissions of

- *Peter and Nicola Prichard [162.13], [163.13] and [164.13]*
- *Tui Lewis [162.18], [163.18] and [164.18]*
- *High Street Residents [162.4], [163.4] and [164.4]*
- *Petone Planning Action Group as [162.7], [163.7] and [164.7]*
- *Petone Urban Environmental Association (PUEA) [162.9], [163.9]*
- *Mr & Mrs Yardley [163.10], [164.9]*
- *Nelson Street Trust [162.10], [164.10]*

*as most of the concerns raised are consistent with the concerns raised in their submissions, and are considered appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.*

**Peter & Nicola Prichard** in their further submission support the submission of the Petone Urban Environmental Association (PUEA) [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

### **Discussion**

The submissions listed above concern whether or not the extent of the Tertiary Education Precinct should be confined and refer to the inclusion of leased properties in the precinct.

As has been stated previously it is considered that the concept of a Tertiary Education Precinct can be supported and that the core sites on Kensington, Elizabeth and Cuba Streets be included within the precinct. It is also considered appropriate for the Udy Street Carpark to be included as it is reasonably well located, is significantly underutilised and is currently the only significant opportunity for new building development. As has also been stated we do not consider that the Bracken Street site is appropriately included in the precinct as it is quite remote from the primary part of the campus and in any event is not currently being used.

In relation to concerns about possible expansion beyond the current sites identified there is no proposal to expand that Council is aware of. If that was to occur, a plan change would be necessary or alternatively a resource consent application process would need to be carried out and evaluated under the plan provisions which apply to any land currently.

Submitters have raised concerns about the inclusion of leased land within the proposed precinct, for which there is less certainty as to its long-term usage for tertiary education purposes, due to its leased status. This is a matter which requires careful consideration.

It is recognised that tenure issues may have a practical but not strictly resource management implication. This is understood to be particularly the case with the Bracken Street site. However whether land is leased or not applies only to the Cuba Street site if Bracken Street is removed. Therefore in relation to development potential on lease sites within the Precinct, the Precinct has been reduced in size and will now cover only those lease sites within the General Business Activity Area Zone. It should be noted that the permitted activity provisions for this zone are not changed by the precinct overlay and the Plan Change will not therefore increase the development potential of these sites, above the existing situation.

The suitability of including lease properties in the calculation of a car parking formula is discussed in section 3.10 but it is considered that if there is long term tenure then leased parking can be included within the calculations dictated by the parking formula.

### **Recommendation**

That the submissions of **Hilda Burgess** [3.1], **Lesley Kennedy & Menno van der Laan** [34.5], **Tui Kent** [43.1], **Peter and Nicola Prichard** [45.4], **Tuis Lewis** [51.5], **Marja Verkerk** [55.1], **High Street Residents** [84.3], **Petone Planning Action Group (PPAG)** [86.1], **Mike Fisher** [139.1], **Petone Urban Environmental Association (PUEA)** [152.11], **Mr & Mrs Yardley** [153.11] and the **Nelson Street Trust** [154.11] and the further submissions of **Rosy & Kevin Moar** [159.1, 159.2], **Mr & Mrs Yardley** [162.7, 162.8, 162.9, 162.10, 162.13, 162.18], the **Nelson Street Trust** [163.7, 163.8, 163.9, 163.10, 163.13, 163.18] and the **Petone Urban Environmental Association (PUEA)** [164.7, 164.8, 164.9, 164.10, 164.13, 164.18] **Peter & Nicola Prichard** [158.2] be accepted in part

That the further submission of **Wellington Institute of Technology (WelTec)** [160.5, 160.8, 160.9, 160.10, 160.11] be accepted in part.

Those parts which are recommended to be **accepted** relate to the exclusion of one leased and outlying site from the precinct (Bracken Street).

Those parts which are recommended to be **rejected** relate to:

- The exclusion of all leased properties from the precinct.
- The exclusion of all outlying areas from the precinct.
- The exclusion of Lot 5 8120 from the precinct.
- The limitation of the precinct to the area between Kensington Avenue and Petone Recreation Ground.

## **3.8 General - Definition of Tertiary Education Activities/Education Precinct, After Hours Activities**

### **Submissions**

**Lesley Kennedy & Menno van der Laan** [34.6] are opposed to student accommodation, social and retail being provided within the precinct. They consider the ability to establish student hostels, takeaway stores and shops could dramatically change the surrounding residential character. The submitters request that student accommodation, retail and social be excluded from the definition of tertiary education activities.

**Tui Lewis** [51.3] considers the inclusion of student accommodation would enable WelTec to build three story student hostels anywhere in the precinct.

**Rosy and Kevin Moar** [60.6] suggest that activities outside of normal business hours should be controlled to protect and enhance residential amenity. The submitters request that rules be introduced to reasonably control the activity which can be allowed on these sites outside normal business hours including noise, lux, fumes etc.

**Wellington Institute of Technology (WelTec)** in their further submission oppose the submission of **Rosy and Kevin Moar** [160.6] as they consider that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area.

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the submissions of

- **Tui Lewis** [162.18], [163.18], [164.18]
- **Rosy & Kevin Moar** [162.14], [163.14], [164.14]

as a number of matters raised are consistent with their submission, and are considered appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.

### **Discussion**

In recognition of the broad range of ancillary activities proposed by WelTec and the possibility of these activities to have significantly different effects from the principal tertiary education use, it is considered appropriate to limit the range of activities that could occur within the precinct as a permitted activity. Activities such as student accommodation, retail and cultural uses could generate higher noise, light and odour levels and parking demand than those activities defined as principal uses.

Notwithstanding, the complimentary nature of some ancillary activities to the principal use is recognised and it is appropriate that provision is made for some types of ancillary activities, subject to the need for resource consent to manage any effects on the surrounding area.

For further discussion refer to sections 3.13 and 3.22 to 3.26 of this report.

### **Recommendation**

That the submissions of **Lesley Kennedy & Menno van der Laan** [34.6], **Tui Lewis** [51.3], **Rosy and Kevin Moar** [60.6] and the further submissions of **Mr & Mrs Yardley** [162.14, 162.18], **the Nelson Street Trust** [163.14, 163.18] and **the Petone Urban Environmental Association (PUEA)** [164.14, 164.18] be accepted in part.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.6] be accepted in part.

Those parts which are recommended to be **accepted** relate to the differentiation between core tertiary education activities and ancillary activities in the proposed definition and the better consideration of the different potential effects of these activities through more specific provisions.

Those parts which are recommended to be **rejected** relate to the exclusion of all ancillary activities from the definition and the precinct.

## **3.9 General - Non-Notification Provisions**

### **Submissions**

**Lesley Kennedy & Menno van der Laan** [34.4] are opposed to any changes that would allow WelTec to do anything without notification.

**Graeme Lyon** [44.7] requests that all amendments that provide for non-notification should be deleted.

**Tui Lewis** [51.4] submits that any changes affecting any residential boundary need to be notified.

**Rosy & Kevin Moar** [60.7] state that the existing rules around notification provide certainty and should not be changed. The submitters request that if a precinct is approved, there be no provision for council to exercise discretion to approve consents for development outside of the rules in any way and that the rules around notification be changed so that where new buildings are proposed, residents are warned and are able to contribute to council decisions.

**Craig McKirdy** [68.1] is concerned about the removal of consultation and certainty.

**Patrick Williams** [140.1] considers that the Plan Change overrides residents' democratic rights of consultation.

**Lorraine Williams** [141.1] points out that the proposal disregards the rights of residents and that the introduction of a Tertiary Education Precinct will provide for on-going development, without normal public notification of resource consents.

**Wellington Institute of Technology (WelTec)** in their further submission oppose the submission of **Rosy and Kevin Moar** [160.6] as they consider that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area.

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the submissions of

- *Rosy and Kevin Moar* [162.14], [163.14], [164.14]
- *Tui Lewis* [162.18], [163.18], [164.18]

as suggest matters are consistent with Mr & Mrs Yardley's, the Nelson Street Trust's and PUEA's submission, and the relief sought is considered appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.

### **Discussion**

The Plan Change proposes specific notification provisions for the precinct precluding public and limited notification for certain activities. In response to submissions received this report recommends changes to these proposed provisions, precluding only public notification whilst providing for limited notification.

Whilst it is expected that any development falling into a controlled or restricted discretionary application would not necessarily need to be notified, provision remains for notification in the case that the anticipated effects on the wider area are considered by officers to be more or likely to be more than minor. Section 95 of the RMA allows Council to decide if special circumstances exist which would warrant the limited or public notification of resource consents, regardless of notification clauses inserted into District Plans. The intention of the notification clause as recommended by this report is to point out, that a resource consent falling under this activity classification will not be automatically notified but there are circumstances where notification may occur.

### **Recommendation**

That the submissions of **Lesley Kennedy & Menno van der Laan** [34.4], **Graeme Lyon** [44.7], **Tui Lewis** [51.4], **Rosy & Kevin Moar** [60.7], **Craig McKirdy** [68.1], **Patrick Williams** [140.1], **Lorraine Williams** [141.1] and the further submissions of **Mr & Mrs Yardley** [162.14, 162.18], **the Nelson Street Trust** [163.14, 163.18] and **the Petone Urban Environmental Association (PUEA)** [164.14, 164.18] be accepted in part.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.6] be accepted in part.

Those parts which are recommended to be **accepted** relate to revoking some of the proposed changes to the non-notification provisions.

Those parts which are recommended to be **rejected** relate to the complete withdrawal of all proposed non-notification provisions.

## **3.10 General - Traffic**

### **Submissions**

**Barry & Wendy Delwyn Rozenberg** [32.2] submit that while the current level of activity is mostly acceptable, the number of students and tutors should not be increased significantly, no staff or

student parking should be allowed on Bracken Street at any time and adequate parking should be provided on-site.

**Peter & Nicola Prichard** [45.5] suggest that access to the O block parking should be off Elizabeth Street, not via the Petone Recreation Ground.

**Tui Lewis** [51.8] submits that the Plan Change submission phase and the traffic survey should not be run concurrently and that WelTec should not be allowed to use any data from the parking survey.

**Marja Verkerk** [55.1] and **Craig McKirdy** [68.1] are concerned about the potential impact of the Plan Change on carparking.

**High Street Residents** [84.3] submit that Cuba Street area has only been added to avoid parking requirements and that a key reason for the precinct is to establish a campus wide parking approach which will never work. The submitter criticises the lack of travel demand management and requests that the campus wide approach to parking be declined. The submitter also requests that cycle storage be provided at a rate of one space per 10 staff and students for the whole campus which is located closer than any car park to common destinations throughout the campus, has overhead shelter and allows cycles to be secured. WelTec should be required to liaise with public transport providers to refine the location of bus stops, routes and timetables and report annually and publically on these discussions and also be required to maintain and report on an active carpooling programme.

The **Royal New Zealand Plunket Society (Plunket)** [85.2] raises concerns regarding increased traffic and safety risk at Petone Recreation Grounds and is also concerned about students using their parking.

**Petone Planning Action Group (PPAG)** [86.1] expresses their disagreement with the parking assessment.

The **Petone Corps, Salvation Army** [88.1] is opposed to the traffic and parking provisions as they consider that ease of parking is critical for all activities of Salvation Army in the area and parking has become harder over recent years. The submitter also states that increased congestion of Cuba and High Street raises concerns for children's safety and that a campus wide parking proposal will not be effective. The submitter requests that the Cuba Street General Business Activity Area be excluded from the campus wide parking proposal, that Cuba Street General Business Activity Area be excluded from the Tertiary Education Precinct, that a cap on student and staff numbers on site at one time be included and that requirements to encourage transport options other than private motor cars be included.

**Mark & Anne Godfrey** [135.4] submit that WelTec presently imposes significant parking impacts on residential streets and that the Plan Change would give WelTec further right to impact on the existing community.

**Vasu Govind** [147.1] requests that the proposed angle parking in Emerson Street be rejected.

**Rosy & Kevin Moar** in their further submission support the submissions of

- *Peter and Nicola Prichard* [159.1]
- *Petone Planning Action Group (PPAG)* [159.2]
- *Petone Urban Environmental Association (PUEA)* [159.2]

*They endorse the concerns raised by Peter and Nicola Prichard about the possible impact of development of 'R Block', possible future redevelopment of 'A Block' and unsafe access to 'O Block' parking through the grounds of the Petone Recreation Ground and adjacent to the only children's playground in central Petone. They consider the submissions of PPAG and PUEA raises detailed and important questions and objections. Careful consideration should be given to all of the points raised.*

**Wellington Institute of Technology (WelTec)** in their further submission oppose the submissions of

- *Peter and Nicola Prichard* [160.5]
- *High Street Residents* [160.8]

- *Petone Planning Action Group [160.9]*

*as they consider that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area.*

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA) in their further submissions support the submissions of**

- *Peter and Nicola Prichard [162.13], [163.13], [164.13]*
- *Tui Lewis [162.18], [163.18], [164.18]*
- *High Street Residents [162.4], [163.4], [164.4]*
- *Petone Planning Action Group as [162.7], [163.7] and [164.7]*
- *Plunket [162.16], [163.16], [164.16]*
- *Petone Corps, Salvation Army [162.17], [163.17], [164.17]*

*as suggest matters are consistent with Mr & Mrs Yardley's, the Nelson Street Trust's and PUEA's submission, and the relief sought is considered appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA. Although the further submitters have recommended an alternative parking policy regime to be implemented they note that the submissions share similar concerns regarding the inappropriateness of the proposed parking provisions.*

### **Discussion**

These submissions all concern traffic and parking associated with the current and future use of the site. As has been stated previously one of the largest issues for residents in the vicinity of the WelTec campus is the usage of on street parking in residential streets as overflow to the parking provided upon land owned or leased by the facility.

The Appendix to the Plan Change request includes a report by Tim Kelly Transportation Ltd that discusses and analyses the parking demand and recognises that in accordance with the existing District Plan carparking standard there is a shortfall of on-site spaces provided. The report also recognises the significant reliance on the use of kerbside parking on adjacent residential streets and that on some but not all streets the demand for on street parking currently gives rise to adverse effects in terms of parking availability. This is particularly an issue for those residential properties that do not have off street parking.

Importantly within the report by Tim Kelly Transportation Ltd and carried through to the Plan Change is a calculation for required carparking which differs from the existing District Plan provisions for Tertiary Educational facilities of 1 space per staff member and 1 space per three students.

Plan Change 25 proposes changing the car parking requirement to take account of an "acceptable" level of on-street parking, the utilisation of off-street car parking and actual staff and student vehicle numbers as determined by survey. The proposed car parking requirements would be calculated from the following formula:

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

Where:

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

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

AKP = the acceptable level of kerbside parking; and

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

Student and staff numbers are the maximum numbers of each expected to be on site at any one time.

A report from Walbran Transport Analysis Ltd has been commissioned to evaluate the Plan Change, provide a peer review of the transport components and consider recommendations both to the District Plan and by Council as the Road Controlling Authority. This is included as Appendix 3 to this report. Further discussion on the carparking standards proposed is also included in

sections 3.42 to 3.47 of this report which concerns the specific change proposed to the carparking standard and the alternative recommended by the Petone Urban Environment Association.

It should be recognised that the N Block extension Resource Consent Application provided a net increase in parking space numbers to 494 spaces, an increase of 76 spaces over and above that which currently exists. However this application also needed to demonstrate that the parking supply needed to be on the basis of a campus wide approach to parking. This is considered a practical approach considering the fact that the Tertiary Institution's activities are spread out over a number of sites. However it has been recommended that the Bracken Street site is to be removed from the precinct as notified and it should also be noted that the site on the corner of Udy and Britannia Street appears to be significantly underutilised which is presumably because of the location on the opposite side of the Petone Recreation Ground and the general availability of other on street parking closer to the more intensively utilised Kensington Street parts of the existing facility.

In relation to the principle of a whole of campus approach to parking and as demonstrated by the recent N Block resource consent, it is considered that this is sensible and pragmatic and reflects the fact that there is some movement of staff and students between the different areas of campus. It is also appropriate in terms of the existing environment to note the buildings and activities that exist currently and the likelihood that changes in the future are unlikely to result in widespread demolition and rebuilding of the existing.

The peer review report is in principle supportive of this approach which is relatively complex and is subject to fluctuation as staff and student numbers may change over time. There is also the need to consider the effectiveness of travel demand management measures that may influence travel behaviour and reduce the need or desirability for staff and students to travel to the Petone campus by car. These travel demand management measures on the supply side include factors such as, workplace travel plans, encouraging passenger transport and providing enhanced facilities for cyclists such as secure cycle storage and showers. On the demand side travel demand management is influenced by on and off street parking supply. Monitoring of the parking situation in Petone is required but difficult to codify in the District Plan and requires Council as Road Controlling Authority to assist if intervention is required to on street parking supply and usage.

The Council as Road Controlling Authority is well aware of the existing issues and has sought residents views on the potential for time restrictions for on street parking and the potential for residents only parking restrictions but according to correspondence received and Council committee papers (attached to the Traffic Report in Appendix 3) this was not supported. Implementation of further controls is still possible but will require Council resolutions outside of the plan change process. We understand that at officer level the consideration of further parking management is supported.

The limitation or cap on staff and student numbers is a theme in some submissions. Imposing a limitation may limit the ability to be able to construct new buildings under the permitted activity conditions and is likely to place an effective cap on new students/visitors to the precinct. In any event it appears that numbers at the Petone campus have recently reduced. Additionally with a parking formula for this use there will need to be some linkage between floorspace, student numbers and required parking.

In terms of specific parts of these submissions one requests a high (1 per 10 students or staff) compulsory cycle parking provision. While it is agreed that cycle parking is appropriate without a change to the entire plan it is not considered to be justified. The existing facilities benefit from existing use rights and resource consents which did not require safe and secure cycle parking. It is considered that the precinct approach cannot be used to rectify past limitations, but could be modified to address additional traffic impacts, if considered to be significant in the future.

There are also numerous other travel demand management measures including travel schemes that could be implemented. Codifying these in the District Plan is relatively complex and in our opinion should be subject to a more comprehensive review of travel demand management in the future concerning the entire city.



In terms of the submission on parking needs by the Salvation Army, it needs to be recognised that this organisation is occupying premises with no on-site parking in Elizabeth Street and thus dependent on the continued availability of on-street parking. The Council can offer no guarantee to any group that on-street parking will be available in popular areas experiencing traffic congestion and high on-street car parking demand, in the absence of specific mechanisms which cover all groups, such as on-road parking restrictions for non-residents.

In relation to access to the O Block (Elizabeth Street) parking area being from Elizabeth Street instead of via Buick Street and the Petone Recreation Ground, the view is that it concentrates WelTec's Kensington West and Elizabeth functions through one area. There is currently no vehicle access from Elizabeth Street but it could be considered in the future but is not recommended to be codified as part of the District Plan.

The effectiveness of the parking controls and the ongoing situation will need to be surveyed and monitored into the future as will staff and student numbers. If the new parking formula is producing undesirable results in terms of making the existing situation worse instead of better, then further intervention through on street parking management is recommended. It is however difficult to introduce a requirement for monitoring of on and off street carparking through District Plan provisions. However we recommend that prior to the hearing that WelTec have discussions with relevant traffic and transport staff at HCC and agree a binding process for ongoing review of the overall parking situation.

### **Recommendation**

That the submissions of **Barry & Wendy Delwyn Rozenberg** [32.2], **Peter & Nicola Prichard** [45.5], **Tui Lewis** [51.8], **Marja Verkerk** [55.1], **Craig McKirdy** [68.1], **High Street Residents** [84.3], **Royal New Zealand Plunket Society (Plunket)** [85.2], **Petone Planning Action Group (PPAG)** [86.1], **Petone Corps, Salvation Army** [88.1], **Mark & Anne Godfrey** [135.4], **Vasu Govind** [147.1] and the further submissions of **Rosy & Kevin Moar** [159.1, 159.2], **Mr & Mrs Yardley** [162.7, 162.8, 162.13, 162.16, 162.17, 162.18], **the Nelson Street Trust** [163.7, 163.8, 163.13, 163.16, 163.17, 163.18] and **the Petone Urban Environmental Association (PUEA)** [164.7, 164.8, 164.13, 164.16, 164.17, 164.18] be rejected.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.5, 160.8, 160.9] be accepted.

## **3.11 General - Bulk and Location, Design Guidelines**

### **Submissions**

**Phyllis & Paul Andersen** [5.2] are concerned that the Plan Change considers the needs of WelTec while not considering the effects on residents living close by. The submitters list negative impacts from WelTec so far.

**Barry & Wendy Delwyn Rozenberg** [32.3] consider that the existing WelTec buildings are high enough and that sunlight, shade, ground drainage and dampness will become issues if WelTec is allowed to cover more land. The submitters therefore request that the residential rules should apply to WelTec with the exception of parking.

**Lesley Kennedy & Menno van der Laan** [34.2] oppose the proposed bulk and location provisions as they consider the proposed changes to height, recession planes, site coverage etc. would have a significant impact on property values, shading, visual privacy and visual aspect of the neighbourhood. They also suggest that the current height of buildings in Kensington Avenue should not be used as a baseline. The submitters request that there should be Design Guidelines with regards to renovation or building of new structures.

**Merran Bakker** [35.3, 35.4] is concerned that a 12m building height is out of scale with the surrounding area and would impact on neighbours by dominating the skyline. The submitter is also concerned about what could be built on the Udy Street site considering the lack of Design Guidelines and the preclusion of notification. The submitter requests that a Design Guide is

included for any new buildings, which gives protection to residential amenity (sunlight, building mass, views).

**Peter & Nicola Prichard** [45.3] are concerned that increasing height, bulk and location will adversely affect the submitter's residential character and amenity by destroying existing privacy. They are also concerned about protecting privacy and morning sunlight, a feeling of being boxed in, light pollution, noise and total uncertainty of what development could occur on the site. The submitters request that Design Guidelines are introduced with any such Plan Change associated with a WelTec precinct, that shade modelling of adjoining properties is undertaken, particularly for 50 Buick Street, to mitigate any adverse effects of any changes set out in Plan Change 25 and that "any proposed plan change is amended so Council shall be required to appoint an independent compliance monitoring party of existing resource consents, rules, conditions and guidelines".

**Suzanne Debra Hartley** [47.1] is concerned about the proposed maximum height and site coverage and requests that the Plan Change be reconsidered, especially in regards to height of buildings and boundary encroachment.

**Tui Lewis** [51.2, 51.9] suggests stronger wording to protect the recreation ground from being dominated by WelTec buildings. The submitter suggests that height restrictions plus less site coverage would allow for open spaces, light, wind filtering, and view shafts.

**Rosy & Kevin Moar** [60.5] submit their support for the introduction of Design Guidelines and transition zones to achieve consistency with the neighbouring residential character. The submitters request that the rules and guidelines for what sort of building can be constructed within the precinct be amended to include Design Guidelines so that WelTec buildings with an underlying residential zone are consistent with the neighbouring residential character and which provide for suitable transitions between residential properties and large buildings, existing or otherwise.

**Roger Thackery** [63.2, 63.4, 63.7] is concerned that the Plan Change increases the physical bulk of the campus development and that due to a lack of maximum staff and student numbers effects cannot be determined. The submitter is also concerned that continuation and increase of bulk together with a lack of internal relief for daylight and solar excess will create adverse effects and considers that the claims of existing use rights and planning history to justify intensification is misleading. The submitter is also concerned that the existing scale and intensity is not acceptable for residents and suggests that the Plan Change should provide opportunities for improvements, that view shafts and access ways need to be maintained, that the Udy Street/Britannia Street site needs specific consideration and that all new buildings should have a residential appearance.

**Petone Urban Environmental Association (PUEA)** [152.13], **Mr & Mrs Yardley** [153.13] and the **Nelson Street Trust** [154.13] raise three points in support of the use of Design Guides

- While a Design Guide can create a level of uncertainty for the applicant, it can also provide a better understanding of the nature and quality of the final outcome. This provides the Council and the community with a higher level of certainty and ensures a more balanced approach to managing building form;
- By outlining clear objectives regarding the quality of expected design outcomes, a Design Guide will provide a common reference point for both the applicant and the Council in assessing the applicant's design proposals; and
- A Design Guide can successfully work in tandem with the amended rules/standards by providing a set of 'qualitative' criteria to complement the 'measurable' provisions of setbacks, site coverage and building height, which alone cannot mitigate the potential impact of bulk and/or address building design quality.

**Rosy & Kevin Moar** in their further submission support the submissions of

- *Peter and Nicola Prichard* [159.1]
- *Petone Urban Environmental Association (PUEA)* [159.2]

*They endorse the concerns raised by Peter and Nicola Prichard about the possible impact of development of 'R Block', possible future redevelopment of 'A Block' and unsafe access to 'O Block' parking through the grounds of the Petone Recreation Ground and adjacent to the only*

children's playground in central Petone. They consider the submission of PUEA raises detailed and important questions and objections. Careful consideration should be given to all of the points raised.

**Wellington Institute of Technology (WelTec)** in their further submission oppose the submissions of

- Peter and Nicola Prichard [160.5]
- Rosy and Kevin Moar [160.6]
- Roger Thackery [160.7]
- Petone Urban Environmental Association (PUEA) [160.10]
- Mr & Mrs Yardley [160.11]

as they consider that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area.

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the submissions of

- Peter and Nicola Prichard [162.13], [163.13], [164.13]
- Tui Lewis [162.18], [163.18], [164.18]
- Rosy and Kevin Moar [162.14], [163.14], [164.14]
- Roger Thackery [162.15], [163.15], [164.15]
- Petone Urban Environmental Association (PUEA) [162.9], [163.9]
- Mr & Mrs Yardley [163.10], [164.9]
- Nelson Street Trust [162.10], [164.10]

as suggest matters are consistent with their submission, and the relief sought is considered appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.

**Peter & Nicola Prichard** in their further submission support the submission of Petone Urban Environmental Association (PUEA) [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

## **Discussion**

The introduction of specific Design Guidelines for the Tertiary Education Precinct is not considered appropriate as the precinct is relatively small, the proposed bulk and location provisions are almost site specific and the range of potential buildings and uses within the scope of tertiary education activities is very wide and hard to predict and provide for as part of a Design Guide.

While a Design Guide could provide some guidance on the nature and scale of buildings to ensure they are compatible with the character and amenity of the area, the implementation of the design requirements would require a resource consent process which is considered inefficient in the context of the existing campus and would undermine the intention of this Plan Change. For a more detailed discussion please refer to section 3.23 of this report.

The concerns raised by submitters regarding the proposed increase of the maximum building height are considered valid for the areas of Udy Street and Elizabeth Street. A permitted maximum building height of 12m would inevitably have some visual effects, in terms of potentially affecting residential outlook, streetscape and character. For council to be able to address these effects it is recommended to reduce the permitted maximum building height for these two sites to 8m. Any buildings over 8m would be either restricted or fully discretionary activities and any potential adverse effects can be addressed appropriately through a resource consent process. For further discussion of the bulk and location provisions and recommended changes refer to sections 3.18 to 3.26 of this report.

However it is not considered appropriate that any new buildings in the precinct need to be of a residential character. The precinct contains a long established educational use with a more functional and institutional appearance than nearby residential properties and has partially

changed the character of the area. The different form and space requirements of the tertiary education provider need to be recognised. Appropriate limits are recommended on height and bulk to ensure that any new development will not result in additional effects to neighbour amenity.

The regulatory requirement of Council to check any non-compliance with any resource consents issued is a separate issue from the proposed precinct overlay and is outside the scope of this plan change.

In addition the provisions of the General Residential and General Business zonings which currently apply to the sites proposed to be part of the Tertiary Education Precinct do not provide for design assessments.

As mentioned before any Design Guidelines would not apply to permitted activities. For a Design Guide to be applied and have influence on the design of new buildings all new developments would need to be at least controlled or restricted discretionary and require resource consent. This is clearly not the intention of this Plan Change which proposes to introduce a Tertiary Education Precinct which provides for principal tertiary education activities as of right. Therefore Design Guidelines would only be relevant for those developments requiring resource consent under the proposed rules. It also needs to be kept in mind that currently Design Guides are not the rule but rather the exception throughout the District Plan. Therefore having no specific Design Guidelines for the Tertiary Education Precinct would be consistent with most other activity areas in the District Plan including the only other 'precinct' being the Hutt Hospital which has its own zoning as Community Health Activity Area.

Overall the introduction of Design Guidelines on all sites of the Tertiary Education Precinct is not considered necessary as the proposed amended bulk and location requirements adequately address matters of scale and bulk. New buildings can be accommodated within the precinct that, while being institutional in character are compatible with the scale and character of the surrounding mainly residential areas.

### **Recommendation**

That the submissions of **Phyllis & Paul Andersen** [5.2], **Barry & Wendy Delwyn Rozenberg** [32.3], **Lesley Kennedy & Menno van der Laan** [34.2], **Merran Bakker** [35.3, 35.4], **Peter & Nicola Prichard** [45.3], **Suzanne Debra Hartley** [47.1], **Tui Lewis** [51.2, 51.9], **Rosy & Kevin Moar** [60.5], **Roger Thackery** [63.2, 63.4, 63.7], **Petone Urban Environmental Association (PUEA)** [152.13], **Mr & Mrs Yardley** [153.13] and the **Nelson Street Trust** [154.13] and the further submissions of **Peter & Nicola Prichard** [158.2], **Rosy & Kevin Moar** [159.1, 159.2], **Mr & Mrs Yardley** [162.9, 162.10, 162.13, 162.14, 162.15, 162.18], the **Nelson Street Trust** [163.9, 163.10, 163.13, 163.14, 163.15, 163.18] and the **Petone Urban Environmental Association (PUEA)** [164.9, 164.10, 164.13, 164.14, 164.15, 164.18] be accepted to the extent that changes are recommended to the bulk and location provisions in the General Residential Area or rejected in terms of the implementation of Design Guides.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.5, 160.6, 160.7, 160.10, 160.11] be accepted in terms of the implementation of Design Guides and rejected to the extent that changes are recommended to the bulk and location provisions in the General Residential Area.

## **3.12 General - Signs**

### **Submissions**

**New Zealand Historic Places Trust (NZHPT)** [62.6] request that an exemption to the proposed signage rules be applied to the Petone Magistrate's Court at 13 Elizabeth Street, to ensure that the heritage values of the site are taken into consideration, should any additional signage be proposed. They consider that existing residential signage rules should continue to apply.

**Tui Lewis** [51.9] suggests that the amount and position of signage within the recreation grounds and surrounding areas should be restricted.

**Royal New Zealand Plunket Society (Plunket)** [85.3] submits that the current signage for WelTec is inadequate and does not support safe traffic flow. The submitter requests clear signage to be at all entry points/car parks, identifying services and parking available on site as well as the presence of Plunket and small children.

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support in part the submission of **New Zealand Historic Places Trust** [162.4], [163.4] and [164.4] where it requests the continuation of the existing residential signage rules as it is considered these provisions are appropriate.

They support the submissions of

- *Tui Lewis* [162.18], [163.18], [164.18]
- *Plunket* [162.16], [163.16], [164.16]

as a number of matters raised are consistent with Mr & Mrs Yardley's, Nelson Street Trust's and PUEA's submission, and are considered appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.

### **Discussion**

Taking into account the more institutional, non-residential nature of the precinct and the existing and potential development within the precinct it is considered appropriate to provide for an increased maximum face area of 3m<sup>2</sup> for signs within the precinct.

The concerns regarding the protection of the existing heritage building from increased signage are considered valid. However the existing provisions for heritage buildings and structures only refer to changes made to the building itself but do not provide any protection for the wider site on which the heritage building is located. At the same time the existing signage provisions in Chapter 14B only refer to activity areas but have no specific provisions for heritage buildings and structures. The correction of these deficits of the District Plan in relation to signs and heritage is considered to be beyond the scope of this plan change and needs to be addressed in a future review of the heritage and signage provisions of the District Plan.

The restriction of the amount and location of signage within the precinct is considered to be inappropriate as it would not be able to take into account and respond to the changing needs and potential developments of a tertiary educational precinct. It is the intention of this Plan Change to provide an adequate framework with regards to signs within the Tertiary Education Precinct. The exact number and position of sign within the precinct can't be prescribed by the District Plan. However changes are proposed which would restrict the content of signs within the precinct. Please refer to sections 3.48 to 3.51 of this report for more details.

The concern regarding inadequate and insufficient existing signage in relation to traffic safety is considered valid but not within the scope of this plan change.

### **Recommendation**

That the submissions of **New Zealand Historic Places Trust (NZHPT)** [62.6], **Tui Lewis** [51.9], **Royal New Zealand Plunket Society (Plunket)** [85.3] and the further submissions of **Mr & Mrs Yardley** [162.4, 162.16, 162.18], **the Nelson Street Trust** [163.4, 163.16, 163.18] and **the Petone Urban Environmental Association (PUEA)** [164.4, 164.16, 164.18] be accepted in part.

Those parts which are recommended to be **accepted** relate to changes to the introduction of a permitted activity condition which relates to the content of signs within the Tertiary Education precinct.

Those parts which are recommended to be **rejected** relate to:

- The withdrawal of the increased maximum face area for signs within the Tertiary Education Precinct.
- The restriction of the number and location of signs within the Tertiary Education Precinct.
- The introduction of specific provisions for signage in relation to heritage buildings.

### 3.13 Amendment 1 - Chapter 3 Definitions – Tertiary Education Activities

#### **Tertiary Education Activities:**

means the use of land and buildings for the provision of regular instruction, teaching, learning or training by an Institution (as defined in Section 159(1) of the Education Act 1989), and includes ancillary administrative, student accommodation, recreational, cultural, health, childcare, social, retail and car parking activities and facilities.

#### **Submissions**

**Wellington Institute of Technology (WelTec)** [58.2] supports the introduction of a definition for Tertiary Education Activities in part and suggests that Council could consider providing further expansion to the nature of ‘ancillary’ activities to provide more certainty as to scale and potential nature of ancillary activities. The submitter requests that the definition of Tertiary Education Facility be amended as follows:

#### ***Tertiary Education Activities:***

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

and any similar or consequential amendments that stem from the submissions and relief sought.

**Merran Bakker** [35.2] opposes the proposed definition as it is considered to be too loose and means that student accommodation could be built on the Udy Street site bringing noise, extra traffic and parking into the area and damaging residential amenity. The submitter requests that any activity that operates outside normal business hours be precluded from the Udy Street site.

**Graeme Lyon** [44.2] opposes the proposed definition and comments that it is too broad, allowing anything. The submitter requests that the definition be tightened for tertiary education needs.

**Peter and Nicola Prichard** [45.2] oppose the proposed definition as they consider it is so broad that there will be adverse effects of unknown developments and request that the definition of Tertiary Education Activity be amended to that of the Education Act, and only reflect the activities already permitted on the Kensington Avenue campus.

**Rosy and Kevin Moar** [60.2] oppose the proposed definition as they consider the reference to ancillary retail, social, cultural and recreational activities is too broad and leaves open the possibility that any retail, fast food joint or pub could be established on a residential street. They comment that student accommodation and commercial-style car-parking buildings would have different impact on residents than daytime instructions within classrooms. The submitters request that the definition of educational activity be tightened significantly and that accommodation and carparking be removed altogether.

**Roger Thackery** [63.5] opposes the proposed definition and comments that it is very broad and needs tightening up to ensure that retailing could not be started anywhere in the precinct. The submitter suggests that student accommodation should be dealt with separately having overnight as well as daytime effects. The submitter requests that the wording of the definition be as follows:

***Tertiary Education Facilities*** *means the use of land and buildings for the provision of regular instruction, teaching, learning or training by an Institution (as defined in Section 159(1) of the Education Act 1989),...*

If the definition is to be retained as is, then there needs to be rules to limit the extent of retailing, social facilities, recreational activities, and childcare within the precinct.

**Petone Planning Action Group (PPAG)** [86.2] opposes the proposed definition and comments that it is very broad and needs tightening up to ensure that retailing could not be started anywhere in the precinct. The submitter suggests that student accommodation should be dealt with separately having overnight as well as daytime effects. The submitter further comments that

Amendment 1 (Definitions) needs to be considered with Amendment 10 (General Residential Activity Area - Permitted Activity conditions) and that there is no justification for some activities (cultural, health, childcare, social, retail) to be considered 'ancillary' to the main purpose of a Tertiary Education Activity. If cultural, health, childcare, social and retail activities are proposed they should be dealt with as if they are being put into a residential area and specific provisions (parking) should relate to that activity and not be bundled into the precinct provisions. The submitter requests that the wording of the definition be as follows:

***Tertiary Education Facilities** means the use of land and buildings for the provision of regular instruction, teaching, learning or training by an Institution (as defined in Section 159(1) of the Education Act 1989),...*

If the definition is to be retained as is, then there needs to be rules to limit the extent of retailing, social facilities, recreational activities, and childcare within the precinct.

**Petone Urban Environmental Association (PUEA)** [152.14], **Mr & Mrs Yardley** [153.14] and the **Nelson Street Trust** [154.14] oppose the proposed definition. They comment that the first part of definition seems appropriate, however ancillary activities should be directly linked to the core business of the institution and the current definition is too vague. The submitter considers it appropriate to recognise carparking and administration as ancillary activities, but finds the extent needs to be limited to tertiary education purposes, not open to the public and restricted to the precinct area. Also the inclusion of childcare, health and retail may be appropriate but needs to be subject to rules limiting the extent and specific parking provisions. The submitter considers it not appropriate to include student accommodation, recreational, cultural and social and other facilities and thinks these should be excluded due to their different effects which have not been addressed. The submitter requests that the current definition of Tertiary Education Activities be amended as follows or similar:

- Amend the second part of the definition by removing the reference to specifically ancillary activities, and to read "... (the Education Act 1989), and includes ancillary activities as defined below."
- Provide a new definition for ancillary activities for the following activities: administrative, car parking, child care, health, and retail. This definition needs to clearly link the ancillary activity to tertiary education activities; specify an allowable floor area; and have separate parking provisions and provide for the further matters identified in the submission.
- It is noted that Amendment 10 will also require amendment and additional criteria for ancillary activities that meet permitted criteria will need to be developed.
- The reference to student accommodation is deleted.
- Further consideration to be given to whether recreational, cultural, and social activities are appropriate.

**Peter & Nicola Prichard** in their further submission oppose the submission of WelTec [158.1] as they consider the minor changes requested by WelTec do not address the concerns raised, in particular for the property at 50 Buick Street. The further submitters request that at a very minimum LOT 5 DP 8120 and LOT 6 DP 8102 should be removed from the considered precinct and that Council fully consider the options and wording that can and should protect the property at 50 Buick Street from sun shading, loss privacy, light pollution, noise and other social, economic and environment impact.

They support the submission of the Petone Urban Environmental Association (PUEA) [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

**Rosy & Kevin Moar** in their further submission support the submission of WelTec [159.3] in part. The change proposed by WelTec would provide for a range of new activity which does not currently take place within the proposed precinct, which is at odds with WelTec's expressed wish to only legitimise its existing activity. If a precinct is to be approved, then any activity which falls outside existing activities should be prohibited (e.g. multi-storey parking and student accommodation) as they are of substantially different nature to the existing activities. In conclusion the further submitters would support a precinct which recognises or legitimises WelTec's existing activity, does not allow new developments of significance and provides

certainty for everyone that existing scale and activity of WelTec is limit of its growth and development.

They support the submissions of

- Peter and Nicola Prichard [159.1]
- Petone Planning Action Group [159.2]
- Petone Urban Environmental Association (PUEA) [159.2]

as the submissions raise detailed and important questions and objections. Careful consideration should be given to all of the points raised.

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions oppose the submission of WelTec [162.3], [163.3], [164.3] as the amendments sought are contrary to the matters raised in the submissions of Mr & Mrs Yardley, Nelson Street Trust and PUEA and are considered to be inappropriate, to not represent sound resource management practice, and to be contrary to the purpose of the RMA.

They support the submissions of

- Peter and Nicola Prichard [162.13], [163.13], [164.13]
- Rosy and Kevin Moar [162.14], [163.14], [164.14]
- Roger Thackery [162.15], [163.15], [164.15]
- Petone Planning Action Group [162.7], [163.7], [164.7]
- Petone Urban Environmental Association (PUEA) [162.9], [163.9]
- Mr & Mrs Yardley [163.10], [164.9]
- Nelson Street Trust [162.10], [164.10]

as suggest matters are consistent with their submissions, and the relief sought is considered appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.

**Wellington Institute of Technology (WelTec)** in their further submission support in part the submission of

- Peter and Nicola Prichard [160.5]
- Rosy and Kevin Moar [160.6]
- Roger Thackery [160.7]

as WelTec in their submission proposed an amendment to the definition of Tertiary Education Activities so as to “provide more certainty to the scale and potential nature of ancillary activities”. They oppose the remainder of the submissions as they consider that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be allowed in part in relation to amendment of Standard 4A.2.1.1 (z) (iii) and definition of “Tertiary Education Activities” consistent with that sought in the submission by WelTec.

They opposes the relief sought by

- Petone Planning Action Group [160.9]
- Petone Urban Environmental Association (PUEA) [160.10]
- Mr & Mrs Yardley [160.11]

as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.

## **Discussion**

The Plan Change proposes to introduce a new definition for ‘Tertiary Education Activities’. A number of submissions received with regard to the proposed amendment primarily support the introduction of a definition for tertiary education activities in general but consider the proposed definition to be too broad and therefore seek amendments to the wording. The major concern



raised by submitters relates to the inclusion of ancillary activities in the definition and the potential adverse effects of these activities on residential amenity. The majority of submitters request that the definition be amended to relate to core tertiary education activities only and to exclude any ancillary activities such as student accommodation, retail and carparking buildings.

Some submissions highlight the flow-on effect of Amendment 1 on Amendment 10 (General Residential Activity Area – Permitted Activities Conditions) and request that therefore any change to Amendment 1 needs to result in changes to Amendment 10 as well.

Submissions received sought the following amendments to the definition of Tertiary Education Activities:

- That the definition be tightened to tertiary education needs;
- That the definition be amended to that of the Education Act and only reflect activities already permitted on the Kensington Avenue campus;
- That student accommodation and carparking buildings be removed from the definition;
- That a new definition for ancillary activities be provided which links these activities to tertiary education activities, specifies an allowable floor area and have separate parking provisions; and
- That any activity that operates outside normal business hours be precluded from the Udy Street site.

The submission from WelTec requests that the definition be amended to provide further “expansion” to the nature of ancillary activities by adding references to ancillary activities being ‘minor in scale’ and ‘servicing the needs of students and staff’ to the definition;

Several further submissions in support of and in opposition to the original submissions were received.

The intention of the Plan Change is to introduce a Tertiary Education Precinct which enables the existing tertiary education facility to operate and develop within its campus to meet future tertiary education needs, while respecting the existing residential environment. A principal purpose of the proposed precinct is to allow for tertiary education activities to be permitted as of right, subject to compliance with the relevant permitted activity conditions. Overall this concept of a Tertiary Education Precinct is still considered appropriate.

From the submissions received it is evident that there are strong concerns amongst submitters that the proposed definition would allow for ancillary activities such as student accommodation, retail and carparking buildings, which may have adverse effects on the amenity values of the residential areas surrounding the precinct.

The changes to the definition proposed by WelTec in their submission are considered too broad and the alternative definition put forward in their submission, does not adequately address this issue, is considered imprecise and would potentially lead to interpretation difficulties.

The concerns of submitters, that certain ancillary activities (such as retail and student accommodation), may have adverse effects on the residential neighbourhood due to their different scale and operating hours are considered relevant.

However it is not considered appropriate to exclude ancillary activities from the definition altogether as they form part of a functioning and developing campus and Tertiary Education Precinct. As such it is proposed to still provide for these ancillary activities within the Tertiary Education Precinct, while taking their different effects into account.

It is therefore recommended to amend the definition to differentiate between principal tertiary education activities (such as teaching, training, research and administrative activities and related surface carparking) and ancillary activities (such as retail, student accommodation and social, cultural and health activities and facilities and carparking structures) with a focus on servicing students and staff. The relevant permitted, restricted discretionary and discretionary activity provisions will need to be amended accordingly to reflect the distinction between principal and ancillary activities and the specific effects these activities may have.

The introduction of a definition which differentiates between principal and ancillary tertiary education activities would address the different effects of these activities and provide adequate provisions and rules to avoid, remedy or mitigate potential adverse effects. The exclusion of student accommodation and carparking from the definition as requested by submitters is not considered appropriate as the proposed differentiation between core and ancillary activities in combination with the relevant rules provides a sufficient framework to address any potential adverse effects.

Providing for principal activities only, while excluding any ancillary activities as proposed by some submitters is considered to undermine the intention of the Plan Change to provide for ongoing use and development of the tertiary education facility. Ancillary activities could reasonably be expected to accompany the principal education use and assist in its functioning. Whilst providing for these ancillary activities as part of the precinct is appropriate, due to their potential to generate greater effects than the core education use, further provisions are needed to address these potential effects.

The Environment Court has previously considered the meaning of the word 'ancillary' in relation to residential accommodation located in the Institutional Zone in Palmerston North<sup>2</sup> and has found that the usual meaning of the word 'ancillary' is "that the activity is not an end in itself but is subservient or secondary to the [primary activity]". Based on this ruling it is not considered necessary to introduce definitions for ancillary activities in general or student accommodation in particular as requested by submitters.

The proposed provisions are considered to adequately address concerns raised regarding ancillary activities on Udy Street.

It is therefore recommended to amend the proposed definition for tertiary education activities to differentiate more clearly between principal and ancillary tertiary education activities. As an on-flow effect from this amendment consequential changes are recommended to Amendments 10 (Permitted Activities), 11 (Permitted Activities – Conditions), 12 (Restricted Discretionary Activities), 13 (Matters in which Council has restricted its Discretion) and 14 (Discretionary Activities) to reflect the distinction between principal and ancillary activities and their potential effects.

In summary it is considered that:

- Ancillary tertiary education activities have different effects than principal tertiary education activities.
- Ancillary tertiary education activities have the potential to create adverse effects due to longer operating hours, possibility of use by persons other than students and staff, traffic generation and noise.
- It is appropriate to provide for ancillary activities while taking into account their potential effects.
- The introduction of a definition that differentiates between principal and ancillary tertiary education activity allows for the provision for both types of activities, whilst retaining control as to their size, form and function to ensure that any effects on the surrounding environment are appropriately managed.

### **Recommendation**

That the submissions of **Wellington Institute of Technology (WelTec)** [58.2], **Merran Bakker** [35.2], **Graeme Lyon** [44.2], **Peter and Nicola Prichard** [45.2], **Rosy and Kevin Moar** [60.2], **Roger Thackery** [63.5], **Petone Planning Action Group (PPAG)** [86.2], **Petone Urban Environmental Association (PUEA)** [152.14], **Mr & Mrs Yardley** [153.14] and the **Nelson Street Trust** [154.14] and the further submissions of **Peter & Nicola Prichard** [158.1, 158.2], **Rosy & Kevin Moar** [159.1, 159.2, 159.3], **Wellington Institute of Technology (WelTec)** [160.5, 160.6, 160.7, 160.9, 160.10, 160.11], **Mr & Mrs Yardley** [162.3, 162.7, 162.9, 162.10, 162.13, 162.14, 162.15], the **Nelson Street Trust** [163.3, 163.7, 163.9, 163.10, 163.13, 163.14, 163.15] and the **Petone Urban Environmental Association (PUEA)** [164.3, 164.7, 164.9, 164.10, 164.13, 164.14, 164.15] be accepted in part.

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<sup>2</sup> *Iniatius Limited v Palmerston North City Council* W103/2007

Those parts of the submissions and further submissions that are recommended to be **accepted** relate to amending the definition to better reflect the different types of tertiary education activities and their different effects.

Those parts which are recommended to be **rejected** relate to:

- The preclusion of certain activities from certain areas of the precinct.
- The restriction of the definition to existing activities.
- The removal of certain sites from the precinct.
- The removal of carparking and student accommodation from the definition.
- The specification of allowable floor areas and parking provisions for certain activities within the definition.

**That the Plan Change be amended as follows:**

**Tertiary Education Activities:**

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

**Ancillary Tertiary Education Activities** means the use of land and buildings for residential accommodation, health care, child care, recreational, cultural, social and retail services and facilities and carparking structures for students and staff.

### 3.14 Amendment 2 - Chapter 4A 1.1.4 General Residential Activity Area - Non-Residential Activities - Issue

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

#### **Submissions**

**Petone Planning Action Group (PPAG)** [86.3] opposes the changes to the wording proposed under Amendment 2 as they consider that the wording as proposed could be used by other organisations that provide social or economic benefits to the community and that the change could provide for “creep of all kinds of activities into residential areas”. The submitter requests that 4A 1.1.4 remain unchanged.

**Petone Urban Environmental Association (PUEA)** [152.15], **Mr & Mrs Yardley** [153.15] and the **Nelson Street Trust** [154.15] oppose the changes to the wording proposed under Amendment 2 as they consider the emphasis of the Plan Change is unbalanced and should recognise that current development has adverse effects. The Plan Change should ensure that future development maintains and enhances residential character and amenity. The submitters request that Issue 4A 1.1.4 be amended as follows:

*Non-residential activities in residential areas can support residential activities and provide social and economic benefits to the community. Such activities can **also** have significant adverse effects upon surrounding residential properties, **including adverse environmental effects (such as visual, loss of residential uses, traffic and parking and noise) beyond the boundary of the site**. These adverse effects need to be avoided, remedied or mitigated to ensure that residential amenity values and character are maintained and enhanced. **Any new non-residential development on existing sites will need to ensure any existing adverse environmental effects on the residential character and amenity are addressed**.*

**any reliance on on-street parking is reduced, and an improvement in residential character and amenity is achieved.**

**Rosy & Kevin Moar** in their further submission support the submission of

- *Petone Planning Action Group [159.2]*
- *Petone Urban Environmental Association (PUEA) [159.2]*

as they raise detailed and important questions and objections and request that careful consideration should be given to all of the points raised.

**Wellington Institute of Technology (WelTec)** in their further submission oppose the relief sought by

- *Petone Planning Action Group [160.9]*
- *Petone Urban Environmental Association (PUEA) [160.10]*
- *Mr & Mrs Yardley [160.11]*

as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the submissions of

- *Petone Planning Action Group [162.7], [163.7], [164.7]*
- *Petone Urban Environmental Association (PUEA) [162.9], [163.9]*
- *Mr & Mrs Yardley [163.10], [164.9]*
- *Nelson Street Trust [162.10], [164.10]*

as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.

**Peter & Nicola Prichard** in their further submission support the submission of the Petone Urban Environmental Association (PUEA) [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

## **Discussion**

The Plan Change proposes to amend the Non-Residential Activities – Issue of the General Residential Activity Area to include a reference to the potential social and economic benefits of non-residential activities to the community.

One submission opposes this addition and requests that it be deleted and the Issue remain unchanged.

Another submission opposes the proposed wording as it is considered unbalanced and requests the addition of a more detailed description of potential adverse effects and a list of conditions that may help avoid, remedy or mitigate these effects.

It needs to be kept in mind that the proposed amendment refers to the Issue for Non-Residential Activities. An issue is an existing or potential problem that must be resolved to promote the purpose of the RMA. However issues can also be positive opportunities that, if taken advantage of, can assist in promoting the purpose of the RMA.

It is therefore considered appropriate to add the wording as proposed in the Plan Change to highlight the potential positive effects which may arise from non-residential activities in residential environments. The proposed addition will create a more balanced Issue by recognising the potential values as well as potential adverse effects and reflecting that the Tertiary Education Precinct provides significant social and economic benefits for the wider Petone and Hutt Valley community.

The addition of a more detailed list of potential effects is considered unnecessary and contradicting the purpose of the amendment to balance the Issue by also recognising the potential values of a precinct.

The addition of ways to control potential adverse effects to the Issue is considered inappropriate as it does not describe an Issue, but recommends ways (policies or methods) to avoid potential effects and reduce existing impacts.

It also needs to be recognised that existing buildings within the Tertiary Education Precinct benefit from existing use rights or resource consents. It is beyond the scope of the Plan Change to introduce provisions which reduce existing impacts, rather than mitigating the effect of additional development.

It is recognised that the amended Issue could be referred to, by other persons seeking to establish non-residential activities within existing residential areas. However the Issue is not expected to lead to the additional creep of non-residential activities, above that which could occur under the current provisions, as all non-residential activities (other than principal tertiary education activities within the precinct) would continue to require resource consent under the proposed plan change.

The addition of the word “also” to the Issue is considered appropriate as it supports the intention to achieve a balance which covers potential opportunities as well as potential problems.

Overall it is considered that

- The Issue describes an existing or potential problem that must be resolved or an existing opportunity that can assist in promoting the purpose of the RMA.
- The Issue does not recommend ways to avoid or achieve potential effects.
- The Issue including the recommended amendment is considered to be balanced and appropriate.

### **Recommendation**

That the submission of **Petone Planning Action Group (PPAG)** [86.3] and the further submissions of **Rosy & Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.7], **the Nelson Street Trust** [163.7] and **the Petone Urban Environmental Association (PUEA)** [164.7] be rejected.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.9] be accepted.

That the submissions of **Petone Urban Environmental Association (PUEA)** [152.15], **Mr & Mrs Yardley** [153.15] and **the Nelson Street Trust** [154.15] and the further submissions of **Peter & Nicola Prichard** [158.2], **Rosy and Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.9, 162.10], **the Nelson Street Trust** [163.9, 163.10] and **the Petone Urban Environmental Association (PUEA)** [164.9, 164.10] be accepted in part

That the further submission of **Wellington Institute of Technology (WelTec)** [160.10, 160.11] be accepted in part.

Those parts of the submissions and further submissions that are recommended to be **accepted** relate to adding the word “also” to the Issue.

Those parts which are recommended to be **rejected** relate to:

- The removal of the proposed amendment.
- The addition of a list of potential adverse effects.
- The addition of a list of conditions to mitigate potential adverse effects.

**That the Plan Change be amended as follows:**

#### 4A 1.1.4 Non-Residential Activities - Issue

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

### 3.15 Amendment 3 - Chapter 4A 1.1.4 General Residential Activity Area - Non-Residential Activities - Policies

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

#### **Submissions**

**Graeme Lyon** [44.3] is opposed to the changes proposed under Amendment 3 as he considers the definition to be inadequate and requests the following amendments to 4A 1.1.4 (d):

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

**Roger Thackery** [63.6] opposes the changes proposed under Amendment 3 as he considers that any sites leased rather than owned by WelTec and any General Recreation Area should be excluded and that what is currently owned by WelTec on core sites has to be the limit of any precinct forever to provide certainty for residents. The submitter requests that the Bracken Street site be removed entirely from the proposed precinct and that no leased properties be included in the precinct at all.

**Petone Planning Action Group (PPAG)** [86.4] opposes the wording of the additional policy proposed under Amendment 3 as they consider the policy should avoid, remedy and mitigate all adverse effects and therefore the word 'particularly' should be changed to 'including'. Also the use of the word 'recognise' adds a level of presumption regarding what exists at present and should be deleted. The submitter requests that 4A 1.1.4 (d) be amended as follows:

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

**Petone Urban Environmental Association (PUEA)** [152.16], **Mr & Mrs Yardley** [153.16] and the **Nelson Street Trust** [154.16] oppose the wording of the additional policy proposed under Amendment 3 and comment that the word 'recognise' should be deleted as it tends to lead to provisions reinforcing the existing situation and the policy needs to be amended to reference character and amenity to residential values. The submitters request that the intent of Policy 4A 1.1.4 (d) be retained as written with minor amendments or similar:

*(d) To ~~recognise and~~ provide for where appropriate tertiary education activities in Petone within a defined Precinct, while avoiding, remedying or mitigating the adverse effect on the environment, and ensuring any new tertiary education activities address any existing or potential adverse effects, particularly on the residential character and amenity values of the neighbourhood.*

**Wellington Institute of Technology (WelTec)** in their further submission support in part the submission of Roger Thackery [160.7] as in their submission they have proposed an amendment to the definition of Tertiary Education Activities so as to provide more certainty to the scale and

*potential nature of ancillary activities. The further submitter opposes the remainder of the submission of Roger Thackery as they consider that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be allowed in part in relation to amendment of the definition of "Tertiary Education Activities" consistent with that sought in the submission by WelTec.*

*They opposes the relief sought by*

- *Petone Planning Action Group [160.9]*
- *Petone Urban Environmental Association (PUEA) [160.10]*
- *Mr & Mrs Yardley [160.11]*

*as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.*

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA) in their further submissions support the submissions of**

- *Roger Thackery [162.15], [163.15], [164.15]*
- *Petone Planning Action Group [162.7], [163.7], [164.7]*
- *Petone Urban Environmental Association (PUEA) [162.9], [163.9]*
- *Mr & Mrs Yardley [163.10], [164.9]*
- *Nelson Street Trust [162.10], [164.10]*

*as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.*

**Rosy & Kevin Moar** in their further submission support the submission of

- *Petone Planning Action Group [159.2]*
- *Petone Urban Environmental Association (PUEA) [159.2]*

*as they raise detailed and important questions and objections and request that careful consideration should be given to all of the points raised.*

**Peter & Nicola Prichard** support the submission by the Petone Urban Environmental Association (PUEA) [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

### **Discussion**

The Plan Change proposes to add a new Policy to the Non-residential Activities Policies of the General Residential Activity Area to reflect the introduction of a Tertiary Education Precinct. Submissions received are in opposition of this amendment.

Reasons for opposition include that the wording is considered to be enforcing the existing situation which is considered inappropriate and that it is lacking a reference to character and amenity of residential values.

One submission raises the issue of leased properties and considers that these should not be included in the precinct. This matter is discussed in section 3.7.5 of this report.

The Plan Change includes a number of provisions which refer to and recognise the existing activities which occur on the subject land, in order to provide a context for the policies and methods. This includes outlining the special characteristics, scale and intensity of the WelTec activities, which warrant the establishment of a precinct with a more targeted planning framework.

Some submitters have raised concerns that these references represent an attempt to legitimise activities which do not comply with present district plan requirements. The issue of whether any of the activities referred to in the Plan Change are currently being lawfully undertaken or not is

beyond the scope of this decision. Any question of previous non-compliance with District Plan requirements will not be affected by the Plan Change.

The intention of the policy is to recognise the existence of the tertiary education facility and the introduction of a Tertiary Education Precinct, not to discuss the existing and future scale of the activity. It is therefore considered appropriate to retain the word “recognise”. The replacement of the word “recognise” with the words “provide for where appropriate” is considered unnecessary as it is the main focus of the Tertiary Education Precinct to provide for these activities. The precinct is considered an appropriate location for the provision for these activities.

The addition of the word “residential” to the policy as suggested by one submitter is considered appropriate. However the replacement of the word “particularly” with the word “including” seems to lessen the importance that is given to the residential character and amenity.

It is therefore considered appropriate to retain the proposed wording of the policy while adding the word “residential” before environment.

The request to remove the Bracken Street site from the precinct and not include any leased properties is considered to be outside the scope of this amendment. However the points raised by Graeme Lyon have also been raised by other submitters and will be discussed in sections 3.7.2, 3.7.5 and 3.37 to 3.41 of this report.

In summary

- The introduction of a Tertiary Education Precinct reflects the view that tertiary education activities (subject to some limitations) are considered appropriate within this precinct.
- Council assesses the Plan Change from the starting point that the current buildings and activities are lawfully established.
- New developments cannot be required to reduce the perceived effects of existing activities which have been lawfully established.
- As a plan change is a forward-looking exercise, the legality or otherwise of existing activities is not relevant.
- The emphasis in the policy upon the character and amenity values of the residential environment is appropriate

### **Recommendation**

That the submission of **Graeme Lyon** [44.3], **Petone Planning Action Group (PPAG)** [86.4], **Petone Urban Environmental Association (PUEA)** [152.16], **Mr & Mrs Yardley** [153.16] and the **Nelson Street Trust** [154.16] and the further submissions of **Rosy & Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.7, 162.9, 162.10], **the Nelson Street Trust** [163.7, 163.9, 163.10] and the **Petone Urban Environmental Association (PUEA)** [164.7, 164.9, 164.10], **Peter & Nicola Prichard** [158.2] be accepted in part.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.9, 160.10, 160.11] be accepted in part.

Those parts of the submissions and further submissions that are recommended to be **accepted** relate to adding the word “residential” to the Policy.

Those parts which are recommended to be **rejected** relate to

- The deletion of the words “recognise and” and their replacement with “provide for where appropriate”.
- The replacement of the word “particularly” with the word “including”.
- The need for new activities to address adverse effects of existing activities.

That the submission of **Roger Thackery** [63.6] and the further submissions of **Mr & Mrs Yardley** [162.15], **the Nelson Street Trust** [163.15] and the **Petone Urban Environmental Association (PUEA)** [164.15] be rejected in part and that the further submission of **Wellington Institute of Technology (WelTec)** [160.7] be accepted in part.



**That the Plan Change be amended as follows:**

**4A 1.1.4 Non-Residential Activities - Policies**

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

**3.16 Amendment 4 - Chapter 4A 1.1.4 General Residential Activity Area - Non-Residential Activities – Explanation and Reasons**

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

One principal non-residential activity is the Wellington Institute of Technology (“WelTec”) in Petone which has developed over many years, and as a public entity, it was previously protected by Public Works designations. WelTec is recognised as making an important contribution to the economic and social wellbeing of the city and wider region. To recognise the location, role, nature and activities on the WelTec campus, it is identified and managed within the District Plan as a ‘Tertiary Education Precinct’. The purpose of the Precinct is to provide for the ongoing use and development of the campus to meet future tertiary education needs, while using standards to ensure the adverse effects are avoided, remedied or mitigated so they are in keeping with the existing character and amenity of the area.

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

Udy Street

Elizabeth Street

Kensington Avenue (western side)

Kensington Avenue (eastern side)

Cuba Street

Bracken Street

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

...

Adverse effects may arise due to the appearance of the building and site, layout of the site, noise, storage of hazardous substances, light spill, vehicle and pedestrian movements. Specific additional controls are provided for in the Tertiary Education Precinct where the precinct boundary abuts residential activities within the General Residential Activity Area.

**Submissions**

**Graeme Lyon** [44.4] is opposed to the changes proposed under Amendment 4 as he considers that the precinct size is wrong and that areas with no or low buildings and leased properties should not be included. The submitter requests that the properties listed as Bracken Street, Udy Street and Elizabeth Street be deleted.

**Petone Planning Action Group (PPAG)** [86.5] opposes the proposed changes to the ‘Explanation and Reasons’ under Amendment 4. The submitter requests that the Bracken Street site be completely removed from the proposed precinct, that no leased property be included and what is currently owned by WelTec on core sites be the limit of any precinct forever, that the first paragraph proposed in Amendment 4 be deleted, that the description be modified and the Plan Map be changed to remove the areas in Bracken Street, Elizabeth Street and Britannia Street

from the precinct and that a cap on the maximum number of staff and students on site at any one time be introduced.

**Petone Urban Environmental Association (PUEA) [152.17], Mr & Mrs Yardley [153.17]** and the **Nelson Street Trust [154.17]** oppose the proposed changes to the 'Explanation and Reasons' under Amendment 4. They consider that the reference to WelTec as a public entity is not relevant and should be deleted, that the need to 'recognise' the WelTec facility should be replaced with 'provide for where appropriate' and that future tertiary education needs should be identified and a cap on student numbers be introduced. The submitters comment that the proposed standards are insufficient and that issues of building design quality and appearance are not addressed. The submitters suggest that Design Guidelines should be implemented and a sunset clause for the reliance on on-street parking should be included. Residential amenity and the existing low density character needs to be better defined. The submitters further suggests that Bracken Street and sites leased need to be deleted from the precinct and that Elizabeth Street, Udy/Britannia Street and western Kensington Avenue sites should only be included if the use of these sites is restricted to activities which are compatible with their location. The submitters suggest that where the precinct abuts a residential site further controls need to be introduced to address effects such as visual, privacy, noise, amenity, traffic safety and parking. The submitters request that Section 4A 1.1.4 Explanation and Reasons to the General Residential Activity Area be significantly re-written to incorporate the matters raised in the submission.

**Rosy & Kevin Moar** in their further submission support the submission of

- *Petone Planning Action Group [159.2]*
- *Petone Urban Environmental Association (PUEA) [159.2]*

*as they raise detailed and important questions and objections and request that careful consideration should be given to all of the points raised.*

**Wellington Institute of Technology (WelTec)** in their further submission oppose the relief sought by

- *Petone Planning Action Group [160.9]*
- *Petone Urban Environmental Association (PUEA) [160.10]*
- *Mr & Mrs Yardley [160.11]*

*as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.*

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the submissions of

- *Petone Planning Action Group [162.7], [163.7], [164.7]*
- *Petone Urban Environmental Association (PUEA) [162.9], [163.9]*
- *Mr & Mrs Yardley [163.10], [164.9]*
- *Nelson Street Trust [162.10], [164.10]*

*as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.*

**Peter & Nicola Prichard** in their further submission support the submission of the Petone Urban Environmental Association (PUEA) [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

### **Discussion**

The Plan Change proposes to amend the Explanation and Reasons for Non-Residential Activities in the General Residential Activity Area by adding paragraphs relating the proposed introduction of a Tertiary Education Precinct and the resulting provision for non-residential activities in a residential environment. The proposed additions to the Explanation and Reasons refer directly to WelTec as the tertiary education provider and provide a list of areas included in the precinct.

All submissions received in relation to this amendment are opposed to the inclusion of the Bracken Street site (General Recreation Activity Area) and any leased properties in the precinct. Concerns are also raised regarding the inclusion of areas Elizabeth Street, Udy Street and Kensington Avenue. It is noted that while the submissions of Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA) refer to the western Kensington Avenue site the subsequent content of the submissions leads to the assumption that the submitters meant to refer to the Kensington Avenue – East site.

Submitters also suggest the introduction of a cap on student and staff numbers and ask for the provision of Design Guides for future developments and the establishment of a sunset clause or comparable regulations with regards to on-street parking.

Concerns regarding the lack of development controls, the lack of adequate definition and protection of residential amenities and the direct reference to WelTec were also raised.

The concern regarding the direct reference of the Explanation and Reasons to WelTec, rather than to a tertiary education provider in general is partially considered appropriate. The reference to WelTec is appropriate, in recognising that the existing tertiary education use in the precinct is currently provided by WelTec. However, it is proposed that the Explanation and Reasons be amended, to make it clear that it is the tertiary education facility which is to be provided for, as opposed to the WelTec campus. Such a distinction covers the possibility that the provider or the name of the provider of the tertiary education facility within the precinct could change over time.

The concerns raised by submitters regarding the inclusion of the sites at Bracken Street, Elizabeth Street, Udy Street and Kensington Avenue as well as leased properties in the precinct are considered to be outside the scope of this amendment but have been considered and discussed in sections 3.7.1, 3.7.2, 3.7.3, 3.7.4, 3.7.5, 3.23 and 3.37 to 3.41 of this report.

The requests for the introduction of Design Guidelines, a cap for student and staff numbers and a sunset clause for on street parking are also considered to be outside the scope of this amendment but have been considered and discussed in sections 3.11, 3.23 and 3.42 to 3.47 of this report.

The deletion of the first paragraph of the proposed amendment as suggested by one submitter is not considered appropriate as this paragraph explains the background and provides the reasons for introducing a Tertiary Education Precinct. It is the intention of this plan change to recognise the existence of a tertiary education facility in Petone and to provide for future development while protecting the amenity values of the surrounding areas. It is however considered that the inclusion of the list of properties within the precinct as part of the Explanation and Reasons is inappropriate as this is unnecessarily specific and would include sites outside the General Residential Activity Area.

In conclusion:

- The specific reference to WelTec as the provider of tertiary education is considered inappropriate except for historical background information.
- The inclusion of a list of all sites of the precinct is considered unnecessarily specific and detailed within this amendment.

### **Recommendation**

It is recommended that the submissions of **Graeme Lyon** [44.4], **Petone Planning Action Group (PPAG)** [86.5] and **Petone Urban Environmental Association (PUEA)** [152.17], **Mr & Mrs Yardley** [153.17] and the **Nelson Street Trust** [154.17] and the further submissions of **Rosy & Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.7, 162.9, 162.10], the **Nelson Street Trust** [163.7, 163.9, 163.10], the **Petone Urban Environmental Association (PUEA)** [164.7, 164.9, 164.10] and **Peter & Nicola Prichard** [158.2] be accepted in part.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.9, 160.10, 160.11] be accepted in part.

Those parts which are recommended to be **accepted** relate to the replacement of references to WelTec with a more general term and the amendments proposed to the Explanation and Reasons.

Those parts which are recommended to be **rejected** relate to:

- The deletion of the first paragraph of the amendment.
- The introduction of cap on student and staff numbers.
- The introduction of Design Guidelines.
- The introduction of a sunset clause for on-street parking.
- The introduction of further controls for parts of the precinct abutting residential properties.
- The removal of the sites at Bracken Street, Elizabeth Street, Udy Street and Kensington Avenue (west) and all leased properties from the precinct.

**That the Plan Change be amended as follows:**

#### 4A 1.1.4 Non-Residential Activities - Explanation and Reasons

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

One principal non-residential activity is the Wellington Institute of Technology (“WelTec”) in Petone which has developed over many years, and as a public entity, it was previously protected by Public Works designations. ~~WelTec~~ This tertiary education facility is recognised as making an important contribution to the economic and social wellbeing of the city and wider region. To recognise the location of the existing campus and the role, nature and activities ~~on the WelTec campus of the tertiary education facility~~ it is identified and managed within the District Plan as a ‘Tertiary Education Precinct’. The purpose of the Precinct is to provide for the ongoing use and development of the campus to meet future tertiary education needs, while using standards to ensure the adverse effects are avoided, remedied or mitigated so they are in keeping with the existing character and amenity of the area.

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

~~Udy Street~~

~~Elizabeth Street~~

~~Kensington Avenue (western side)~~

~~Kensington Avenue (eastern side)~~

~~Cuba Street~~

~~Bracken Street~~

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

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

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

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

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

### 3.17 Amendment 5 - Chapter 4A 1.2.1 General Residential Activity Area - Building Height, Scale, Intensity and Location – Policies

(k) To establish specific maximum height, maximum site coverage, minimum setback and recession plane standards within specific areas of the Tertiary Education Precinct to recognise the existing scale and intensity of the built development in the Precinct and to minimise adverse effects on the amenity values of abutting residential properties.

#### **Submissions**

**Ruth Margaret Burton** [21.2] opposes the addition of a new policy as proposed under Amendment 5 as she considers that the existing conditions should not be seen as the baseline and the best urban design should be mandatory. The submitter requests that any developments do not have deleterious effects on residents.

**Graeme Lyon** [44.5] opposes the addition of a new policy as proposed under Amendment 5 as he considers that current buildings should not be the baseline as some are not suitable for the site and the environment. The submitter requests that the underlying residential character of the suburb needs to be the standard for any new or redevelopment.

**Petone Planning Action Group (PPAG)** [86.6] considers that the existing should not be seen as a baseline and the very best urban design for any future development should be a minimum requirement. The submitter suggests that Design Guidelines need to be included and adverse effects on amenity values of nearby areas (not only abutting sites) need to be addressed. The submitter requests that Design Guides be included and that the words '*recognise the existing scale and intensity of the built development in the Precinct*' be deleted

**Petone Urban Environmental Association (PUEA)** [152.18], **Mr & Mrs Yardley** [153.18] and the **Nelson Street Trust** [154.18] are concerned that the proposed new policy intends to recognise the existing scale and intensity and provides for more intensified development. The submitters comment that the focus should be on avoiding and remedying effects on abutting residential properties with reference to residential character and amenity and suggest that any policies regarding building height, scale, intensity and location should form part of an Urban Design Guide. The submitter concludes that, should the use of an Urban Design Guide be rejected, amendments 5 to 11 are opposed as they would generate unacceptable adverse effects. The submitters request that 4A 1.2.1 (k) be amended to read as follows or similar:

(k) To establish specific maximum height, maximum site coverage, minimum set back and recession plane standards within specific areas of the Tertiary Education Precinct to ~~recognise the~~ **ensure any future development is at a existing scale and intensity that is in keeping with the surrounding environment and suitability of the site to accommodate further development** ~~Of the built development in the Precinct and to avoid any~~ ~~minimise~~ adverse effects on the **character and amenity values of abutting or nearby residential properties through the adoption of an Urban Design Guide for the Precinct.**

**Rosy & Kevin Moar** in their further submission support the submission of

- *Petone Planning Action Group [159.2]*
- *Petone Urban Environmental Association (PUEA) [159.2]*

*as they raise detailed and important questions and objections and request that careful consideration should be given to all of the points raised.*

**Wellington Institute of Technology (WelTec)** in their further submission oppose the relief sought by

- *Petone Planning Action Group [160.9]*
- *Petone Urban Environmental Association (PUEA) [160.10]*
- *Mr & Mrs Yardley [160.11]*

*as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.*

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the submissions of

- *Petone Planning Action Group [162.7], [163.7], [164.7]*
- *Petone Urban Environmental Association (PUEA) [162.9], [163.9]*
- *Mr & Mrs Yardley [163.10], [164.9]*
- *Nelson Street Trust [162.10], [164.10]*

*as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.*

**Peter & Nicola Prichard** in their further submission support the submission of the Petone Urban Environmental Association (PUEA) [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

### **Discussion**

The Plan Change proposes to add a new Policy to the Building Height, Scale, Intensity and Location Policies of the General Residential Activity Area.

All submissions received on this amendment criticise the reference of the proposed Policy to the existing scale and intensity of the built environment within the precinct and two submissions request the introduction of Design Guidelines to address potential adverse effects and ensure quality developments.

The reference to the existing scale and intensity of the built environment is considered appropriate as the existing buildings and uses have been lawfully established under previous designations or with the necessary resource consents and are therefore considered to have existing use rights. It is not the intention of this plan change to question or revoke previous developments or to replicate the existing scale of buildings within the precinct but to provide for a tertiary education institution and future development of the campus within parameters which have been specifically created to recognise the needs of a tertiary education facility, while protecting the surrounding residential areas from potential adverse effects.

As mentioned earlier Council is assessing the Plan Change from the starting point that the current buildings and activities are lawfully established.

Whilst the scale and bulk of existing buildings have not been used to create a permitted baseline for new buildings, these buildings do form part of the context of the precinct and it is unrealistic to expect that new buildings within the precinct would be of a residential character. In addition it is entirely appropriate to recognise the investment in the facilities that exist currently that sets the context for the Plan Change. As has been previously outlined the difficulty in constructing buildings for an established institutional use of a residential character or appearance has been illustrated through previous resource consent applications.

In developing maximum height and other parameters for development within the precinct, consideration has been given to the permitted baseline for new buildings within the residential zone. The proposed parameters are largely consistent with these as discussed in Section 3.23.

The introduction of specific Design Guidelines for the Tertiary Education Precinct is not considered appropriate. For further discussion of this issue please refer to sections 3.11 and 3.23 of this report.

The proposed policy is intended to provide for the overall scale of future developments but not about providing specific guidance for individual developments.

One submitter suggests that the policy should not only refer to the “amenity values of abutting residential properties” but to the “character and amenity values of abutting or nearby residential properties”. This is considered inappropriate as there is no definition for nearby and this wording would not provide more certainty for either the tertiary education provider or the surrounding residential neighbours. To address the concerns raised by the submitter it is recommended to replace the word “minimise” with the words “avoid, remedy or mitigate”. This is considered to better reflect the intention of the policy while not creating unnecessary uncertainties.

It is therefore recommended to retain the reference to the existing scale and intensity in recognition of existing use rights. It is also recommended to amend the proposed wording to better reflect the underlying intention

### **Recommendation**

That the submissions of **Ruth Margaret Burton** [21.2], **Graeme Lyon** [44.5], **Petone Planning Action Group (PPAG)** [86.6] and the further submissions of **Rosy & Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.7], **the Nelson Street Trust** [163.7] and **the Petone Urban Environmental Association (PUEA)** [164.7] be rejected.

That the further submission of the **Wellington Institute of Technology (WelTec)** [160.9] be accepted.

That the submissions of **Petone Urban Environmental Association (PUEA)** [152.18], **Mr & Mrs Yardley** [153.18] and **the Nelson Street Trust** [154.18] and the further submissions of **Peter & Nicola Prichard** [158.2], **Rosy & Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.9, 162.10], **the Nelson Street Trust** [163.9, 163.10] and **the Petone Urban Environmental Association (PUEA)** [164.9, 164.10], be accepted in part.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.10, 160.11] be accepted in part.

Those parts which are recommended to be **accepted** relate to the replacement of the word “minimise” with the more comprehensive term of “avoid, remedy or mitigate”.

Those parts which are recommended to be **rejected** relate to:

- The removal of the recognition of existing scale and intensity.
- The introduction of Design Guidelines.
- The addition of a reference to “nearby” residential properties.

### **That the Plan Change be amended as follows**

#### **4A 1.2.1 Building Height, Scale, Intensity and Location - Policies**

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

### 3.18 Amendment 6 - Chapter 4A 1.2.1 General Residential Activity Area - Building Height, Scale, Intensity and Location – Explanation and Reasons – Site Coverage

#### (b) Site Coverage

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

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

#### **Submissions**

**Petone Planning Action Group (PPAG)** [86.7] oppose the assumption that the current situation and existing scale and intensity of built environment on WelTec campus is acceptable. The submitter requests that the maximum height for any future developments on the western side of Kensington Avenue be 8m and site coverage for any future development be 35% and that view shafts and access ways be maintained and increased through the Kensington Avenue site to the Petone Recreation Ground.

**Petone Urban Environmental Association (PUEA)** [152.19], **Mr & Mrs Yardley** [153.19] and the **Nelson Street Trust** [154.19] oppose the changes proposed under Amendment 6. They consider that 4A 1.2.1 (b) provides for the nature and scale of the existing campus and does not look to promote better outcomes in the future and that the provision is likely to result in adverse scale and bulk with no light or view shafts or building variation. The submitter requests that the Explanation and Reasons 4A 1.2.1 relating to site coverage be amended to provide for the development of an Urban Design Guide to provide for appropriate site coverage for individual sites based on agreed Urban Design principles and future outcomes that will minimise effects and result in better development.

**Rosy & Kevin Moar** in their further submission support the submission of

- *Petone Planning Action Group* [159.2]
- *Petone Urban Environmental Association (PUEA)* [159.2]

*as they raise detailed and important questions and objections and request that careful consideration should be given to all of the points raised.*

**Wellington Institute of Technology (WelTec)** in their further submission oppose the relief sought by

- *Petone Planning Action Group* [160.9]
- *Petone Urban Environmental Association (PUEA)* [160.10]
- *Mr & Mrs Yardley* [160.11]

*as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.*

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the submissions of

- *Petone Planning Action Group* [162.7], [163.7], [164.7]
- *Petone Urban Environmental Association (PUEA)* [162.9], [163.9]
- *Mr & Mrs Yardley* [163.10], [164.9]
- *Nelson Street Trust* [162.10], [164.10]



*as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.*

***Peter & Nicola Prichard** in their further submission support the submission of the **Petone Urban Environmental Association (PUEA)** [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.*

### **Discussion**

The Plan Change proposes to add a paragraph to the Building Height, Scale, Intensity and Location – Explanation and Reasons for Site Coverage which explains the reasons for the proposed changes to the maximum site coverage for parts of the Tertiary Education Precinct.

The main concern raised in submissions is the reference to the existing scale and intensity. Submitters also request that the maximum site coverage for the Kensington Avenue West site be reduced to the currently permitted 35% and that Design Guidelines which provide for view shafts, building variation and appropriate site coverage be introduced.

The Plan Change includes a number of provisions which refer to and recognise the existing activities which occur on the subject land, in order to provide a context for the policies and methods which follow. This includes outlining the special characteristics, scale and intensity of the current tertiary education activities, which warrant the establishment of a precinct with a more targeted planning framework.

The intention of the Explanation and Reasons is to explain the background and give the reasons for proposing higher maximum site coverage parameters for most of the Tertiary Education Precinct. The main focus is therefore on the principle of increasing the allowed site coverage not on the exact numbers. For further discussion of this issue refer to section 3.23 of this report.

Submitters have raised concerns that the proposed references represent an attempt to legitimise activities which do not comply with present district plan requirements but were established under a now lapsed designation. As mentioned earlier the issue of whether any of the activities referred to in the Plan Change are currently being lawfully undertaken or not is beyond the scope of this decision. Council is assessing the Plan Change from the starting point that the current buildings and activities are lawfully established. Any question of previous non-compliance with district plan requirements will not be affected by the Plan Change.

It is considered that the bulk and location provisions recommended in this report are appropriate. While not specifically mentioning view shafts it needs to be kept in mind that the underlying permitted building length of 20m still applies throughout the precinct and any development in breach of this condition will require resource consent.

The introduction of specific Design Guidelines for the Tertiary Education Precinct is not considered appropriate. For further discussion of this issue please refer to sections 3.11 and 3.23 of this report.

NB: It has been noticed that in the proposed plan change documentation the area of the precinct east of Kensington Avenue is mentioned as 40% site coverage in the Explanation and Reasons while under 4A 2.1.1 (z) (iv) Permitted Activity Conditions – there are no specific provisions regarding maximum site coverage for this area which effectively means that the underlying 35% rule would apply. It is recommended to follow the provisions as established in the Permitted Activities Conditions and retain the underlying maximum site coverage of 35% for the precinct area east of Kensington Avenue to reflect its small size and the overall more residential character of the area. Consequently the wording of the Explanation and Reasons would need to be changed to reflect this.

### **Recommendation**

That the submissions of **Petone Planning Action Group (PPAG)** [86.7], **Petone Urban Environmental Association (PUEA)** [152.19], **Mr & Mrs Yardley** [153.19] and the **Nelson Street Trust** [154.19] and the further submissions of **Rosy & Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.7, 162.9, 162.10], the **Nelson Street Trust** [163.7, 163.9, 163.10] and the **Petone**

**Urban Environmental Association (PUEA)** [164.7, 164.9, 164.10], **Peter & Nicola Prichard** [158.2] be rejected.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.9, 160.10, 160.11] be accepted.

**That the Plan Change be amended as follows to correct the inconsistency between the Explanation and Reasons and the Permitted Activities Conditions regarding maximum site coverage for the area east of Kensington Avenue:**

4A 1.2.1 Building Height, Scale, Intensity and Location - Explanation and Reasons

(b) Site Coverage

Combined with net site area, site coverage helps to control building density. A maximum acceptable site cover of 35% has been set. Where higher density residential development is encouraged, this maximum site coverage has been set at 40% to allow more intensive use of the site, while protecting residential amenity values. Within the Tertiary Education Precinct, a maximum site coverage of 60% has been set for the area on the western side of Kensington Avenue, recognising the existing nature, scale and intensity of activities and development within the core of the campus. A 40% maximum site coverage standard applies to the areas in Udy Street and Elizabeth Street ~~and while~~ for the eastern side of Kensington Avenue the underlying 35% maximum site coverage applies.

**3.19 Amendment 7 - Chapter 4A 1.2.1 General Residential Activity Area - Building Height, Scale, Intensity and Location – Explanation and Reasons – Recession Planes**

(c) Recession Plane

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

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

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

**Submissions**

**Petone Planning Action Group (PPAG)** [86.8] comments that any future development adjoining or near a residential site should have further setbacks and reduce existing shading, that setbacks should apply to eastern, western and southern boundaries and that definitions for ‘adjoin’ and ‘excessive shading’ are needed. The submitter requests that the boundary setbacks apply to internal precinct boundaries, that the boundary setbacks apply to eastern and western boundaries as well as any southern ones and that the existing building length rule applies.

**Petone Urban Environmental Association (PUEA)** [152.20], **Mr & Mrs Yardley** [153.20] and the **Nelson Street Trust** [154.20] are concerned that the proposed change to 4A 1.2.1 (c) is likely to result in unacceptable adverse effects on surrounding environment and that no information as to likely impact has been provided. Need for Urban Design Guide to address recession planes and setbacks. The submitters request that Explanation and Reasons 4A 1.2.1 relating to

recession planes be amended to provide for the development of an Urban Design Guide to provide for appropriate site coverage for individual sites based on agreed Urban Design principles and future outcomes that will minimise effects and result in a better development.

**Rosy & Kevin Moar** in their further submission support the submission of

- *Petone Planning Action Group [159.2]*
- *Petone Urban Environmental Association (PUEA) [159.2]*

*as they raise detailed and important questions and objections and request that careful consideration should be given to all of the points raised.*

**Wellington Institute of Technology (WelTec)** in their further submission oppose the relief sought by

- *Petone Planning Action Group [160.9]*
- *Petone Urban Environmental Association (PUEA) [160.10]*
- *Mr & Mrs Yardley [160.11]*

*as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.*

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the submissions of

- *Petone Planning Action Group [162.7], [163.7], [164.7]*
- *Petone Urban Environmental Association (PUEA) [162.9], [163.9]*
- *Mr & Mrs Yardley [163.10], [164.9]*
- *Nelson Street Trust [162.10], [164.10]*

*as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.*

**Peter & Nicola Prichard** in their further submission support the submission of the Petone Urban Environmental Association (PUEA) [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

## **Discussion**

The Plan Change proposes to add a paragraph to the Building Height, Scale, Intensity and Location – Explanation and Reasons for Recession Planes which refers to the specific recession plane provisions proposed for the Tertiary Education Precinct.

The main concern raised in submissions is that the proposed changes to building height, site coverage and recession planes will result in unacceptable shading of neighbouring properties and that these provisions do not apply to internal boundaries within the precinct.

It is the intention of the specific Explanation and Reasons to address the principle of, and give the background for introducing increased recession plane, setback and yard requirements for certain boundaries within the precinct. The Explanation and Reasons are not about the exact provisions but more about the reasoning behind the introduction of different provisions. It is the intention to protect the residential amenity of residential properties, especially those abutting the precinct directly, from adverse effects. To achieve this, the proposed provisions for recession planes, setbacks and yard requirements along the southern boundaries of the precinct are more restrictive than the existing provisions for the General Residential Activity Area. This has been seen as appropriate to compensate for higher maximum building heights and maximum site coverage provisions proposed for parts of the precinct.

The concerns regarding increase shading are considered unsubstantiated as the proposed additional recession plane and setback provisions are more restrictive than the existing provisions taking into account the increased maximum building height initially proposed for most of the precinct. For example for the area of the precinct located east of Kensington Avenue the

proposed recession plane for the southern boundary is more restrictive than the standard recession plane in the General Residential Activity Area while the maximum height limit remains unchanged. Even in areas of the precinct where the maximum building height is proposed to be increased the accompanying recession plane / height restrictions in relation to distance from boundaries are more restrictive and provide for better sunlight access than the existing rules. The general comment that proposed recession planes and setbacks will result in unacceptable shading is therefore considered incorrect as the proposed provisions exceed the existing general residential provisions and are more restrictive.

However it is our recommendation to reduce the proposed maximum building height for the Udy Street and the Elizabeth Street site of the precinct to 8m. The extended setback provisions for the southern boundary of the Udy Street site are therefore no longer considered necessary.

It is considered appropriate for the recession plan provisions not to apply to internal boundaries as the underlying pattern of sections within the precinct does not reflect the actual use of land and potential future development needs of a tertiary education provider. The existing recession plane provisions have been drafted for residential buildings and properties which typically occupy a single certificate of title. The aim was to prevent an undue loss of light or overshadowing but not to restrict the bulk of buildings occupying more than one land parcel. It is the intention of this plan change to provide for tertiary education within a defined precinct while protecting amenity values of abutting residential neighbours. The application of recession planes to internal boundaries would neither enable adequate development nor reduce the scale of permitted development adjacent the precinct boundaries or abutting residential sites.

One submission suggested that the proposed boundary setback should apply to eastern and western boundaries of the precinct as well and that the existing building length rule should apply within the precinct.

The only area where the precinct shares a western or eastern boundary with residential properties is the Elizabeth Street area. All other areas of the precinct within the general Residential Activity Area do not abut residential properties on their eastern or western boundaries. In the Elizabeth Street area two sites of the precinct abut residential properties on the eastern side, one of which is a protected heritage site (the old Petone Courthouse) with specific heritage provisions. As it is recommended in this report to reduce the maximum building height for this site to 8m to reflect the permitted maximum building height of the underlying and surrounding residential areas, an additional increase in recession planes or setbacks is considered unnecessary.

It needs to be noted that the underlying Permitted Activity Conditions still apply within the Tertiary Education Precinct except for those changes outlined in condition 4A 2.1.1 (z). As there are no specific conditions regarding maximum building length for the Tertiary Education Precinct in condition (z) the underlying condition of 20m maximum building length still applies. For further discussion of these issues refer to sections 3.7, 3.11 and 3.23 to 3.26 of this report.

It is recommended to amend the Plan Change to reflect the reduced maximum building height and subsequent changes for the Udy Street site as proposed in this report.

### **Recommendation**

That the submissions of **Petone Planning Action Group (PPAG)** [86.8], **Petone Urban Environmental Association (PUEA)** [152.20], **Mr & Mrs Yardley** [153.20] and the **Nelson Street Trust** [154.20] and the further submissions of **Rosy & Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.7, 162.9, 162.10], **the Nelson Street Trust** [163.7, 163.9, 163.10] and **the Petone Urban Environmental Association (PUEA)** [164.7, 164.9, 164.10], **Peter & Nicola Prichard** [158.2] be rejected.

That the further submissions of **Wellington Institute of Technology (WelTec)** [160.9, 160.10, 160.11] be accepted.

**That the Plan Change be amended as follows to reflect the reduced maximum building height for the Udy Street site of the precinct:**

**4A 1.2.1 Building Height, Scale, Intensity and Location - Explanation and Reasons**

**(c) Recession Plane**

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

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

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

**3.20 Amendment 8 - Chapter 4A 1.2.1 General Residential Activity Area - Building Height, Scale, Intensity and Location – Explanation and Reasons - Yards**

**(d) Yards**

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

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

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

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

**Submissions**

**Petone Planning Action Group (PPAG)** [86.8] comments that any future development adjoining or near a residential site should have further setbacks and reduce existing shading, that setbacks should apply to eastern, western and southern boundaries and that definitions for 'adjoin' and 'excessive shading' are needed. The submitter requests that the boundary setbacks apply to internal precinct boundaries, that the boundary setbacks apply to eastern and western boundaries as well as any southern ones and that the existing building length rule applies.

**Petone Urban Environmental Association (PUEA)** [152.21], **Mr & Mrs Yardley** [153.21] and the **Nelson Street Trust** [154.21] are concerned that the proposed change to 4A 1.2.1 (d) is likely to result in unacceptable effects and point out the need for an Urban Design Guide to address yards. The submitters request that the Explanation and Reasons 4A 1.2.1 relating to yards be amended to provide for the development of an Urban Design Guide to provide for appropriate

yards for individual sites based on agreed Urban Design principles and future outcomes that will minimise effects and result in a better development.

**Rosy & Kevin Moar** in their further submission support the submission of

- *Petone Planning Action Group [159.2]*
- *Petone Urban Environmental Association (PUEA) [159.2]*

*as they raise detailed and important questions and objections and request that careful consideration should be given to all of the points raised.*

**Wellington Institute of Technology (WelTec)** in their further submission oppose the relief sought by

- *Petone Planning Action Group [160.9]*
- *Petone Urban Environmental Association (PUEA) [160.10]*
- *Mr & Mrs Yardley [160.11]*

*as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.*

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the submissions of

- *Petone Planning Action Group [162.7], [163.7], [164.7]*
- *Petone Urban Environmental Association (PUEA) [162.9], [163.9]*
- *Mr & Mrs Yardley [163.10], [164.9]*
- *Nelson Street Trust [162.10], [164.10]*

*as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.*

**Peter & Nicola Prichard** in their further submission support the submission of the Petone Urban Environmental Association (PUEA) [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

## **Discussion**

The Plan Change proposes to add a paragraph to the Building Height, Scale, Intensity and Location – Explanation and Reasons for Yards which refers to the specific yards provisions established for the Tertiary Education Precinct.

The main concern raised in submissions is that the proposed changes to building height, site coverage, recession planes and yards would result in unacceptable effects and that the standard yard provisions do not apply to internal boundaries within the precinct.

It is the intention of the specific Explanation and Reasons to address the principle of and give the background for introducing increased recession plane, setback and yard requirements for certain boundaries within the precinct. The Explanation and Reasons are not about the exact provisions but more about the reasoning behind the introduction of different provisions. It is the intention to protect the residential amenity of residential properties, especially those abutting the precinct directly from adverse effects. To achieve this, the proposed provisions for recession planes, setbacks and yard requirements are more restrictive than the existing provisions for the General Residential Activity Area. This has been seen as appropriate to compensate for higher permitted maximum building heights and permitted maximum site coverage provisions in parts of the precinct.

The general comment that the proposed yard requirements will result in unacceptable effects is considered incorrect as the proposed provisions exceed the existing general residential provisions and are more restrictive to compensate for increased maximum building heights and site coverage provisions within parts of the precinct.

While this report recommends to reduce the permitted maximum building height for the Udy Street site and Elizabeth Street site to 8m it is still considered appropriate to retain the extended minimum yard provision of 3m for the Udy Street site taking into account the size and development potential of the site.

One submission suggested that the proposed yard provisions should apply to eastern and western boundaries of the precinct as well and that the existing building length rule should apply within the precinct.

The only area where the precinct shares a western or eastern boundary with residential properties is the Elizabeth Street area. All other areas of the precinct within the General Residential Activity Area do not abut residential properties on their eastern or western boundaries. In the Elizabeth Street area two sites abut residential properties on the eastern side and one of these two sites is a protected heritage site (the old Petone Courthouse) with specific heritage provisions. However concerns raised by submitters regarding the proposed increased maximum building height in the Elizabeth Street area are considered appropriate and it is therefore recommended to retain the existing 8m building height limit for the Elizabeth Street site of the precinct. For an in depth discussion of this issue please refer to sections 3.7, 3.11, 3.21 and 3.23 of this report.

It needs to be noted that the underlying Permitted Activity Conditions still apply within the Tertiary Education Precinct except for those changes outlined under Amendment 11 (Chapter 4A 2.1.1 General Residential Activity Area - Rules - Permitted Activities – Conditions). As there are no specific conditions regarding maximum building length for the Tertiary Education Precinct the underlying condition of 20m maximum building length still applies. The application of the permitted activity conditions for the underlying General Residential Activity Area throughout the precinct unless stated otherwise in condition 4A 2.1.1 (z) is considered appropriate as it reflects the scale and character of the surrounding residential area.

It is considered appropriate for yard provisions not to apply to internal boundaries as the underlying pattern of sections within the precinct does not reflect the actual uses and potential future development needs of a tertiary education provider. It is the intention of this plan change to provide for tertiary education within a defined precinct while protecting amenity values of abutting residential neighbours. The application of yard provisions to internal boundaries would neither enable adequate development nor would it reduce the size and bulk of buildings adjacent to the precinct boundaries or abutting residential sites. As mentioned before the underlying permitted activity conditions such as maximum building length still apply within the precinct. These underlying conditions in conjunction with the proposed provisions are considered sufficient to control the bulk and location of any potential development within the precinct.

As discussed in the relevant sections of this report, the introduction of specific Design Guidelines for the Tertiary Education Precinct is not recommended.

While a Design Guide could provide some guidance on the nature and scale of buildings to ensure they are compatible with the character and amenity of the area, the implementation of the design requirements would require a resource consent process which is considered inefficient in the context of the existing campus and would undermine the intention of this Plan Change. For a more detailed discussion please refer to sections 3.7, 3.11 and 3.23 to 3.26 of this report.

It is recommended to amend the Plan Change to reflect the reduced maximum building height and subsequent changes for the Udy Street site as proposed by this report.

### **Recommendation**

That the submissions of **Petone Planning Action Group (PPAG)** [86.8], **Petone Urban Environmental Association (PUEA)** [152.21], **Mr & Mrs Yardley** [153.21] and the **Nelson Street Trust** [154.21] and the further submissions of **Rosy & Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.7, 162.9, 162.10], **the Nelson Street Trust** [163.7, 163.9, 163.10] and **the Petone Urban Environmental Association (PUEA)** [164.7, 164.9, 164.10], **Peter & Nicola Prichard** [158.2] be rejected.

That the further submission of *Wellington Institute of Technology (WelTec)* [160.9, 160.10, 160.11] be accepted.

**That the Plan Change be amended as follows:**

**4A 1.2.1 Building Height, Scale, Intensity and Location - Explanation and Reasons**

**(d) Yards**

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

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

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

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

**3.21 Amendment 9 - Chapter 4A 1.2.1 General Residential Activity Area - Building Height, Scale, Intensity and Location – Explanation and Reasons - Height**

**(e) Height**

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

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

**Submissions**

**Graeme Lyon** [44.6] is concerned that the proposed 12m height is too much and requests that the maximum height should be 8m and all properties in Udy Street, Elizabeth Street and Bracken Street must be restricted to preferably one, maybe two stories.

**Anita Patel** [70.1] considers that 12m is too high.

**Petone Planning Action Group (PPAG)** [86.9] suggests that 8m (2 storeys) should be the maximum height in general residential areas and that the site at Udy Street/Britannia Street needs special consideration. The submitter further suggests that new buildings should take the appearance of residential buildings to minimise effects on residential amenity and that Elizabeth Street and Udy Street sites be removed from the precinct. The submitter requests that the maximum height be 8m in the areas zoned general residential, that all new buildings have a residential character and that Elizabeth Street and Udy Street sites be removed from the precinct.



**Petone Urban Environmental Association (PUEA)** [152.22], **Mr & Mrs Yardley** [153.22] and the **Nelson Street Trust** [154.22] point out the need for an Urban Design Guide to address matters to do with heights in conjunction with 8m building height applying to Udy Street, Britannia Street, Elizabeth Street and Kensington Avenue. The submitters request that the Explanation and Reasons 4A 1.2.1 relating to height be amended to provide for the development of an Urban Design Guide to provide for appropriate height for individual sites based on agreed Urban Design principles and future outcomes that will minimise effects and result in better development. It is requested that the maximum height be reduced from 12m to 8m.

**Rosy & Kevin Moar** in their further submission support the submission of

- *Petone Planning Action Group* [159.2]
- *Petone Urban Environmental Association (PUEA)* [159.2]

*as they raise detailed and important questions and objections and request that careful consideration should be given to all of the points raised.*

**Wellington Institute of Technology (WelTec)** in their further submission oppose the relief sought by

- *Petone Planning Action Group* [160.9]
- *Petone Urban Environmental Association (PUEA)* [160.10]
- *Mr & Mrs Yardley* [160.11]

*as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.*

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the submissions of

- *Petone Planning Action Group* [162.7], [163.7], [164.7]
- *Petone Urban Environmental Association (PUEA)* [162.9], [163.9]
- *Mr & Mrs Yardley* [163.10], [164.9]
- *Nelson Street Trust* [162.10], [164.10]

*as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.*

**Peter & Nicola Prichard** in their further submission support the submission of the *Petone Urban Environmental Association (PUEA)* [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

### **Discussion**

The Plan Change proposes to add a paragraph to the Building Height, Scale, Intensity and Location – Explanation and Reasons for Heights which refers to the specific permitted building height provisions established for the Tertiary Education Precinct.

The main concern raised in submissions is that the proposed permitted building height of 12m for most of the precinct is too high. Most submissions ask for the existing permitted building height of 8m to be retained throughout the precinct.

It is the intention of the specific Explanation and Reasons to address the principle of and give the background for introducing increased permitted maximum building height for parts of the precinct. The Explanation and Reasons are not about the exact provisions but more about the reasoning behind the introduction of different provisions. It is the intention of the Plan Change to provide a Tertiary Education Precinct which recognises the existing institution and provides scope for further development while protecting the amenity of surrounding residential properties.

The existing tertiary education institution is clearly a non-residential use within a residential environment. To recognise and provide for this institution, as intended by this plan change, therefore means to provide for a non-residential use with different requirements and needs. This

is reflected by raising the maximum building height for parts of the precinct to allow for appropriate development and also recognises the scale and nature of the existing buildings particularly at the Kensington West site. To control the potential effects of this increased building height on abutting residential properties special recession plane and yard requirements have been established.

Nevertheless it is agreed that the proposed permitted maximum building height of 12m is inappropriate for those parts of the precinct in Elizabeth Street and Udy Street as it may result in developments of a considerable mass and scale that could be out of character with the surrounding residential development. It is therefore recommended to reduce the maximum building height for these two sites to 8m.

One submission requests that all new buildings within the precinct should have a residential character. It is the intention of the Plan Change to provide for a non-residential use within the boundaries of the precinct and the request is therefore considered inappropriate.

As has been stated previously, the introduction of specific Design Guidelines for the Tertiary Education Precinct is not considered appropriate. For a more detailed discussion please refer to sections 3.11 and 3.23 to 3.26 of this report.

The content of the submissions received on this amendment shows that there is some confusion amongst submitters about the intention of the Explanation and Reasons. This may have been caused by the reference to precise numbers within the Explanation and Reasons. As it is the intention of the Explanation and Reasons to discuss the principle of increased maximum building height but not the precise proposed height limits it is therefore recommended to amend the Plan Change provisions by deleting any reference to these numbers.

However, as mentioned earlier, in response to concerns raised by submitters it has been found appropriate to recommend changes to the proposed building height for the sites in Elizabeth Street and Udy Street to remain at 8m which is the current height limit in the General Residential Activity Area.

The Elizabeth Street area contains the single storey former Court House, a listed heritage building, and while this in itself is not a reason for a lower height limit, all of the Elizabeth Street frontage is single storey in character. Resource consent could be sought as a discretionary activity for buildings over 8m in height and be treated on its merits in accordance with the assessment criteria particularly relating to existing built character. It is therefore recommended to remove the reference to Elizabeth Street as a site with increased building height from the Explanation and Reasons.

For the Udy Street site the same change is recommended due to the size, the development potential and the prominence of the corner site while being situated in a largely residential neighbourhood and next to the Petone Recreation Ground.

For a more detailed discussion of this issue please refer to sections 3.7, 3.11 and 3.21 to 3.26 of this report.

### **Recommendation**

That the submissions of **Graeme Lyon** [44.6], **Anita Patel** [70.1], **Petone Planning Action Group (PPAG)** [86.9], **Petone Urban Environmental Association (PUEA)** [152.22], **Mr & Mrs Yardley** [153.22] and the **Nelson Street Trust** [154.22] and the further submissions of **Rosy & Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.7, 162.9, 162.10], **the Nelson Street Trust** [163.7, 163.9, 163.10] and the **Petone Urban Environmental Association (PUEA)** [164.7, 164.9, 164.10], **Peter & Nicola Prichard** [158.2] be accepted in part.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.9, 160.10, 160.11] be accepted in part.

Those parts which are recommended to be **accepted** relate to

- The decrease of the permitted maximum building height for the Udy Street and Elizabeth Street sites within the precinct to 8m.
- The request to give special consideration to the Udy Street site.

Those parts which are recommended to be **rejected** relate to

- A maximum building height of 8m for the entire precinct.
- The restriction of all buildings on Elizabeth, Udy and Bracken Street sites to one or maximum two storeys.
- The need for all new buildings to have a residential appearance.
- The removal of the Udy Street and Elizabeth Street sites from the precinct.
- The introduction of Design Guidelines.

**That the Plan Change be amended as follows:**

4A 1.2.1 Building Height, Scale, Intensity and Location - Explanation and Reasons

(e) Height

Height of buildings and structures.....

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

**3.22 Amendment 10 - Chapter 4A 2.1 General Residential Activity Area - Rules - Permitted Activities**

(f) Within the Tertiary Education Precinct (as shown on Appendix General Residential 20), in addition to the above (a) to (e):

(i) Tertiary education activities

**Submissions**

**Petone Planning Action Group (PPAG)** [86.2] submits that Amendment 1 (Definitions) and Amendment 10 (General Residential Activity Area - Permitted Activity conditions) need to be considered in conjunction with each other. The submitter comments that there is no justification for some activities (cultural, health, childcare, social, retail) to be considered 'ancillary' to the main purpose of a Tertiary Education Activity. If cultural, health, childcare, social and retail activities are proposed they should be dealt with as if they are being put into a residential area and specific provisions (parking) should relate to that activity and not be bundled into the precinct provisions. The submitter requests that the wording of the definition be as follows:

***Tertiary Education Facilities** means the use of land and buildings for the provision of regular instruction, teaching, learning or training by an Institution (as defined in Section 159(1) of the Education Act 1989),...*

If the definition is to be retained as is, then there needs to be rules to limit the extent of retailing, social facilities, recreational activities, and childcare within the precinct.

**Petone Urban Environmental Association (PUEA)** [152.23], **Mr & Mrs Yardley** [153.23] and the **Nelson Street Trust** [154.23] requests that the definition of Tertiary Education Activity be modified in respect of the submitter's comments on Amendment 1.

**Rosy & Kevin Moar** in their further submission support the submission of

- *Petone Planning Action Group* [159.2]
- *Petone Urban Environmental Association (PUEA)* [159.2]

*as they raise detailed and important questions and objections and request that careful consideration should be given to all of the points raised.*

**Wellington Institute of Technology (WelTec)** in their further submission oppose the relief sought by

- *Petone Planning Action Group [160.9]*
- *Petone Urban Environmental Association (PUEA) [160.10]*
- *Mr & Mrs Yardley [160.11]*

as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the submissions of

- *Petone Planning Action Group [162.7], [163.7], [164.7]*
- *Petone Urban Environmental Association (PUEA) [162.9], [163.9]*
- *Mr & Mrs Yardley [163.10], [164.9]*
- *Nelson Street Trust [162.10], [164.10]*

as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.

**Peter & Nicola Prichard** in their further submission support the submission of the *Petone Urban Environmental Association (PUEA) [158.2]* and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

### **Discussion**

The Plan Change proposes to introduce tertiary education activities as permitted activities within the Tertiary Education Precinct.

The submissions received raise concerns regarding the wide range of activities that would be permitted under the proposed definition for Tertiary Education Activities.

While the overall concept of a Tertiary Education Precinct is still considered appropriate some amendments to the proposed definition of Tertiary Education Activities are recommended to better reflect the potential effects of different activities covered by the definition of Tertiary Education Activities. It is proposed to amend the definition to differentiate between principal tertiary education activities such as teaching and administration and ancillary activities such as student accommodation, social and health services and associated retail. Following on from these proposed amendments it is also recommended to amend the provisions for tertiary education activities to reflect these changes. (Please refer to sections 3.8, 3.13 of this report for further discussion)

As the Tertiary Education Precinct is intended to provide for tertiary education within its boundaries it is considered appropriate to allow for the core functions of a tertiary education facility as of right.

However it is agreed with submitters that ancillary tertiary education activities such as student accommodation, retail and health services may have different effects on the adjoining residential environment and should therefore not be permitted activities but go through a resource consent process to ensure potential effects can be avoided, remedied or mitigated.

It is therefore recommended to amend the proposed permitted activity (f) to provide only for principal tertiary education activities as permitted activities while ancillary tertiary education activities are proposed to become restricted discretionary activities.

### **Recommendation**

That the submissions of **Petone Planning Action Group (PPAG) [86.2]**, **Petone Urban Environmental Association (PUEA) [152.23]**, **Mr & Mrs Yardley [153.23]** and the **Nelson Street Trust [154.23]** and the further submissions of **Rosy & Kevin Moar [159.2]**, **Mr & Mrs Yardley [162.7, 162.9, 162.10]**, the **Nelson Street Trust [163.7, 163.9, 163.10]** and the **Petone**

**Urban Environmental Association (PUEA)** [164.7, 164.9, 164.10], **Peter & Nicola Prichard** [158.2] be accepted in part.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.9, 160.10, 160.11] be accepted in part.

**That the Plan Change be amended as follows:**

4A 2.1 Permitted Activities

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

**3.23 Amendment 11 - Chapter 4A 2.1.1 General Residential Activity Area - Rules - Permitted Activities - Conditions**

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

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

(i) For that part of the Tertiary Education Precinct in Udy Street –

(1) The maximum height of buildings and structures shall be 12m except that:

(a) No part of any building located between 3m and 8m from the southern boundary shall be higher than 4m; and

(b) No part of any building located between 8m and 12.5m from the southern boundary shall be higher than 8m.

(2) The minimum yard requirement shall be 3.0m for the southern boundary.

(3) The maximum site coverage shall be 40%.

(ii) For that part of the Tertiary Education Precinct in Elizabeth Street –

(1) The maximum height of buildings and structures shall be 12m

(2) The maximum site coverage shall be 40%

(iii) For that part of the Tertiary Education Precinct on the western side of Kensington Avenue –

(1) The maximum height of buildings and structures shall be 12m, except that:

(a) No part of any building located between 3m and 8m from the southern boundary shall be higher than 4m; and

(b) No part of any building located between 8m and 12.5m from the southern boundary shall be higher than 8m.

(2) The minimum yard requirement shall be 3.0m for the southern boundary

(3) The maximum site coverage shall be 60%

(iv) For that part of the Tertiary Education Precinct on the eastern side of Kensington Avenue –

(1) The minimum yard requirement shall be 3.0m for the southern boundary

(2) The Recession Plane for all buildings and structures shall be 2.5m + 37.5° for the southern boundary

(v) Rules 4A 2.1.1 (b) (Minimum Yard Requirements) and (c) (Recession Plane) do not apply to internal boundaries within all areas of the Tertiary Education Precinct.

(vi) For all areas in the Tertiary Education Precinct, the following Landscaping and Screening requirements shall apply:

(1) All outdoor storage and servicing areas shall be screened so that they are not visible from a road or public space. Where this is not practicable such area must be screened by a close-boarded fence or a fence made of solid material with a minimum height of 1.8m.

(2) Where a site abuts a residential or recreation activity area, all outdoor storage and screening areas shall be screened by a close-boarded fence or a fence made of solid material with a minimum height of 1.2m and a maximum height of 1.8m.

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

### **Submissions**

**Wellington Institute of Technology (WelTec)** [58.3] supports the additional permitted activity conditions as proposed under Amendment 11 in part and comments that the Plan Change includes a stepped back requirement for new buildings on the southern boundary with residential properties to provide an adequate level of privacy, sunlight access and building setback. The submitter submits that while this requirement is supported, in respect of the southern boundary of the central part of the campus, between Kensington Avenue and Buick Street, the rule could be amended to clarify that this requirement also applies to the rear of the property at 50 Buick Street, which could be interpreted as the western boundary. The submitter requests that 4A 2.1.1 be amended as follows:

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

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

(iii) *For that part of the Tertiary Education Precinct on the western side of Kensington Avenue –*

(1) *The maximum height of buildings and structures shall be 12m, except that:*

(a) *No part of any building located between 3m and 8m from the southern boundary shall be higher than 4m; and*

(b) *No part of any building located between 8m and 12.5m from the southern boundary shall be higher than 8m.*

(2) *The minimum yard requirement shall be 3.0m for the southern boundary*

(3) *The maximum site coverage shall be 60%*

*Note: For the purpose of this rule, “southern boundary” shall refer to that boundary with Lot 1 DP 5460 and Lot 4 DP 8102*

and any similar or consequential amendments that stem from the submissions and relief sought.

**Petone Planning Action Group (PPAG)** [86.10] opposes the additional permitted activity conditions as proposed under Amendment 11 and suggests that no external living areas (such as balconies) should be built above ground level anywhere in the proposed precinct and windows in new buildings should be designed not to overlook nearby residents or be opaque, and light spill and other effects need to be taken into account. The submitter requests that there be an 8m height limit, a limit of 35% site coverage and yard setback and recession planes apply to internal boundaries within the precinct. In 4A 2.1.1 there needs to be an (a) after the proposed (z) that reads as follows:

(a) *The number of staff and students within the precinct at any time to not exceed 1200 (students) and 300 (staff).*

**Petone Urban Environmental Association (PUEA)** [152.24], **Mr & Mrs Yardley** [153.24] and the **Nelson Street Trust** [154.24] oppose the additional permitted activity conditions as proposed under Amendment 11 and are concerned that increasing the maximum building height and site

coverage could result in large bulky buildings and adverse effects which cannot be effectively managed/mitigated by building rules and standards alone. The submitters suggest that the proposed standards are insufficient and do not address issues of building design quality and appearance. The further submitters request that the Permitted Activity Standards 4A 2.1.1 be amended to provide for the development of an Urban Design Guide to provide for appropriate Permitted Activity Standards for individual sites based on agreed Urban Design principles and future outcomes that will result in a better development. A maximum height limit of 8m is also sought.

**Peter & Nicola Prichard** in their further submission oppose the submission of WelTec [158.1] as they consider the minor changes requested by WelTec do not address the concerns raised, in particular for the property at 50 Buick Street. They request that at a very minimum LOT 5 DP 8120 and LOT 6 DP 8102 should be removed from the considered precinct and that Council fully consider the options and wording that can and should protect the property at 50 Buick Street from sun shading, loss privacy, light pollution, noise and other social, economic and environment impact.

They support the submission by the Petone Urban Environmental Association (PUEA) [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

**Rosy & Kevin Moar** [159.3] in their further submission support the submission by WelTec in part as the change proposed by WelTec would reduce but not eliminate the shading, privacy, and amenity harms on WelTec's neighbours from proposed permitted future development of R Block. They comment that even with the suggested changes the provision would still be at odds with WelTec's statements that they have no plans or intention for further development within the precinct. They consider that while the amendment proposed under reference 58.3 is a step in the right direction the underlying rules of the general residential zone on 'R Block' should remain. In conclusion the further submitters would support a precinct which recognises or legitimises WelTec's existing activity, does not allow new developments of significance and provides certainty for everyone that the existing scale and activity of WelTec is the limit of its growth and development.

They support the submissions of

- Petone Planning Action Group [159.2]
- Petone Urban Environmental Association (PUEA) [159.2]

as they raise detailed and important questions and objections and request that careful consideration should be given to all of the points raised.

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions oppose the submission by WelTec [162.3], [163.3], [164.3] as the amendments sought are contrary to the submissions of Mr & Mrs Yardley, Nelson Street Trust and PUEA and are considered to be inappropriate, to not represent sound resource management practice, and to be contrary to the purpose of the RMA.

They support the submissions of

- Petone Planning Action Group [162.7], [163.7], [164.7]
- Petone Urban Environmental Association (PUEA) [162.9], [163.9]
- Mr & Mrs Yardley [163.10], [164.9]
- Nelson Street Trust [162.10], [164.10]

as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.

**Wellington Institute of Technology (WelTec)** in their further submission oppose the relief sought by

- Petone Planning Action Group [160.9]
- Petone Urban Environmental Association (PUEA) [160.10]

▫ *Mr & Mrs Yardley [160.11]*

*as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.*

#### Discussion

The Plan Change proposes to introduce new permitted activities conditions for permitted tertiary education activities within the Tertiary Education Precinct. These conditions include different provisions for permitted maximum building height, maximum site coverage, minimum yard requirements and recession planes which apply to specific areas of the precinct. Except for these specific provisions the standard Permitted Activity Conditions still apply throughout the precinct.

Submissions relating to Design Guidance have been discussed in section 3.11. As outlined the introduction of Design Guidelines on all sites of the Tertiary Education Precinct is not considered necessary as the proposed amended bulk and location requirements adequately address matters of scale and bulk. New buildings can be accommodated within the precinct that, while being institutional in character are compatible with the character of the surrounding mainly residential areas.

WelTec in its submission suggests clarifying and slightly extending the meaning of southern boundary in relation to one area of the precinct. A further submission supports this request but points out that it doesn't go far enough and therefore requests a precinct which recognises or legitimises WelTec's existing activity but does not allow new developments of any significance. One further submission opposes the submission and requests that two lots be excluded from the precinct to protect the abutting residential sites from sun shading, loss of privacy, light pollution, noise and other social, economic and environment impacts.

The proposed amendment by WelTec is considered appropriate as it helps avoid confusion and provides further security to the affected residential properties. For further clarity it is recommended to slightly amend the wording of the proposed note to read

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

One submission suggests a ban of all external living areas above ground floor and that windows in new buildings should be designed not to overlook nearby residents or be opaque. These suggestions are considered to be inappropriate as they would be more restrictive than any existing provisions within the General Residential Activity Area and it is considered that the existing provisions are sufficiently protective of residential amenity values within the General Residential Activity Area.

It is also requested that the existing maximum building height and site coverage of the underlying activity area be retained and that yard and recession plane requirements also apply to internal boundaries.

Some changes are recommended in response to the submissions received.

#### **Udy Street**

The site is located on the south eastern corner of Udy Street and Britannia Street and is currently laid out as a carpark. There is some landscaping around the edges of the site the most notable of which are the Pohutukawa trees that border the playing fields of the Petone Recreation Ground. There is one adjoining residential boundary to the south comparing two single storey houses. Dwellings on the western side of Britannia Street largely consist of single storey houses which are set back from the Britannia Street frontage. The site is current zoned General Residential Activity Area and consists of 8 titles and an access leg from Britannia Street.





The Plan Change proposes specific but targeted changes to bulk and location standards that apply to general residential activities. These seek to maintain a level of amenity to adjoining occupiers while allowing the potential for buildings up to 12m high, which is higher than the current residential limit of 8m. Specific recession planes as well as yard requirements on the southern boundary assist in protecting abutting residential properties from increased shading. The maximum site coverage is proposed to be raised to 40% from 35%.

The increased site coverage is considered reasonable as the same site coverage (40%) applies to medium density residential areas throughout Hutt City. The only site potentially affected by the proposed increased maximum building height would be the two residential properties abutting the site to the south. To protect the amenity values of these two properties specific recession plane/height setbacks and increased yard requirements have been proposed.

Considering that all other underlying Permitted Activity Conditions such as building length and permeable surfaces still apply, it is considered that the proposed amendments will not adversely affect the amenity values of the adjoining residential properties.

However, as initially drafted, the proposed plan change provides no indication of future development on the Udy Street site. Given the vacant nature and size of the site, it is theoretically possible that a new building of considerable mass and scale could be built in this site physically removed from the main campus buildings on Kensington Street and such a building if inappropriately sited could be larger and out of character with the surrounding residential development. There will also be the added issue of the probable loss of the area for some of the car parking currently provided.

From the parking report the carpark, while allocated for use by staff and students of WelTec, is understood to be poorly utilised. Visual inspections since October have revealed few cars parked in the carpark although that may be different at certain times of the year and at different times of the week. This brings into question the issue that the use of the site for carparking is an inefficient use of the land resource.

In terms of the Tertiary Education Precinct it is considered that this site is appropriately included. Part of the reason for this is that it is located opposite the General Business Activity Area to the north of Udy Street and adjoining the Petone Recreation Ground itself and is relatively close across the Petone Rec to the core facilities located in Kensington Street West. In addition the site realistically is the only greenfield site available to contain some form of development for tertiary education purposes and is in the ownership of WelTec.

As mentioned earlier the Plan Change as notified proposed to raise the permitted maximum site coverage to 40% (currently 35%) and the permitted maximum building height to 12m (currently 8m) in combination with recession planes/stepped height restrictions and increased yard requirements for the southern boundary.

While we accept that the bulk and location standards are a useful foundation and will maintain residential amenity, the site is relatively large, prominent and adjoins the Petone Recreation Ground. It could be developed in a number of ways ranging from one larger building to a number of smaller ones without the ability for any influence on good design outcomes. We therefore consider it appropriate that development on this site be considered Restricted Discretionary in terms of design in order for the appropriate level of assessment by Council if permitted activity standards are exceeded.

To achieve this it is recommended to reduce the permitted maximum building height to 8m. This reflects the low density residential surrounding of the site. Any new building that does not comply with the 8m maximum height or any other permitted activity condition would require resource consent as a restricted discretionary activity with Council's discretion being restricted to design external appearance and siting in addition to amenity values, landscaping and screening. As a result of this recommended change to the maximum building height the additional step back provisions which were proposed in the Plan Change to compensate for the increased building height would no longer be required.

In terms of concerns about the site being used as hostel accommodation it should be noted that a recommendation in this report is that only core educational uses would be permitted but other activities such as student accommodation would be restricted discretionary activities. The compatibility of the use as well as the structures would be considered by resource consent if that were to be pursued.

Further discussion of this issue can be found in sections 3.7.3, 3.18 to 3.21 and 3.24 to 3.26 of this report.

#### **Elizabeth Street (M Block, O Block)**

The site at Elizabeth Street forms part of the existing campus and is currently occupied by the heritage listed Old Petone Court House at 13 Elizabeth Street, a series of pre-fabricated single level wooden buildings at the back of the site (O Block) and a purpose built single storey wooden structure (M Block) next to the Old Court House, used for early childhood services. Parts of the site are used for carparking. The site is bound by Elizabeth Street to the south, the Petone Central School to the west, the Petone Recreation ground to the north and residential properties to the east.



The Plan Change initially proposed to raise the maximum site coverage to 40% and the maximum building height to 12m with all other underlying conditions remaining unchanged.

Considering the heritage status of the old court house and the more residential character and scale of the site and the surrounding area it is recommended to retain the existing 8m maximum building height for this site. This would acknowledge the residential character and scale of the existing site and adjacent area. Under the proposed provisions the site could be reconfigured in such a way that there is a substantial increase in building scale and mass, including land near the eastern boundary with residential properties and land abutting the open space of the Petone Recreation Ground. The increase in height could exacerbate existing impacts which could currently occur, particularly in terms of building domination. The possible increase in scale and mass would be out of character with surrounding residential development.

While the Old Petone Court House is a protected heritage building under the District Plan there is still a chance that resource consent application for demolition of the building could be made and approved. However that in itself is not a reason for maintaining the underlying 8m height limit.

It is recommended to amend the Plan Change by withdrawing the proposal to increase the permitted building height to 12m and retain the currently existing permitted building height of 8m. By applying the permitted building height of the General Residential Activity Area there would be no need for additional setbacks in height, yards or recession planes. It is however considered appropriate to retain the increased permitted site coverage of 40%. This equals the permitted site coverage of medium density general residential areas within the District Plan and is therefore considered to be suitable for a site included in the proposed Tertiary Education Precinct and surrounded by residential properties and open space.

The fact that minimum yard requirements and recession planes do not apply to internal boundaries as well as the proposed increased site coverage provides the site with some additional development potential for tertiary education activities while managing the potential adverse effects on neighbouring residential properties.

For further discussion please refer to sections 3.7.1, 3.18 to 3.21 and 3.24 to 3.26 of this report.

## Kensington Avenue West (Main Campus – A, B, C, R and T Block)

This area can be considered as the core of the main campus. It currently contains the A Block (a wooden two-level structure constructed in 1936), B Block (a three-level concrete structure constructed in 1963 and refurbished in 2002), C Block (two three-level concrete structures constructed in 1935 and upgraded in 2002), R Block (a series of single storey wooden buildings refurbished in 1999) and T Block or Tower Block (an 8 storey concrete structure constructed in 1976 and partially refurbished in 2002). Over the last years the T Block has been developed to create a 'student hub' along with other activities. The site is bound by residential properties to the south, the Petone Recreation Ground to the west, a small road providing access to the Petone Rec to the north and Kensington Avenue to the east.



For this area it is proposed to raise the permitted maximum site coverage from 35% to 60% and the maximum building height to 12m (currently 8m) in combination with recession planes/stepped height restrictions and increased yard requirements for the southern boundary. The current site coverage of this area is in the region of 75%.

The proposed provisions for this part of the campus i.e. the increased maximum site coverage have been established to reflect the existing level of building development in this area. The proposed height provisions are well below the height of the existing Tower Block but reflect the height of most of the other buildings in this part of the campus. Though the proposed maximum height of 12m increases the permitted maximum height compared to the surrounding residential area provisions, this increase is offset by providing for increased building set back and stepped building height requirements along the southern boundary of the precinct to protect abutting residential properties from increased shading and building dominance. For all other external boundaries the standard yard and recession plane standards apply.

While the proposed provisions cannot compensate for any current impacts of existing buildings such as shading and building dominance on abutting residential properties (50 Buick Street in particular) they can provide a more adequate framework for any future developments on the site.

As discussed earlier the introduction of Design Guidelines is not considered necessary. Furthermore it would be inappropriate for Design Guidelines to reflect the residential character of the surrounding neighbourhood considering the clearly institutional character of the tertiary education facilities. The proposed bulk and location requirements are considered to adequately address the relevant matters of scale and bulk within the precinct and in relation to surrounding areas.

Overall the proposed site specific requirements as recommended in this report together with the underlying area wide Permitted Activity Conditions which still apply are considered appropriate to protect adjoining residential neighbours as well as the wider neighbourhood from additional shading and other adverse effects while providing for ongoing use and development of the campus.

### **Kensington Avenue East (P Block)**

This part of the precinct is partly used for parking and also contains a single storey building housing student support services. It also forms a gateway connecting the Kensington Avenue Campus buildings to the Cuba Street part of the campus. The site is bound by residential properties to the south and north, Kensington Avenue to the west and WelTec's Cuba Street site containing the N Block to the east.



The only changes proposed for this area are to increase the existing yard requirements and recession planes for the southern boundaries. No changes to the maximum building height or the maximum site coverage are proposed.

The proposed provisions reflect the relatively small size of the site and the existing low level of building development.

As the proposed amendments would increase the protection of the residential site abutting in the south while retaining all other existing provisions of the underlying residential zoning, it is considered that no adverse effects or additional shading are to be expected.

Overall the proposed provisions are considered to be appropriate and not create any adverse effects on the surrounding residential neighbourhood in general and the abutting residential properties in particular.

It is considered appropriate for yard provisions not to apply to internal boundaries as the underlying pattern of sections within the precinct does not reflect the actual uses and potential future development needs of a tertiary education provider. It is the intention of this plan change to provide for tertiary education within a defined precinct while protecting amenity values of abutting

residential neighbours. The application of yard provisions to internal boundaries would neither enable adequate development nor reduce the scale of permitted development adjacent the precinct boundaries or abutting residential sites.

### **Student Numbers**

One submission requests that a maximum number of 1200 students and 300 staff allowed within the precinct at any time be introduced as part of the Permitted Activity Conditions. The introduction of a cap on student and staff numbers is considered inappropriate as it is difficult to monitor and would put unjustifiable restrictions on the future operations of the tertiary education provider. The nature of courses provided by the tertiary education institution varies widely and is undergoing constant changes and developments. Currently the institution provides for onsite courses as well as online courses, part time and short courses as well as full time programmes. The subject areas vary from business studies to engineering technology to construction trades all of which have different requirements regarding studying times, approach, on site facilities and surroundings.

The introduction of an overall cap of the number of students and staff on site are considered an unnecessarily blunt mechanism for controlling impacts on the surrounding environment. A staff or student cap could only be justified, if a direct association between numbers and harm on the surrounding environment could be demonstrated. However it is possible for the tertiary education provider to increase student and staff numbers with no or little demonstrable harm on the surrounding environment. Possible harm is more effectively mitigated by direct control mechanisms, which restrict development considered to be harmful. This is particularly relevant in relation to carparking which is discussed in sections 3.10 and 3.42 to 3.47 of this report.

The proposed permitted conditions would establish an effective limit on the extent of additional development which could occur within the precinct, without the need for resource consent. These conditions have been drafted with the intention of controlling potential adverse impacts.

### **Recommendation**

That the submissions of **Wellington Institute of Technology (WelTec)** [58.3] **Petone Planning Action Group (PPAG)** [86.10] **Petone Urban Environmental Association (PUEA)** [152.24], **Mr & Mrs Yardley** [153.24] and the **Nelson Street Trust** [154.24] and the further submission of **Peter & Nicola Prichard** [158.1, 158.2], **Rosy & Kevin Moar** [159.2, 159.3], **Wellington Institute of Technology (WelTec)** [160.9, 160.10, 160.11], **Mr & Mrs Yardley** [162.3, 162.7, 162.9, 162.10], **the Nelson Street Trust** [163.3, 163.7, 163.9, 163.10] and the **Petone Urban Environmental Association (PUEA)** [164.3, 164.7, 164.9, 164.10] be accepted in part.

Those parts which are recommended to be **accepted** relate to:

- The addition of an explanatory note clarifying the meaning of southern boundary for one part of the precinct.
- Changes to the site specific conditions for Udy Street and Elizabeth Street.

Those parts which are recommended to be **rejected** relate to:

- The introduction of Design Guidelines.

**That the Plan Change be amended as follows:**

#### 4A 2.1.1 Permitted Activities - Conditions

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

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

- (i) For that part of the Tertiary Education Precinct in Udy Street –

~~(1) The maximum height of buildings and structures shall be 12m except that:~~

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

Note: For the purpose of this rule, “southern boundary” shall refer to any boundaries of the Precinct with Lot 1 DP 5460 and Lot 4 DP 8102.
- (iv) For that part of the Tertiary Education Precinct on the eastern side of Kensington Avenue –
  - (1) The minimum yard requirement shall be 3m for the southern boundary
  - (2) The Recession Plane for all buildings and structures shall be 2.5m + 37.5° for the southern boundary
- (v) Rules 4A 2.1.1 (b) (Minimum Yard Requirements) and (c) (Recession Plane) do not apply to internal boundaries within all areas of the Tertiary Education Precinct.
- (vi) For all areas in the Tertiary Education Precinct, the following Landscaping and Screening requirements shall apply:
  - (1) All outdoor storage and servicing areas shall be screened so that they are not visible from a road or public space. Where this is not practicable such area must be screened by a close-boarded fence or a fence made of solid material with a minimum height of 1.8m.
  - (2) Where a site abuts a residential or recreation activity area, all outdoor storage and screening areas shall be screened by a close-boarded fence or a fence made of solid material with a minimum height of 1.2m and a maximum height of 1.8m.
  - (3) Where there are 5 or more parking spaces on site and the site abuts a residential or recreation activity area, that area shall be screened from the street and adjoining properties by a fence or wall not less than 1.5m in height.

### 3.24 Amendment 12 - Chapter 4A 2.3 General Residential Activity Area - Restricted Discretionary Activities

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

(i) Non-notification

In respect of Rule 4A 2.3 (j), public and limited notification of applications for resource consent is precluded.

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

**Submissions**

**Merran Bakker** [35.5] submits that a lack of Design Guidelines together with the preclusion of notification proposed in Amendment 12 raises concerns about what could be built on the Udy Street site. The submitter requests that the non-notification clause is removed.

**Anita Patel** [70.2] submits that developments should still comply with Permitted Activity Conditions through Council.

**Petone Planning Action Group (PPAG)** [86.11] opposes the proposed changes to restricted discretionary activities and requests that any activities which can't meet precinct provisions become non-complying or at least fully discretionary activities.

**Petone Urban Environmental Association (PUEA)** [152.25], **Mr & Mrs Yardley** [153.25] and the **Nelson Street Trust** [154.25] are opposed to the proposed restricted discretionary activity status for activities that do not comply with the permitted activity standards. They consider the precinct provides for a greater range of activities and concessions than would normally be allowed and therefore any activities that fail to meet the standards should go through a higher test of approval. The submitters comment that without an Urban Design Guide it is not possible to determine whether the permitted activity standards are appropriate and that non-complying activity status for activities that do not comply with permitted activity standards of a precinct is considered appropriate and necessary. The submitters also oppose the note precluding public notification and suggest that full notification should be required for a non-complying activity. The submitters request that the Plan Change be amended so that activities that do not comply with the Permitted Activity standards 4A 2.1.1 for tertiary education activities are a Non-complying Activity with full public notification.

**Rosy & Kevin Moar** in their further submission support the submission of

- *Petone Planning Action Group* [159.2]
- *Petone Urban Environmental Association (PUEA)* [159.2]

*as they raise detailed and important questions and objections and request that careful consideration should be given to all of the points raised.*

**Wellington Institute of Technology (WelTec)** in their further submission oppose the relief sought by

- *Petone Planning Action Group* [160.9]
- *Petone Urban Environmental Association (PUEA)* [160.10]
- *Mr & Mrs Yardley* [160.11]

*as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.*

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the submissions of

- *Petone Planning Action Group* [162.7], [163.7], [164.7]
- *Petone Urban Environmental Association (PUEA)* [162.9], [163.9]
- *Mr & Mrs Yardley* [163.10], [164.9]
- *Nelson Street Trust* [162.10], [164.10]

*as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.*



*Peter & Nicola Prichard* in their further submission support the submission of the Petone Urban Environmental Association (PUEA) [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

### **Discussion**

The Plan Change proposes to introduce a new Restricted Discretionary Activity in relation to the proposed Tertiary Education Precinct.

Submissions received raise concerns regarding the lack of Design Guidelines and ask for any activities within the Tertiary Education Precinct that do not comply with the Permitted Activity Conditions to become non-complying activities or at least fully discretionary activities. Submissions also raise concerns regarding the proposed non-notification provisions and request that the proposed non-notification clause be removed and all activities which do not comply with the relevant permitted activity conditions require full notification.

As outlined earlier the introduction of Design Guidelines for the Tertiary Education Precinct is not considered necessary as the proposed amended bulk and location requirements adequately address matters of scale and bulk. New buildings can be accommodated within the precinct that, while being institutional in character are compatible with the character of the surrounding mainly residential areas. For a more detailed discussion please refer to sections 3.11 and 3.23 of this report.

As discussed earlier in this report it is recommended to amend the definition of 'Tertiary Education Activities' to better reflect the potential effects of different activities and to differentiate between principal and ancillary tertiary education activities.

The definition of principal tertiary education activities is proposed to cover the core activities of a tertiary education institution such as instruction, teaching, learning or training and ancillary administrative activities as well as related surface carparking.

As a consequence of the proposed change to the definition of 'Tertiary Education Activities' it is now recommended that only these principal tertiary education activities are permitted activities within the precinct. It is also recommended that once these principal activities do not comply with the permitted activity conditions for yard requirements, recession planes, building height, site coverage or landscaping and screening they become restricted discretionary activities. In case of non-compliance any other underlying Permitted Activity Conditions these activities will become fully discretionary. It is considered appropriate to restrict those matters to be considered to amenity values and landscaping and screening as the effects of non-compliance with these matters principally relate to these issues.

As it is recommended to apply the underlying 8m maximum building height for all areas except for the Kensington West site, it is considered appropriate to amend the restricted discretionary provisions accordingly and include building height as a matter that triggers this activity status. The only exception for this would be the Kensington Avenue West site where the maximum building height is recommended to remain at 12m as initially proposed and any non-compliance with the height provision would trigger fully discretionary activity status.

It is considered appropriate to apply the approach that permitted activities which do not comply with permitted activity conditions for yards, recession planes, building height and site coverage become restricted discretionary while non-compliance with any other permitted activity conditions means that the activity becomes fully discretionary to principal tertiary education activities.

The proposal to make any principal tertiary education activities which do not comply with the specified permitted activity conditions non-complying activities would be inconsistent with existing provisions in the Operative District Plan and contradict the introduction of a Tertiary Education Precinct intended to provide for tertiary education activities.

As discussed earlier Section 95 of the RMA allows Council to decide if special circumstances exist which would warrant the limited or public notification of resource consents, regardless of notification clauses inserted into District Plans. The intention of the notification clause is to point out, that a resource consent falling under this activity classification will not be automatically notified.

The definition of ancillary tertiary education activities is now proposed to cover recreational, cultural, health, childcare, social, retail, and car parking activities and facilities as well as student accommodation. To address the potential adverse effects of these ancillary activities on the surrounding residential environment it is considered appropriate to provide for these activities as restricted discretionary activities.

It is therefore recommended to add ancillary tertiary education activities to the list of restricted discretionary activities and to add new matters to which Council has restricted its discretion.

This is considered to be appropriate due to the non-residential nature of these activities and the related potential adverse effects on residential amenity resulting from different hours of operation, additional traffic generation and parking demand and potential attraction of non-students to these facilities.

This approach is considered to be consistent with the treatment of existing complimentary ancillary activities within the precinct such as a café, bookshop and childcare centre. The majority of these activities required resource consent, which took potential effects on the surrounding environment into consideration. This process continues to be seen as appropriate for ancillary activities. It is therefore recommended that this approach be retained by introducing the proposed amendments.

### **Recommendation**

That the submissions of **Merran Bakker** [35.5], **Anita Patel** [70.2], **Petone Planning Action Group (PPAG)** [86.11], **Petone Urban Environmental Association (PUEA)** [152.25], **Mr & Mrs Yardley** [153.25] and the **Nelson Street Trust** [154.25] and the further submissions of **Rosy & Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.7, 162.9, 162.10], **the Nelson Street Trust** [163.7, 163.9, 163.10] and the **Petone Urban Environmental Association (PUEA)** [164.7, 164.9, 164.10], **Peter & Nicola Prichard** [158.2] be accepted in part.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.9, 160.10, 160.11] be accepted in part.

Those parts which are recommended to be **accepted** relate to:

- The changed activity status of ancillary activities (restricted discretionary) following on from changes to the definition of tertiary education activities.
- Changes to notification provisions.

Those parts which are recommended to be **rejected** relate to:

- The request that permitted activities which do not comply with Permitted Activity Conditions for tertiary education activities become non-complying activities or fully discretionary activities.
- The introduction of Design Guidelines.

**That the Plan Change be amended as follows:**

#### **4A 2.3 Restricted Discretionary Activities**

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

(i) Non-notification

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

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

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

(i) Non-notification

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

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

### **3.25 Amendment 13 - Chapter 4A 2.3.1 General Residential Activity Area - Matters in which Council has restricted its Discretion and Standards and Terms**

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

(i) Amenity Values

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

(1) The effect of buildings and structures on the neighbouring and surrounding residential sites and, in particular the location, design and appearance of the buildings.

(2) Whether the proposal would cause significant loss of sunlight, daylight or privacy of adjoining residential properties.

(ii) Landscaping and Screening

(1) The location, nature and degree of proposed landscaping.

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

#### **Submissions**

**Wellington Institute of Technology (WelTec)** [58.4] supports the additional matters as proposed under Amendment 13 in part and comments that while the provisions are supported, greater specificity could be provided as to the matters of discretion relating to privacy and the relationship of building design to the residential neighbourhood. The submitter requests that 4A 2.3.1 be amended as follows:

(i) *Amenity Values*

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

(1) *The effect of buildings and structures on the neighbouring and surrounding residential sites and, in particular the location, design and appearance of the buildings and relationship and transition to neighbouring sites.*

(2) *Whether the proposal would cause significant loss of sunlight, daylight or privacy of adjoining residential properties.*

and any similar or consequential amendments that stem from the submissions and relief sought.

**Anita Patel** [70.2] submits that developments should still comply with Permitted Activity Conditions through Council.

**Petone Planning Action Group (PPAG)** [86.12] opposes the additional assessment matters for restricted discretionary activities and suggests that these matters should be assessment matters for discretionary activities or embedded in policies to be considered when assessing non-complying activities and that traffic effects, parking effects, hours of operation and noise need to be included. The submitter requests that a Design Guide which sets out principles for quality design for any future development in the Precinct be introduced.

**Petone Urban Environmental Association (PUEA)** [152.26], **Mr & Mrs Yardley** [153.26] and the **Nelson Street Trust** [154.26] oppose the changes proposed under Amendment 13 and suggest that consequential to the change sought under Amendment 12, the matters to be addressed in 4A 2.3.1 (k) need to be shifted to matters to be addressed when considering a non-complying activity. Also the matters to consider should include Urban Design Guide criteria not met, traffic effects, parking effects, hours of operation and light and noise. The submitters further suggest that (k)(i) should specifically relate to residential character and amenity, the need to comply with the Urban Design Guide for scale and intensity, the need to demonstrate that any adverse effects are managed, and that any future development will maintain or enhance the values to be better than they are now. The submitters request that the matters included in 4A 2.3.1 (k) be moved to matters to be addressed when considering Non-complying activities and amended to address the matters outlined in the submission.

**Peter & Nicola Prichard** in their further submission oppose the submission by WelTec [158.1] as they consider the minor changes requested by WelTec do not address the concerns raised, in particular for the property at 50 Buick Street. They request that at a very minimum LOT 5 DP 8120 and LOT 6 DP 8102 should be removed from the considered precinct and that Council fully consider the options and wording that can and should protect the property at 50 Buick Street from sun shading, loss privacy, light pollution, noise and other social, economic and environment impact.

They support the submission by the Petone Urban Environmental Association (PUEA) [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

**Rosy & Kevin Moar** support the submission by WelTec [159.3] in part and comment that while the proposed change is welcome, a more complete set of Design Guidelines is required to provide any certainty for residents, preserve the local environment, and reduce or eliminate harmful effects on local residents, including a range of ways not provided for in this proposed amendment. In conclusion the further submitters would support a precinct which recognises or legitimises WelTec's existing activity, does not allow new developments of significance and provides certainty for everyone that the existing scale and activity of WelTec is the limit of its growth and development.

They support the submissions of

- *Petone Planning Action Group* [159.2]
- *Petone Urban Environmental Association (PUEA)* [159.2]

as they raise detailed and important questions and objections and request that careful consideration should be given to all of the points raised.

**Mr & Mrs Yardley** [162.3], the **Nelson Street Trust** [163.3] and the **Petone Urban Environmental Association (PUEA)** [164.3] oppose the submission by WelTec as the amendments sought are contrary to the submissions of Mr & Mrs Yardley, Nelson Street Trust and PUEA and are considered to be inappropriate, to not represent sound resource management practice, and to be contrary to the purpose of the RMA.

**Wellington Institute of Technology (WelTec)** in their further submission oppose the relief sought by

- *Petone Planning Action Group* [160.9]
- *Petone Urban Environmental Association (PUEA)* [160.10]
- *Mr & Mrs Yardley* [160.11]

*as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.*

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the submissions of

- *Petone Planning Action Group [162.7], [163.7], [164.7]*
- *Petone Urban Environmental Association (PUEA) [162.9], [163.9]*
- *Mr & Mrs Yardley [163.10], [164.9]*
- *Nelson Street Trust [162.10], [164.10]*

*as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.*

### **Discussion**

The Plan Change proposes to introduce new matters in which Council has restricted its discretion in relation to tertiary education activities.

The submission from WelTec requests that the wording of (k) (i) be amended to refer to the “relationship and transition to neighbouring sites”. It is considered that the requested change does not add any additional meaning or clarity to the proposed amendment. The wording proposed in the Plan Change already refers to neighbouring and surrounding sites and the potential effects of buildings and structures including their location, design and appearance on these sites. It is therefore considered unnecessary to add the suggested words to the proposed provision.

The request of a further submission to remove two lots at the southern boundary of the Kensington Avenue West site from the precinct to protect abutting neighbours from potential developments and potential adverse effects such as sun shading, loss of privacy, light pollution and noise is not supported as the proposed permitted activities conditions for the tertiary education activities in combination with underlying area wide conditions are considered sufficient to protect abutting residential sites from these effects. For a full discussion of these provisions please refer to sections 3.7.4 and 3.18 to 3.23 of this report.

Submissions which opposed the restricted discretionary status for tertiary education activities which do not comply with the relevant permitted activity conditions, also oppose the relevant matter in which Council has restricted its discretion for this activity classification. They request that these matters be either assessment matters for fully discretionary activities or considered when assessing non-complying activities. Furthermore the matters to be considered should include urban design, traffic effects, parking effects, hours of operation, light and noise and a Design Guide should be introduced.

As discussed earlier it is recommended to amend the definition for tertiary education activities to differentiate between principal and ancillary activities and that this differentiation is reflected in the relevant rules by making principal activities permitted activities subject to certain conditions while providing for ancillary activities as restricted discretionary activities requiring resource consent.

It is considered appropriate to apply the approach that permitted activities which do not comply with permitted activity conditions for yards, recession planes, building height and site coverage become restricted discretionary while non-compliance with any other permitted activity conditions (i.e. building length, permeable surfaces) means that the activity becomes fully discretionary for principal tertiary education activities.

As it is recommended to reduce the maximum building height for all areas except for the Kensington West site back to the underlying 8m it is considered appropriate to amend the restricted discretionary provisions accordingly and include building height as a matter that triggers this activity status. The only exception for this would be the Kensington Avenue West site where the maximum building height should remain unchanged at 12m and any non-compliance with the height provision would trigger fully discretionary activity status.

The matters to which Council has restricted its discretion are also considered appropriate as those conditions that trigger an activity to be assessed as a restricted discretionary activity are purely amenity related. It is therefore not considered appropriate to consider traffic or parking effects in response to non-compliance with side yards or recession planes.

As discussed earlier the areas at Elizabeth Street and Udy Street are considered to have the most development potential. This is recognised by way of providing for new buildings over 8m in height on this site as restricted discretionary with the Council's discretion restricted to design external appearance and siting in addition to amenity values, landscaping and screening. This would be achieved by adding two new assessment criteria:

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

As discussed earlier the introduction of a Design Guide is not supported and the non-notification provisions as recommended in this report are considered appropriate

As previously discussed it is recommended to amend the Plan Change to provide for ancillary tertiary education activities as restricted discretionary activities and consequentially to introduce new matters in which Council has restricted its discretion for these activities and developments. It is agreed with submissions that ancillary activities such as student accommodation, social and retail activities even when focused towards servicing the needs of students and staff have the potential to create adverse effects on the surrounding residential environment due to their different character, operating hours and potential traffic generating effects. Also these activities are not considered to form the core business of a tertiary education facility and should therefore be assessed separately from the principal education activities. To address the potential effects of these activities it is recommended to introduce new matters including Amenity Values, Traffic Effects, Parking Effects and Noise.

Following on from the recommended changes to the Plan Change it is also recommended to amend the Other Matters listed under 4A 2.3.2 to reflect the addition of new restricted discretionary activities.

### **Recommendation**

It is recommended that the submission of **Wellington Institute of Technology (WelTec)** [58.4], be rejected.

That the further submissions by **Peter & Nicola Prichard** [158.1], **Rosy & Kevin Moar** [159.3], **Mr & Mrs Yardley** [162.3], the **Nelson Street Trust** [163.3] and the **Petone Urban Environmental Association (PUEA)** [164.3] be accepted in part.

Those parts of the further submissions which are recommended to be **accepted** relate to the rejection of WelTec's submission.

Those parts of the further submissions which are recommended to be **rejected** relate to:

- The exclusion of two lots from the precinct.
- The introduction of Design Guides.

It is recommended that the submissions of **Anita Patel** [70.2], **Petone Planning Action Group (PPAG)** [86.12], **Petone Urban Environmental Association (PUEA)** [152.26], **Mr & Mrs Yardley** [153.26] and the **Nelson Street Trust** [154.26] and the further submissions of **Rosy & Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.7, 162.9, 162.10], the **Nelson Street Trust** [163.7, 163.9, 163.10] and the **Petone Urban Environmental Association (PUEA)** [164.7, 164.9, 164.10], **Peter & Nicola Prichard** [158.2] be accepted in part and the further submission of **Wellington Institute of Technology (WelTec)** [160.9, 160.10, 160.11] be rejected in part.

Those parts of the submissions which are recommended to be **accepted** relate to:

- The introduction of additional matters to which Council has restricted its discretion for ancillary tertiary education activities including traffic effects, parking effects and noise.
- Changes to the proposed notification provisions.

Those parts of the submission which are recommended to be **rejected** relate to:

- The request to make all permitted tertiary education activities that do not comply with relevant permitted activity conditions fully discretionary or non-complying.
- The introduction of traffic effects, parking effects, hours of operation, light and noise to the matters to be considered for activities that fail to comply with bulk and location provisions mainly related to amenity values.
- The introduction of Design Guidelines.
- The request for public notification of all activities that do not comply with Permitted Activity conditions.

**That the Plan Change be amended as follows:**

4A 2.3.1 Matters in which Council has restricted its Discretion and Standards and Terms

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

(i) Amenity Values

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

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

(ii) Landscaping and Screening

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

In addition for structures and buildings on the Udy Street site and on the Elizabeth Street site within the precinct that do not comply with the relevant Permitted Activity conditions:

(iii) Design, External Appearance and Siting

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

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

(i) Amenity Values

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

(ii) Landscaping and Screening

- (1) The location, nature and degree of proposed landscaping.

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

(iii) Traffic Effects

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

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

(iv) Parking Effects

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

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

(v) Noise

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

4A 2.3.2 Other Matters

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

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

### 3.26 Amendment 14 - Chapter 4A 2.4 General Residential Activity Area - Discretionary Activities

(n) Tertiary education activities within the Tertiary Education Precinct, including associated buildings and structures, which do not comply with the following Permitted Activity conditions 4A 2.1.1 (d) Maximum Height of Buildings and Structures; and the Maximum Height of Buildings and Structures in 4A 2.1.1 (z) (i), (ii) and (iii) Tertiary Education Precinct.

#### Submissions

**Petone Planning Action Group (PPAG)** [86.13] opposes the changes proposed under Amendment 14 and is concerned that Amendments 12 to 14 would allow for higher buildings than the currently consented N Block development and the development of Udy Street without notification. The submitter requests that such matters should be non-complying and require full notification.

**Petone Urban Environmental Association (PUEA)** [152.27], **Mr & Mrs Yardley** [153.27] and the **Nelson Street Trust** [154.27] oppose the discretionary status for activities that do not comply with the permitted activity conditions and consider it appropriate that these activities are Non-complying Activities. The submitters request that 4A 2.4 (n) be amended to provide for tertiary education activities that do not comply with the Permitted Activity standards to be Non-complying activities.



**Peter & Nicola Prichard** in their further submission support the submission of the Petone Urban Environmental Association (PUEA) [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

**Rosy & Kevin Moar** in their further submission support the submission of

- Petone Planning Action Group [159.2]
- Petone Urban Environmental Association (PUEA) [159.2]

as they raise detailed and important questions and objections and request that careful consideration should be given to all of the points raised.

**Wellington Institute of Technology (WelTec)** in their further submission oppose the relief sought by

- Petone Planning Action Group [160.9]
- Petone Urban Environmental Association (PUEA) [160.10]
- Mr & Mrs Yardley [160.11]

as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the submissions of

- Petone Planning Action Group [162.7], [163.7], [164.7]
- Petone Urban Environmental Association (PUEA) [162.9], [163.9]
- Mr & Mrs Yardley [163.10], [164.9]
- Nelson Street Trust [162.10], [164.10]

as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.

### **Discussion**

The Plan Change as notified proposes to introduce a new Discretionary Activity covering those tertiary education activities within the precinct that do not comply with the relevant permitted building height conditions.

Submissions received suggest that activities that do not comply with the permitted height and other relevant conditions should become non-complying with public notification being required.

The reference of one submitter to the consented N Block development is not considered relevant as the N Block is situated within the General Business Activity Area, not the General Residential Activity Area.

The relief requested by submitters regarding the use of non-complying activity status is not considered appropriate as it would not support the intention of the Plan Change which is to provide for the ongoing use and development of the existing Petone campus for tertiary education activities while providing more certainty for surrounding areas. It seems to be unjustifiable to provide for activities within the Tertiary Education Precinct that do not comply with conditions for e.g. building length or permeable surfaces as non-complying while in the absence of a Tertiary Education Precinct any activity that does not comply with permitted activity conditions would become a discretionary activity. As mentioned before it is not the intention of the Plan Change to prevent or obstruct any future development within the precinct but to provide reasonable parameters within which the tertiary education provider can develop. It is considered that fully discretionary activity status is appropriate and provides sufficient opportunity to assess and address potential adverse effects.

As discussed earlier it is recommended to amend the definition for tertiary education activities to differentiate between principal and ancillary activities and that this differentiation is reflected in the

relevant rules by making principal activities permitted activities underlying certain conditions while providing for ancillary activities as restricted discretionary activities requiring resource consent.

It is considered appropriate that permitted activities which do not comply with permitted activity conditions for yards, recession planes, the underlying building height and site coverage become restricted discretionary activities due to the limited effects of non-compliance with these standards. However non-compliance with any other permitted activity conditions such as the increased maximum height on the Kensington Avenue West site or in relation to carparking, mean that the principal tertiary education activities become fully discretionary and all potential adverse effects can be taken into account when processing a resource consent application.

As discussed earlier it is recommended to amend the Plan Change to provide for ancillary tertiary education activities as restricted discretionary activities and consequentially to introduce new matters in which Council has restricted its discretion for these activities and developments. It is recommended that these ancillary activities become discretionary activities in case of non-compliance with relevant standards.

It is also considered appropriate to amend the wording of the proposed plan change to improve clarity. The proposed wording could be interpreted in a way that only non-compliance with building height provisions would trigger the discretionary activity status for tertiary education activities within the precinct. However provision 4A 2.4 (a) states that “any Permitted, Controlled or Restricted Discretionary Activity, which fails to comply with any of the relevant Permitted Activity Conditions, or relevant requirements of Chapter 14 - General Rules” becomes a fully discretionary activity.

It is therefore recommended to amend provision 4A 2.4 (n) to refer to principal tertiary education activities and to add that non-compliance with any other permitted activity conditions and the General Rules in Chapter 14 will result in discretionary activity status.

It is also recommended to add a new provision 4A 2.4 (o) to provide for ancillary tertiary education activities which do not comply with any of the relevant conditions and General Rules as discretionary activities.

### **Recommendation**

That the submissions of **Petone Planning Action Group (PPAG)** [86.13], **Petone Urban Environmental Association (PUEA)** [152.27], **Mr & Mrs Yardley** [153.27] and the **Nelson Street Trust** [154.27] and further submissions of **Rosy & Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.7, 162.9, 162.10], **the Nelson Street Trust** [163.7, 163.9, 163.10] and the **Petone Urban Environmental Association (PUEA)** [164.7, 164.9, 164.10], **Peter & Nicola Prichard** [158.2] be accepted in part.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.9, 160.10, 160.11] be accepted in part.

Those parts of the submissions which are recommended to be **accepted** relate to:

- Consideration of the different effects of principal and ancillary education activities. Introduction of more appropriate provisions to reflect the different character and potential effects of these activities.

Those parts of the submissions which are recommended to be **rejected** relate to:

- The introduction of non-complying activity status for all tertiary education activities that fail to comply with relevant permitted Activity Conditions.

**That the Plan Change be amended as follows:**

#### 4A 2.4 Discretionary Activities

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

### 3.27 Amendment 15 - Chapter 4A General Residential Activity Area - Appendices

#### ADD NEW APPENDIX GENERAL RESIDENTIAL 20

##### Submissions

**Petone Planning Action Group (PPAG)** [86.14] comments that the maps seem to portray more coverage in Cuba Street than detailed in the Section 32 evaluation of sites and suggest that leased sites should not be included, especially not Bracken Street site. Also Udy/Britannia Street and Elizabeth Street sites should not be included. The submitter requests that the Bracken Street site, Udy/Britannia St and Elizabeth Street sites be removed from the Precinct.

**Petone Urban Environmental Association (PUEA)** [152.28], **Mr & Mrs Yardley** [153.28] and the **Nelson Street Trust** [154.28] only supports the inclusion of Udy Street site in the precinct if an Urban Design Guide is developed and the other relief sought by the submitter is adopted.

**Peter & Nicola Prichard** in their further submission support the submission of the **Petone Urban Environmental Association (PUEA)** [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

**Rosy & Kevin Moar** in their further submission support the submission of

- *Petone Planning Action Group* [159.2]
- *Petone Urban Environmental Association (PUEA)* [159.2]

*as they raise detailed and important questions and objections and request that careful consideration should be given to all of the points raised.*

**Wellington Institute of Technology (WelTec)** in their further submission oppose the relief sought by

- *Petone Planning Action Group* [160.9]
- *Petone Urban Environmental Association (PUEA)* [160.10]
- *Mr & Mrs Yardley* [160.11]

*as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.*

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the submissions of

- *Petone Planning Action Group* [162.7], [163.7], [164.7]
- *Petone Urban Environmental Association (PUEA)* [162.9], [163.9]
- *Mr & Mrs Yardley* [163.10], [164.9]
- *Nelson Street Trust* [162.10], [164.10]

*as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.*

### **Discussion**

The Plan Change proposes to add a new Appendix General Residential 20 showing those sites of the General Residential Activity Area that are proposed to be included in the Tertiary Education Precinct.

Concerns raised by one submission regarding the inclusion of sites along Cuba Street obviously refer to Amendment 24 (Introduction of Appendix General Business 5) as the Cuba Street part of the precinct lies within the General Business Activity Area and is therefore not covered by this Appendix. The same applies to concerns regarding the inclusion of leased properties in the precinct as there are no leased sites proposed to be included in the precinct within the General Residential Activity Area.

Submissions request that the site at the corner of Udy Street and Britannia Street and the site at Elizabeth Street should not be included in the precinct unless an Urban Design Guide is developed and other relief sought by the submitter is adopted.

It is considered appropriate that the site at the corner of Udy Street and Britannia Street remains part of the Tertiary Education Precinct as it is currently used by WelTec for parking purposes. Furthermore this site has the most development potential within the precinct and as it is the intention of this Plan Change to provide for the ongoing use and development it is considered appropriate to retain it as part of the precinct with specific development parameters applying to this site to protect the surrounding residential areas in general and the abutting residential sites and the Petone Recreation Ground in particular from any potential adverse effects. It needs to be kept in mind that even without inclusion in the precinct this site has the potential to be developed and built on which would have some effect on the surrounding areas.

The site at Elizabeth Street is also recommended to remain part of the precinct as it is currently used by WelTec (childcare centre, O Block, parking) and forms an active and important part of the campus.

As discussed earlier the introduction of an Urban Design Guide is not supported.

The proposed Appendix General Residential 20 is part of the plan change document and if approved will become part of District Plan. The list of properties included in the Introduction to the Section 32 report was mainly provided for clarification. Any inconsistencies will be corrected. Should there still be any inconsistencies between the map and the list of properties then the map is the relevant document and shall be considered correct. The layout of the map has been improved to provide more certainty and consistency with the layout of the District Plan. No other changes are recommended to Appendix General Residential 20.

An amended version of table containing a schedule of the land affected by the Plan Change is attached as Appendix 7 to this report.

### **Recommendation**

That the submissions of **Petone Planning Action Group (PPAG)** [86.14], **Petone Urban Environmental Association (PUEA)** [152.28], **Mr & Mrs Yardley** [153.28] and the **Nelson Street Trust** [154.28] and the further submissions of **Rosy & Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.7, 162.9, 162.10], **the Nelson Street Trust** [163.7, 163.9, 163.10] and **the Petone Urban Environmental Association (PUEA)** [164.7, 164.9, 164.10], **Peter & Nicola Prichard** [158.2] be rejected.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.9, 160.10, 160.11] be accepted.

**That the content of Appendix General Residential 5 remains unchanged.**

See Appendix 5 of this report
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### 3.28 Amendment 16 - Chapter 6 Business - Introduction

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

#### **Submissions**

**Petone Urban Environmental Association (PUEA)** [152.29], **Mr & Mrs Yardley** [153.29] and the **Nelson Street Trust** [154.29] request that the Introduction (a) General Business Activity Area be amended by replacing the term 'accommodated' with the term 'provided for where appropriate'.

**Peter & Nicola Prichard** in their further submission support the submission by the **Petone Urban Environmental Association (PUEA)** [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

**Rosy and Kevin Moar** in their further submission support the submissions by the **Petone Urban Environmental Association (PUEA)** [159.2] as the submission raises detailed and important questions and objections. Careful consideration should be given to all of the points raised.

**Wellington Institute of Technology (WelTec)** in their further submission oppose the relief sought in the submissions of the **Petone Urban Environmental Association (PUEA)** [160.10] and **Mr & Mrs Yardley** [160.11] as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submissions be disallowed.

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the submissions of

- **Petone Urban Environmental Association (PUEA)** [162.9], [163.9]
- **Mr & Mrs Yardley** [163.10], [164.9]
- **Nelson Street Trust** [162.10], [164.10]

as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.

#### **Discussion**

The Plan Change proposes to amend the Introduction of Chapter 6 – Business to include a reference to tertiary education activities within the General Business Activity Area.

One submission requested that the proposed wording be amended and that the word 'accommodate' be replaced with the term 'provide for where appropriate'. This is considered to be unnecessary as it would be contrary to the main intention for introducing a precinct which is to provide for tertiary education. The boundaries of the precinct identify the area where it is considered appropriate to provide for these activities. Therefore the Tertiary Education Precinct can be considered as the area where it is appropriate to provide for tertiary education and the additional wording is not necessary.

#### **Recommendation**

That the submissions of **Petone Urban Environmental Association (PUEA)** [152.29], **Mr & Mrs Yardley** [153.29] and the **Nelson Street Trust** [154.29] and the further submissions of **Peter & Nicola Prichard** [158.2], **Rosy and Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.9, 162.10], the **Nelson Street Trust** [163.9, 163.10] and the **Petone Urban Environmental Association (PUEA)** [164.9, 164.10] be rejected.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.10, 160.11] be accepted.

**That Amendment 16 of the Plan Change remains unchanged.**

### 3.29 Amendment 17 - Chapter 6A 1.1.1 General Business Activity Area - Accommodation of a Mix of Activities - Policies

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

#### Submissions

**Petone Planning Action Group (PPAG)** [86.15] comments that the definition of WelTec should be the same throughout the Plan Change and therefore the submitter requests that 6A 1.1.1 be amended as follows:

*Accommodate Provide for where appropriate tertiary education activities within the Tertiary Education Precinct, which provides for tertiary education on a local and regional basis.*

**Petone Urban Environmental Association (PUEA)** [152.30], **Mr & Mrs Yardley** [153.30] and the **Nelson Street Trust** [154.30] request that policy 6A 1.1.1 be amended by replacing the term 'accommodated' with the term 'provided for where appropriate'.

**Peter & Nicola Prichard** in their further submission support the submission of the Petone Urban Environmental Association (PUEA) [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

**Rosy & Kevin Moar** in their further submission support the submission of

- *Petone Planning Action Group [159.2]*
- *Petone Urban Environmental Association (PUEA) [159.2]*

*as they raise detailed and important questions and objections and request that careful consideration should be given to all of the points raised.*

**Wellington Institute of Technology (WelTec)** in their further submission oppose the relief sought by

- *Petone Planning Action Group [160.9]*
- *Petone Urban Environmental Association (PUEA) [160.10]*
- *Mr & Mrs Yardley [160.11]*

*as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.*

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the submissions of

- *Petone Planning Action Group [162.7], [163.7], [164.7]*
- *Petone Urban Environmental Association (PUEA) [162.9], [163.9]*
- *Mr & Mrs Yardley [163.10], [164.9]*
- *Nelson Street Trust [162.10], [164.10]*

*as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.*

#### Discussion

The Plan Change proposes to add a new policy to the General Business Activity Area policies relating to the accommodation of a mix of activities which refers to tertiary education activities.

The submissions received ask for the word 'accommodate' to be replaced by 'provide for where appropriate' and one submission request that the second half of the policy be deleted.

As discussed before the use of the word 'accommodate' is considered appropriate as it is the main intention of this Plan Change to introduce a Tertiary Education Precinct and to provide for tertiary education activities within the boundaries of this precinct. Also the deletion of the words

'which provides for tertiary education on a local and regional basis' from the policy is not considered appropriate as it adequately describes the role and the significance of the existing institution.

It is therefore recommended to make no changes to the proposed policy.

### **Recommendation**

That the submissions of **Petone Planning Action Group (PPAG)** [86.15], **Petone Urban Environmental Association (PUEA)** [152.30], **Mr & Mrs Yardley** [153.30] and the **Nelson Street Trust** [154.30] and the further submissions of **Rosy & Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.7, 162.9, 162.10], **the Nelson Street Trust** [163.7, 163.9, 163.10] and the **Petone Urban Environmental Association (PUEA)** [164.7, 164.9, 164.10], **Peter & Nicola Prichard** [158.2] be rejected.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.9, 160.10, 160.11] be accepted.

**That Amendment 17 of the Plan Change remains unchanged.**

### **3.30 Amendment 18 - Chapter 6A 1.1.1 General Business Activity Area - Accommodation of a Mix of Activities - Explanation and Reasons**

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

WelTec and its predecessors have historically provided tertiary education activities within the area in Cuba Street and the activity is an established use on the site providing important tertiary education including vocational education and applied research. These non-industrial activities are provided for where the potential generated effects do not have an adverse effect on the amenity values of the area and the environment.

### **Submissions**

**Petone Planning Action Group (PPAG)** [86.16] comments that the proposed change of wording is unnecessary and requests that 6A 1.1.1 be amended as follows:

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

~~*WelTec and its predecessors have historically provided tertiary education activities within the area in Cuba Street and the activity is an established use on the site providing important tertiary education including vocational education and applied research. These non-industrial activities are provided for where the potential generated effects do not have an adverse effect on the amenity values of the area and the environment*~~

**Petone Urban Environmental Association (PUEA)** [152.31], **Mr & Mrs Yardley** [153.31] and the **Nelson Street Trust** [154.31] oppose the use of the term 'accommodate' in paragraph 1 and comment that paragraph 2 repeats paragraph 1 and includes phrases that reinforce the existing facility, the last sentence suggests there are no adverse effects on amenity and the environment. The submitters request that the Explanation and Reasons for 6A 1.1.1 General Business Activity Area is amended as follows or similar:

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

~~*WelTec and its predecessors have historically provided tertiary education activities within the area in Cuba Street and the activity is an established use on the site providing important tertiary education including vocational education and applied research. These non-industrial activities are **only to be** provided for where the **actual and** potential **adverse** generated effects **can be managed and the character and** do not have an adverse effect on the amenity values of the area, **including the adjoining Residential Activity Area, are maintained or enhanced** and the environment.*~~

**Peter & Nicola Prichard** in their further submission support the submission of the Petone Urban Environmental Association (PUEA) [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

**Rosy & Kevin Moar** in their further submission support the submission of

- Petone Planning Action Group [159.2]
- Petone Urban Environmental Association (PUEA) [159.2]

as they raise detailed and important questions and objections and request that careful consideration should be given to all of the points raised.

**Wellington Institute of Technology (WelTec)** in their further submission oppose the relief sought by

- Petone Planning Action Group [160.9]
- Petone Urban Environmental Association (PUEA) [160.10]
- Mr & Mrs Yardley [160.11]

as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the submissions of

- Petone Planning Action Group [162.7], [163.7], [164.7]
- Petone Urban Environmental Association (PUEA) [162.9], [163.9]
- Mr & Mrs Yardley [163.10], [164.9]
- Nelson Street Trust [162.10], [164.10]

as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.

### **Discussion**

The Plan Change proposes to amend the Explanation and Reasons of the General Business Activity Area related to the Accommodation of a Mix of Activities to reflect the proposed introduction of a Tertiary Education Precinct.

The submissions received ask for the word 'accommodate' to be replaced by 'provide for where appropriate' and one submission request that the second half sentence of the policy be deleted.

As discussed before the use of the word 'accommodate' is considered appropriate as it is the main intention of this Plan Change to introduce a Tertiary Education Precinct and to provide for tertiary education activities within the boundaries of this precinct.

Submissions also request that the sentence proposed to be added to the second paragraph be deleted and for the remaining wording to be changed to specifically refer to the management of actual and potential adverse effects and the maintenance and enhancement of the character of adjoining residential areas.

It is considered appropriate to retain the first sentence of the second paragraph as it provides the background for the introduction of a Tertiary Education Precinct and the inclusion of the Cuba Street site in this precinct. The changes to the second sentence of this paragraph proposed by



submissions are not supported as this sentence already forms part of the current District Plan and does not only refer to tertiary education activities within the Tertiary Education Precinct but to non-industrial activities in general throughout the entire General Business Activity Area. Also the proposed changes appear to be unbalanced as they only refer to potential adverse effects, current as well as potential. As discussed earlier it is the intention of the Plan Change to provide for future development of tertiary activities within the proposed precinct but not to reassess existing uses and developments that have been established lawfully and therefore hold existing use rights.

It is however considered appropriate to amend the proposed change to delete any direct reference to WelTec as raised by submitters in relation to Amendment 4 (Section 4.13 of this report). As the introduction of a Tertiary Education Precinct is not constrained to one specific provider but to any tertiary education provider this should be reflected in the wording of the relevant provisions.

It is therefore recommended to reword the Explanation and Reasons to avoid direct reference to WelTec.

### **Recommendation**

That the submissions of **Petone Planning Action Group (PPAG)** [86.16], **Petone Urban Environmental Association (PUEA)** [152.31], **Mr & Mrs Yardley** [153.31] and the **Nelson Street Trust** [154.31] and the further submissions of **Rosy & Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.7, 162.9, 162.10], **the Nelson Street Trust** [163.7, 163.9, 163.10] and the **Petone Urban Environmental Association (PUEA)** [164.7, 164.9, 164.10], **Peter & Nicola Prichard** [158.2] be rejected.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.9, 160.10, 160.11] be accepted.

**That the Plan Change be amended as follows:**

#### **6A 1.1.1 Accommodation of a Mix of Activities - Explanation and Reasons**

~~WelTec and its predecessors have historically provided~~ tertiary education activities have historically been provided for within the area in Cuba Street and the activity is an established use on the site providing important tertiary education including vocational education and applied research. These non-industrial activities are provided for where the potential generated effects do not have an adverse effect on the amenity values of the area and the environment.

### **3.31 Amendment 19 - Chapter 6A 1.1.3 General Business Activity Area - Environmental Effects - Issue**

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

### **Submissions**

**Petone Planning Action Group (PPAG)** [86.17] is concerned that the proposed changes have the potential to open up all sorts of activities being allowable anywhere in the Hutt in any part of the current or any future General Business Activity Area and therefore should only be referring to Tertiary Education Activities. The submitter requests that 6A 1.1.3 be amended as follows:

*Business Activities (commercial and industrial activities) and other activities ~~accommodated~~ provided for where appropriate within the General Business Activity Area, where there is an interface with residential have the potential....*

**Petone Urban Environmental Association (PUEA)** [152.32], **Mr & Mrs Yardley** [153.32] and the **Nelson Street Trust** [154.32] request that Issue 6A 1.1.3 be amended to replace the term 'accommodated' with the term 'provided for where appropriate'.

**Peter & Nicola Prichard** in their further submission support the submission of the **Petone Urban Environmental Association (PUEA)** [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

**Rosy & Kevin Moar** in their further submission support the submission of

- *Petone Planning Action Group* [159.2]
- *Petone Urban Environmental Association (PUEA)* [159.2]

as they raise detailed and important questions and objections and request that careful consideration should be given to all of the points raised.

**Wellington Institute of Technology (WelTec)** in their further submission oppose the relief sought by

- *Petone Planning Action Group* [160.9]
- *Petone Urban Environmental Association (PUEA)* [160.10]
- *Mr & Mrs Yardley* [160.11]

as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the submissions of

- *Petone Planning Action Group* [162.7], [163.7], [164.7]
- *Petone Urban Environmental Association (PUEA)* [162.9], [163.9]
- *Mr & Mrs Yardley* [163.10], [164.9]
- *Nelson Street Trust* [162.10], [164.10]

as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.

### **Discussion**

The Plan Change proposes to amend the Issue of the General Business Activity Area related to Environmental Effects to reflect the provision for activities other than commercial and industrial activities within this activity area.

The submissions received ask for the word 'accommodate' to be replaced by 'provide for where appropriate' and one submission request that the words 'where there is an interface with residential' be added to the Issue.

As discussed before the use of the word 'accommodate' is considered appropriate as it is the main intention of this Plan Change to introduce a Tertiary Education Precinct and to provide for tertiary education activities within the boundaries of this precinct. The addition of the words 'where there is an interface with residential' to the Issue is not considered necessary or appropriate as the current wording is considered to be very clear and does not only refer to potential adverse effects on neighbouring residential areas but to potential effects on amenity values of any neighbouring areas as well as within the area itself.

The proposed amendment is not considered to open up the General Business Area to all sorts of non-business activities as raised by one of the submitters, as the proposal does not alter the activity status of any use other than tertiary education activities.

### **Recommendation**

The submissions of **Petone Planning Action Group (PPAG)** [86.17], **Petone Urban Environmental Association (PUEA)** [152.32], **Mr & Mrs Yardley** [153.32] and the **Nelson**

**Street Trust** [154.32] and the further submissions of **Rosy & Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.7, 162.9, 162.10], the **Nelson Street Trust** [163.7, 163.9, 163.10] and the **Petone Urban Environmental Association (PUEA)** [164.7, 164.9, 164.10], **Peter & Nicola Prichard** [158.2] be rejected.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.9, 160.10, 160.11] be accepted.

**That Amendment 19 of the Plan Change remains unchanged.**

### 3.32 Amendment 20 - Chapter 6A 1.2.1 General Business Activity Area - Effects on the Amenity Values of the Area - Issue

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

#### **Submissions**

**Petone Planning Action Group (PPAG)** [86.17] is concerned that the proposed changes have the potential to open up all sorts of activities being allowable anywhere in the Hutt in any part of the current or any future General Business Activity Area and therefore should only be referring to Tertiary Education Activities. The submitter suggests that a new amendment 6A 2.1.1 (r) should be introduced which puts a cap on the maximum number of students and staff on site at any one time which is particularly relevant to parking facilities and associated social effects which extend into surrounding residential areas. The submitter further suggests that any change which will increase the on-site student and staff population should be assessed in terms of parking. The submitter requests that 6A 1.2.1 be amended as follows:

*The sites, structures and buildings used by business activities (commercial and industrial activities) and other activities ~~accommodated~~ provided for where appropriate within the General Business Activity Area, where there is an interface with residential have the potential....*

and that a new amendment 6A 2.1.1 (r) be added which limits the maximum number of students to 1200 along with approximately 300 staff.

**Petone Urban Environmental Association (PUEA)** [152.33], **Mr & Mrs Yardley** [153.33] and the **Nelson Street Trust** [154.33] request that Issue 6A 1.2.1 be amended to replace the term 'accommodated' with the term 'provided for where appropriate'.

**Peter & Nicola Prichard** in their further submission support the submission of the **Petone Urban Environmental Association (PUEA)** [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

**Rosy & Kevin Moar** in their further submission support the submission of

- *Petone Planning Action Group* [159.2]
- *Petone Urban Environmental Association (PUEA)* [159.2]

as they raise detailed and important questions and objections and request that careful consideration should be given to all of the points raised.

**Wellington Institute of Technology (WelTec)** in their further submission oppose the relief sought by

- *Petone Planning Action Group* [160.9]
- *Petone Urban Environmental Association (PUEA)* [160.10]
- *Mr & Mrs Yardley* [160.11]

as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA) in their further submissions support the submissions of**

- *Petone Planning Action Group [162.7], [163.7], [164.7]*
- *Petone Urban Environmental Association (PUEA) [162.9], [163.9]*
- *Mr & Mrs Yardley [163.10], [164.9]*
- *Nelson Street Trust [162.10], [164.10]*

as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.

### **Discussion**

The Plan Change proposes to amend the Issue of the General Business Activity Area related to Effects on the Amenity Values of the Area to reflect the provision for other activities than commercial and industrial activities within this activity area.

The submissions received ask for the word 'accommodate' to be replaced by 'provide for where appropriate'. One submission request that the words 'where there is an interface with residential' be added to the Issue and requests the introduction of a permitted activity condition which limits the maximum number of students and staff.

As discussed before the use of the word 'accommodate' is considered appropriate as it is the main intention of this Plan Change to introduce a Tertiary Education Precinct and to provide for tertiary education activities within the boundaries of this precinct. The addition of the words 'where there is an interface with residential' to the Issue is not considered necessary or appropriate as the current wording is considered to be very clear and does not only refer to potential adverse effects on neighbouring residential areas but to potential effects on amenity values of any neighbouring areas as well as within the area itself.

The proposed amendment is not considered to open up the General Business Area to all sorts of non-business activities as raised by one of the submitters, as the proposal does not alter the activity status of any use other than tertiary education activities.

As discussed earlier the introduction of a cap on student and staff numbers is not considered appropriate.

### **Recommendation**

That the submissions of **Petone Planning Action Group (PPAG) [86.17], Petone Urban Environmental Association (PUEA) [152.33], Mr & Mrs Yardley [153.33]** and the **Nelson Street Trust [154.33]** and the further submissions of **Rosy & Kevin Moar [159.2], Mr & Mrs Yardley [162.7, 162.9, 162.10], the Nelson Street Trust [163.7, 163.9, 163.10]** and the **Petone Urban Environmental Association (PUEA) [164.7, 164.9, 164.10], Peter & Nicola Prichard [158.2]** be rejected.

That the further submission of **Wellington Institute of Technology (WelTec) [160.9, 160.10, 160.11]** be accepted

**That Amendment 20 of the Plan Change remains unchanged.**

## **3.33 Amendment 21 - Chapter 6A 2.2 General Business Activity Area - Controlled Activities**

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

(i) Non-notification

In respect of Rule 6A 2.2 (b), public and limited notification of applications for resource consent is precluded.

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

**Submissions**

**Ruth Margaret Burton** [21.3] comments that developments should be subject to resource consent to avoid haphazard development, increased height and uncontrolled development solutions and suggests that the maximum acceptable level is discretionary activity status for non-compliant buildings in the business area. The submitters further points out the need for sunset clause to remediate the area when WelTec decides to leave.

**Petone Planning Action Group (PPAG)** [86.18] requests that activities that cannot meet the precinct provisions be non-complying activities or fully discretionary and publicly notified.

**Petone Urban Environmental Association (PUEA)** [152.34], **Mr & Mrs Yardley** [153.34] and the **Nelson Street Trust** [154.34] comment that the exception included in 6A 2.2 (b) and 6A 2.2.1 (b) is contrary to the objectives and policies of the General Residential Activity Area that intend to protect residential character and amenity values and suggest that activities that do not meet permitted activity standards should become non-complying to ensure consistency throughout the precinct. The submitters state that precluding public and limited notification is considered inappropriate and contrary to the principle of public participation. The submitters request that the exception in Rules 6A 2.2 (b) and 6A 2.2.1 (b) be deleted and that any tertiary education activity that does not comply with a General Business Activity Area permitted activity standard, or is on a site abutting or on the opposite side of the road from a residential activity area, is a Non-complying Activity with full notification required.

**Peter & Nicola Prichard** in their further submission support the submission of the *Petone Urban Environmental Association (PUEA)* [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

**Rosy & Kevin Moar** in their further submission support the submission of

- *Petone Planning Action Group* [159.2]
- *Petone Urban Environmental Association (PUEA)* [159.2]

as they raise detailed and important questions and objections and request that careful consideration should be given to all of the points raised.

**Wellington Institute of Technology (WelTec)** in their further submission oppose the relief sought by

- *Petone Planning Action Group* [160.9]
- *Petone Urban Environmental Association (PUEA)* [160.10]
- *Mr & Mrs Yardley* [160.11]

as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the submissions of

- *Petone Planning Action Group* [162.7], [163.7], [164.7]
- *Petone Urban Environmental Association (PUEA)* [162.9], [163.9]
- *Mr & Mrs Yardley* [163.10], [164.9]
- *Nelson Street Trust* [162.10], [164.10]

as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.

## **Discussion**

The Plan Change proposes to amend the existing list of Controlled Activities to exclude any tertiary education activities within the precinct, where it is abutting or opposite a residential activity area.

Submissions request that any development that does not comply with relevant provisions should be at least discretionary and subject to resource consent.

Other submissions state that the proposed exception is contrary to the objectives and policies and request that any tertiary education activity that is on a site abutting or on the opposite side of the road from a residential activity area is a non-complying activity with full notification required.

It is the intention of the Plan Change to provide for the ongoing use and development of the existing campus within the clearly defined boundaries of a Tertiary Education Precinct. When discussing the proposed amendment it should be noted that every site within the Cuba Street part of the precinct as proposed by the Plan Change either abuts or is on the opposite side of a road from a residential activity area and therefore every activity within the precinct would require resource consent as a controlled activity.

This approach would be inconsistent with the proposed provisions for the General Residential Activity Area, which would allow for principal tertiary education activities as a permitted activity, subject to compliance with range of permitted activity conditions.

While the overall concept of a Tertiary Education Precinct is still considered appropriate some amendments to the proposed definition of Tertiary Education Activities are recommended to better reflect the potential effects of different activities covered by the definition of Tertiary Education Activities. As discussed earlier it is proposed to amend the definition to differentiate between principal tertiary education activities such as teaching and administration and ancillary activities such as student accommodation, social and health services and associated retail. Following on from these proposed amendments it is considered necessary to amend the provisions for tertiary education activities to reflect these changes.

As the Tertiary Education Precinct is intended to provide for tertiary education within its boundaries it is considered appropriate to allow for the core functions of a tertiary education facility as of right. To avoid the need for resource consent for any principal tertiary education activity in the Cuba Street part of the precinct due to this area being surrounded by residential activity area, it is therefore recommended to exclude principal activities within the precinct from the controlled activity status. The existing permitted activity conditions are considered sufficient to avoid adverse effects that are more than minor on the surrounding residential areas in general and those residential properties abutting the proposed precinct in particular.

However it is agreed with submitters that ancillary tertiary education activities such as student accommodation, retail and health services may have different effects on the adjoining residential environment and should therefore not be permitted activities but go through a resource consent process to ensure potential effects can be avoided, remedied or mitigated. It is therefore recommended to make all ancillary tertiary education activities restricted discretionary activities.

The suggestion of submitters to make any tertiary education activity that does not comply with relevant conditions or is on a site abutting or on the opposite side of the road from residential a non-complying activity with full notification required is considered inappropriate as it would make any development within the precinct unreasonably difficult and more restricted than it is at the moment. As mentioned earlier all sites within the Cuba Street part of the precinct as notified are either abutting or across the road from a residential activity area and therefore any activity would be non-complying as opposed to currently being either controlled or discretionary depending on compliance or non-compliance with conditions.

One submitter suggests the introduction of a sunset clause to provide for the potential withdrawal of WelTec from the area.

As this Plan change was initiated by WelTec by way of a private plan change application, and in the light of the significant investment WelTec and previous education providers have made into the existing campus and facilities, it is considered highly unlikely that WelTec will withdraw from

this area in the foreseeable future. Nevertheless should WelTec decide to withdraw there would still be the opportunity for other tertiary education providers to step in and use the existing facilities. In the event that the tertiary education use ceased, the precinct could be revoked by way of a plan change. A sunset clause to provide for a potential withdrawal is therefore considered unnecessary.

Submissions also raise concerns regarding the proposed non-notification provision and consider that the proposal is inappropriate and contrary to the principle of public participation. The proposed non-notification provision included in this amendment is identical with the existing non-notification provisions for controlled activities (contained in Chapter 17 - Resource Consent and Notification Procedures) which apply to all controlled activities throughout the District Plan unless stated otherwise. The notice is therefore considered unnecessary and recommended to be deleted. However this does not change the fact that public and limited notification would still be precluded under the relevant notification provisions for controlled activities. The notification provisions have been reviewed recently as part of the rolling review of the District Plan. The preclusion of notification for controlled activities has been found to be the most appropriate option through the plan change process and therefore has been established as a District Plan wide provision.

In response to submissions received and taking into account further information provided by WelTec the extent of the Cuba Street part of the Tertiary Education Precinct has been reviewed. It is recommended to remove the sites at 71/71A Cuba Street and 53 Cuba Street (partly) from the proposed precinct. For further discussion refer to section 3.36 of this report.

### **Recommendation**

That the submissions of **Ruth Margaret Burton** [21.3], **Petone Planning Action Group (PPAG)** [86.18], **Petone Urban Environmental Association (PUEA)** [152.34], **Mr & Mrs Yardley** [153.34] and the **Nelson Street Trust** [154.34] and the further submissions of **Rosy & Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.7, 162.9, 162.10], **the Nelson Street Trust** [163.7, 163.9, 163.10] and **the Petone Urban Environmental Association (PUEA)** [164.7, 164.9, 164.10], **Peter & Nicola Prichard** [158.2] be accepted in part.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.9, 160.10, 160.11] be accepted in part.

Those parts of the submissions which are recommended to be **accepted** relate to:

- Consideration of the different effects of principal and ancillary education activities. Introduction of more appropriate provisions to reflect the different character and potential effects of these activities. Provision for principal tertiary education activities that do not comply with relevant conditions and all ancillary tertiary education activities as restricted discretionary activities.

Those parts of the submissions which are recommended to be **rejected** relate to:

- The introduction of non-complying activity status for all tertiary education activities that fail to comply with relevant Permitted Activity Conditions or are on sites that are abutting or on the opposite side of the road from a residential activity area.
- The introduction of a sunset clause for the potential withdrawal of WelTec from the area.
- Changes to the notification provisions.

**That the Plan Change be amended as follows:**

#### 6A 2.2 Controlled Activities

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

(i) — Non-notification

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

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

### 3.34 Amendment 22 - Chapter 6A 2.3 General Business Activity Area - Restricted Discretionary Activities

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

(i) Non-notification

In respect of Rule 6A 2.3 (i), public and limited notification of applications for resource consent is precluded.

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

#### **Submissions**

**Ruth Margaret Burton** [21.4] comments that developments should be subject to resource consent to avoid haphazard development, increased height and uncontrolled development solutions and suggests that the maximum acceptable level is discretionary activity status for non-compliant buildings in the business area. The submitters further points out the need for sunset clause to remediate the area when WelTec decides to leave.

**Petone Planning Action Group (PPAG)** [86.19] strongly opposes the preclusion of notification and requests that the preclusion of notification be deleted and that any activities that cannot meet the Precinct provisions be at least Discretionary Activities.

**Petone Urban Environmental Association (PUEA)** [152.35], **Mr & Mrs Yardley** [153.35] and the **Nelson Street Trust** [154.35] request that 6A 2.3 (i) be deleted and any tertiary education activity that does not comply with a Permitted Activity standard, or is on a site abutting or on the opposite side of the road from a residential activity area, is a Non-complying Activity with full notification required

***Peter & Nicola Prichard** in their further submission support the submission of the Petone Urban Environmental Association (PUEA) [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.*

***Rosy & Kevin Moar** in their further submission support the submission of*

- *Petone Planning Action Group [159.2]*
- *Petone Urban Environmental Association (PUEA) [159.2]*

*as they raise detailed and important questions and objections and request that careful consideration should be given to all of the points raised.*

***Wellington Institute of Technology (WelTec)** in their further submission oppose the relief sought by*

- *Petone Planning Action Group [160.9]*
- *Petone Urban Environmental Association (PUEA) [160.10]*
- *Mr & Mrs Yardley [160.11]*

*as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.*



**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA) in their further submissions support the submissions of**

- *Petone Planning Action Group [162.7], [163.7], [164.7]*
- *Petone Urban Environmental Association (PUEA) [162.9], [163.9]*
- *Mr & Mrs Yardley [163.10], [164.9]*
- *Nelson Street Trust [162.10], [164.10]*

*as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.*

**Discussion**

The Plan Change proposes to add a new restricted discretionary activity to the General Business Activity Area to provide for tertiary education activities that do not comply with the relevant permitted activity conditions.

Submissions request that activities that do not comply with relevant provisions should be fully discretionary or non-complying with public notification required.

The concept of a Tertiary Education Precinct has been introduced to provide for the ongoing use and development of the existing campus for tertiary education while reducing the need to go through a resource consent process for virtually any change of use or of the built environment.

As discussed earlier it is recommended to amend the definition for tertiary education activities to differentiate between principal and ancillary activities. This differentiation should be reflected in the relevant rules by providing for principal tertiary education activities as permitted activities that do become restricted discretionary activities if they do not comply with the relevant Permitted Activity Conditions of the General Business Activity Area. It is considered that the potential adverse effects of these principal activities can be addressed sufficiently by proposed matters that Council has restricted its discretion to.

As the nature and scale of ancillary tertiary education activities could significantly vary from principal education uses and have effects which are harder to anticipate and therefore control, it is recommended to provide for these activities as restricted discretionary activities. This would result in all ancillary tertiary education activities requiring resource consent as restricted discretionary activities and would give Council the opportunity to address and assess any potential adverse effects on the surrounding residential areas. The relevant matters in which Council has restricted its discretion are discussed in section 3.35 of this report.

The suggestion to make any tertiary education activity that does not comply with relevant conditions, or is on a site abutting or on the opposite side of the road from a residential activity area, a non-complying activity with full notification required is considered inappropriate as it would make any development within the precinct unreasonably difficult and more restricted than it is at the moment. As mentioned earlier, all sites within the Cuba Street part of the precinct as notified are either abutting or across the road from a residential activity area and therefore any activity would be non-complying as opposed to currently being either controlled or discretionary depending on compliance or non-compliance with conditions.

As discussed earlier it is expected that any development falling into a controlled or restricted discretionary application would not necessarily need to be notified. However provision remains for notification in the case that the anticipated effects on the wider area are considered by HCC as regulatory authority to be more or likely to be more than minor. Section 95 of the RMA allows Council to decide if special circumstances exist which would warrant the limited or public notification of resource consents, regardless of notification clauses inserted into District Plans. The intention of the notification clause is to point out, that a resource consent falling under this activity classification will not be automatically notified.

One submitter suggests the introduction of a sunset clause to provide for the potential withdrawal of WelTec from the area. As discussed earlier this approach is not supported, for further discussion refer to section 3.33 of this report.

## **Recommendation**

That the submissions of **Ruth Margaret Burton** [21.4], **Petone Planning Action Group (PPAG)** [86.19], **Petone Urban Environmental Association (PUEA)** [152.35], **Mr & Mrs Yardley** [153.35] and the **Nelson Street Trust** [154.35] and the further submissions of **Rosy & Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.7, 162.9, 162.10], **the Nelson Street Trust** [163.7, 163.9, 163.10] and the **Petone Urban Environmental Association (PUEA)** [164.7, 164.9, 164.10], **Peter & Nicola Prichard** [158.2] be accepted in part.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.9, 160.10, 160.11] be accepted in part.

Those parts of the submissions which are recommended to be **accepted** relate to:

- Consideration of the different effects of principal and ancillary education activities. Introduction of more appropriate provisions to reflect the different character and potential effects of these activities. Provision for principal tertiary education activities that do not comply with relevant conditions and all ancillary tertiary education activities as restricted discretionary activities.
- Changes to the notification provisions.

Those parts of the submissions which are recommended to be **rejected** relate to:

- The introduction of non-complying activity status for all tertiary education activities that fail to comply with relevant Permitted Activity Conditions or are on sites that are abutting or on the opposite side of the road from a residential activity area.
- The introduction of a sunset clause for the potential withdrawal of WelTec from the area.

**That the Plan Change be amended as follows:**

### **6A 2.3 Restricted Discretionary Activities**

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

**(i)** Non-notification

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

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

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

**(i)** Non-notification

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

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

### **3.35 Amendment 23 - Chapter 6A 2.3.1 General Business Activity Area - Matters in which Council has restricted its Discretion and Standards and Terms**

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

**(i)** Amenity Values

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

(1) The effect of buildings and structures on the neighbouring and surrounding sites and, in particular the location, design and appearance of the buildings.

(2) Whether the proposal would cause significant loss of sunlight, daylight or privacy of adjoining residential properties.

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

(1) Whether the sites is designed in such a manner so as to maintain or enhance the amenity values of the area.

(2) The location, nature and degree of proposed landscaping.

(3) The location, nature and screening of outdoor storage, servicing and parking areas, including visibility and relationship to adjoining residential sites and visibility from any public space.

### **Submissions**

**Ruth Margaret Burton** [21.5] comments that developments should be subject to resource consent to avoid haphazard development, increased height and uncontrolled development solutions and suggests that the maximum acceptable level is discretionary activity status for non-compliant buildings in the business area. The submitters further points out the need for sunset clause to remediate the area when WelTec decides to leave.

**Petone Planning Action Group (PPAG)** [86.20] comments that any effects need to be kept within the area and should not be allowed to be mitigated through provisions of parking e.g. in an adjoining residential zone. The submitter requests that all matters listed be discretionary matters and traffic effects, parking effects, hours of operation and noise be included.

**Petone Urban Environmental Association (PUEA)** [152.36], **Mr & Mrs Yardley** [153.36] and the **Nelson Street Trust** [154.36] request that matters included in 6A 2.3.1 (i) become assessment criteria for Non-complying Activities, and the same amendments to Amenity Values sought for Amendment 13 be made to 6A 2.3.

**Peter & Nicola Prichard** in their further submission support the submission of the *Petone Urban Environmental Association (PUEA)* [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

**Rosy & Kevin Moar** in their further submission support the submission of

- *Petone Planning Action Group* [159.2]
- *Petone Urban Environmental Association (PUEA)* [159.2]

as they raise detailed and important questions and objections and request that careful consideration should be given to all of the points raised.

**Wellington Institute of Technology (WelTec)** in their further submission oppose the relief sought by

- *Petone Planning Action Group* [160.9]
- *Petone Urban Environmental Association (PUEA)* [160.10]
- *Mr & Mrs Yardley* [160.11]

as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the submissions of

- *Petone Planning Action Group* [162.7], [163.7], [164.7]
- *Petone Urban Environmental Association (PUEA)* [162.9], [163.9]
- *Mr & Mrs Yardley* [163.10], [164.9]
- *Nelson Street Trust* [162.10], [164.10]

*as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.*

### **Discussion**

The Plan Change proposes to add new matters in which Council has restricted its discretion in relation to tertiary education activities within the Tertiary Education Precinct.

As discussed earlier it is recommended to amend the definition for tertiary education activities to differentiate between principal and ancillary activities. This differentiation should be reflected in the relevant rules by providing for principal tertiary education activities as permitted activities that do become restricted discretionary activities if they do not comply with the relevant Permitted Activity Conditions of the General Business Activity Area. It is considered that the potential adverse effects of these principal activities can be addressed sufficiently by proposed matters that Council has restricted its discretion to.

It is also considered appropriate to retain the restricted discretionary activity status for those principal tertiary education activities that do not comply with the relevant Permitted Activity Conditions while providing for all ancillary tertiary education activities as restricted discretionary activities.

It is therefore recommended to retain the proposed matters in which Council has restricted its discretion for principal tertiary education activities as they adequately reflect the potential issues that might arise from non-compliance of these activities with the relevant conditions. At the same time it is recommended to introduce new and more comprehensive matters in which Council has restricted its discretion for ancillary tertiary education activities to provide an appropriate framework to address and assess these activities against.

As the potential effects of ancillary activities are considered to be wider than for principal activities it is recommended to not only consider 'amenity values' and 'layout and location of activities and facilities not enclosed within a building' but to add 'traffic effects', 'parking effects' and 'noise' to those matters.

### **Recommendation**

That the submissions of **Ruth Margaret Burton** [21.5], **Petone Planning Action Group (PPAG)** [86.20], **Petone Urban Environmental Association (PUEA)** [152.36], **Mr & Mrs Yardley** [153.36] and the **Nelson Street Trust** [154.36] and the further submissions of **Rosy & Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.7, 162.9, 162.10], the **Nelson Street Trust** [163.7, 163.9, 163.10] and the **Petone Urban Environmental Association (PUEA)** [164.7, 164.9, 164.10], **Peter & Nicola Prichard** [158.2] be accepted in part.

That that the further submission of **Wellington Institute of Technology (WelTec)** [160.9, 160.10, 160.11] be accepted in part.

Those parts of the submissions which are recommended to be **accepted** relate to:

- The introduction of wider matters in which Council has restricted its discretion in relation to ancillary tertiary education activities including traffic effects, parking effects and noise.

Those parts of the submissions which are recommended to be **rejected** relate to:

- The introduction of full discretionary or non-complying activity status for all tertiary education activities that fail to comply with relevant Permitted Activity Conditions or are on sites abutting or on the opposite side of the road from a residential activity area.
- The introduction of a sunset clause for the potential withdrawal of WelTec from the area.

**That the Plan Change be amended as follows:**

6A 2.3.1 Matters in which Council has restricted its Discretion and Standards and Terms

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

(i) Amenity Values

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

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

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

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

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

(i) Amenity Values

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

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

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

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

(iii) Traffic Effects

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

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

(iv) Parking Effects

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

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

(v) Noise

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

### 3.36 Amendment 24 - Chapter 6A General Business Activity Area - Appendices

#### ADD NEW APPENDIX GENERAL BUSINESS 5

##### Submissions

**Petone Planning Action Group (PPAG)** [86.21] comment that Appendix B map is misleading as it appears to include at least one Lot not listed in the description of Lots involved in the evaluation.

**Rosy & Kevin Moar** in their further submission support the submission of Petone Planning Action Group [159.2] as it raises detailed and important questions and objections and request that careful consideration should be given to all of the points raised.

**Wellington Institute of Technology (WelTec)** in their further submission oppose the relief sought by Petone Planning Action Group [160.9] as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the submissions of

- *Petone Urban Environmental Association (PUEA) [162.9], [163.9]*
- *Mr & Mrs Yardley [163.10], [164.9]*
- *Nelson Street Trust [162.10], [164.10]*

*as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.*

##### Discussion

The proposed Appendix General Business 5 is part of the plan change document and if approved will become part of District Plan. The list of properties included in the Introduction to the Section 32 report was mainly provided for clarification. The discrepancy between the map and the table was addressed with WelTec, who provided an amended list of properties currently used by WelTec for inclusion in the precinct.

It is recommended to amend the map of Appendix General Business 5 accordingly to include only those parcels in the precinct that are currently owned or leased by WelTec. Should there still be any inconsistencies between the map and the schedule of properties then the map is the relevant document and shall be considered correct. The layout of the map has been improved to provide more certainty and consistency with the layout of the District Plan.

An amended version of the table containing a schedule of the land affected by the Plan Change is attached as Appendix 7 to this report.

##### Recommendation

That the submission of **Petone Planning Action Group (PPAG)** [86.21] and the further submissions of **Rosy & Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.7], **the Nelson Street Trust** [163.7] and **the Petone Urban Environmental Association (PUEA)** [164.7] be accepted in part.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.9] be accepted in part.

**That the Plan Change be amended as follows:**

See Appendix 6 of this report
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### 3.37 Amendment 25 - Chapter 7 Recreation and Open Space - Introduction

Areas along the motorway and the railway line which were previously designated for railway purposes or proposed motorway use are also included in this Activity Area. Such activities are not large enough to be developed for other purposes, therefore the open space nature of this area is to be retained’.
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<u>Also accommodated are tertiary education activities within the Tertiary Education Precinct, of which, that part off the end of Bracken Street is located within the General Recreation Activity Area.</u>
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<u>WelTec and its predecessors have historically provided tertiary education activities within the Bracken Street Tertiary Education Precinct Area and the activity is an established use on the site providing important tertiary education including vocational education and applied research.</u>
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#### **Submissions**

**Petone Planning Action Group (PPAG)** [86.22] is opposed to the inclusion of the Bracken Street site as it had only been used for a few years and the degree course in landscaping design has been ceased. The submitter suggests that the site should not be part of the precinct and opposes the use of recreational land in this way. The submitter requests that the Bracken Street site be removed from the Precinct, that the second sentence of the amendment be deleted, that the word ‘accommodate’ be replaced by ‘provided for where appropriate’ and the word ‘historically’ be deleted and that Amendments 25 to 29 be deleted in total.

**Petone Urban Environmental Association (PUEA)** [152.37], **Mr & Mrs Yardley** [153.37] and **the Nelson Street Trust** [154.37] comment that the site at Bracken Street is Conservation Land leased to HCC and should therefore not be included in the precinct. As there is no agreement for the land to be included in the precinct, the submitters oppose all amendments to Chapter 7. Should HCC decide that it is permissible to include this land in the Precinct the submitters oppose all references to the Bracken Street site on the basis that activities provided for in the precinct are unacceptable activities to occur in a conservation area. The submitters comment that the legal basis for WelTec’s current or past use of the site is questionable and that the area should be used for recreation and open space. The submitters also consider that the location of the Bracken Street site makes its inclusion into the precinct undesirable from a traffic and planning perspective. The submitters request that the amendment to Introduction (a) General Recreation Activity Area be deleted as this is Conservation Land and cannot be incorporated into the Tertiary Education Precinct.

**Peter & Nicola Prichard** in their further submission support the submission of the **Petone Urban Environmental Association (PUEA)** [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

**Rosy & Kevin Moar** in their further submission support the submission of

- *Petone Planning Action Group* [159.2]
- *Petone Urban Environmental Association (PUEA)* [159.2]

as they raise detailed and important questions and objections and request that careful consideration should be given to all of the points raised.

**Wellington Institute of Technology (WelTec)** in their further submission oppose the relief sought by

- *Petone Planning Action Group [160.9]*
- *Petone Urban Environmental Association (PUEA) [160.10]*
- *Mr & Mrs Yardley [160.11]*

*as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.*

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA) in their further submissions support the submissions of**

- *Petone Planning Action Group [162.7], [163.7], [164.7]*
- *Petone Urban Environmental Association (PUEA) [162.9], [163.9]*
- *Mr & Mrs Yardley [163.10], [164.9]*
- *Nelson Street Trust [162.10], [164.10]*

*as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.*

### **Discussion**

The Plan Change proposes to amend the Introduction to Chapter 7 – Recreation and Open Space to refer to the Bracken Street site which is proposed to be part of the Tertiary Education Precinct and to the accommodation of tertiary education activities within the activity area.

The Bracken Street site (K Block) proposed to be included in the Tertiary Education Precinct is located at the end of Bracken Street, adjacent to Council's Parks and Gardens Depot. The land is currently owned by Her Majesty the Queen, administered through the Department of Conservation, Wellington. It is not subject to reserve status under the Reserves Act but held for conservation purposes, pursuant to section 62 of the Conservation Act 1987. The land has been leased to Hutt City Council (Petone Borough Council) for a fixed term since 1983 with the lease expiring in 2016. Since November 2008 Hutt City Council has subleased part of the site to WelTec. The sublease will expire on 25 June 2016.

The Bracken Street part of the campus has a different character from the rest of the WelTec Campus. The character is defined by buildings of low height and modest footprint (principally single storey), which are largely hidden from public view by vegetation screening. Vegetation on and surrounding the site increases the sense of physical separation from the rest of the WelTec campus and other urban development along Bracken Street.

Buildings on the site have been used for storage, administration and teaching purposes, with a focus on outdoor activities. These buildings benefit from existing use rights, however the replacement or expansion of these buildings for tertiary education purposes would currently require resource consent as a Discretionary Activity. The provisions of the Operative District Plan place strict limitations on new buildings within the Recreational Zone, which are used for non-recreational purposes. Policy 7A 1.1.4 refers to the restriction of non-recreational activities to those which will not adversely affect the open space character and amenity values of Recreation Activity Areas.

The Bracken Street site does not form part of the core campus and the relevant provisions for the General Recreation Activity Area vary significantly from the two other Activity Areas included in the precinct (General Residential and General Business). Potential changes to the current use and built development of the site could have adverse effects on the receiving environment and conflict with the intentions and provisions of the General Recreation Activity Area. The need to apply for resource consent for any changes to the existing situation is therefore considered to be an appropriate tool to assess any potential developments against the relevant provisions of the District Plan and ensure that any potential adverse effects are avoided, remedied or mitigated.

While the current provisions of the District Plan provide for the use of the site at Bracken Street as a depot this only refers to the actual use of the site but does not include any specific bulk and location provisions as proposed for the Tertiary Education Precinct.



Due to the remote location of the site, its low density character and policy of restricting non-recreational activities which could affect the open space character of recreational areas, it is recommended that this site be excluded from the Tertiary Education Precinct.

Ownership of land is not a factor that can be considered under the RMA. However it needs to be kept in mind that the owner of the site (Department of Conservation) does not support the inclusion of the site within the Tertiary Education Precinct. In its submission the Department of Conservation states that "the future use of DOC's land past the expiry of the lease and removal of improvements has not yet been contemplated".

For the above reasons it is not considered appropriate to include the site at Bracken Street in the Tertiary Education Precinct and it is recommended that the Plan Change be amended accordingly and all changes to the General Recreation Activity Area chapter be withdrawn.

### **Recommendation**

That the submissions of **Petone Planning Action Group (PPAG)** [86.22], **Petone Urban Environmental Association (PUEA)** [152.37], **Mr & Mrs Yardley** [153.37] and the **Nelson Street Trust** [154.37] and the further submissions of **Rosy & Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.7, 162.9, 162.10], **the Nelson Street Trust** [163.7, 163.9, 163.10] and the **Petone Urban Environmental Association (PUEA)** [164.7, 164.9, 164.10], **Peter & Nicola Prichard** [158.2] be accepted.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.9, 160.10, 160.11] be rejected.

**That the Plan Change be amended as follows:**

#### **7 Recreation and Open Space - Introduction**

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

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

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

### **3.38 Amendment 26 - Chapter 7A 1.1.4 General Recreation Activity Area - Non-Recreational Activities - Policies**

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

### **Submissions**

**Petone Planning Action Group (PPAG)** [86.23] is concerned that the proposed change could apply anywhere in Recreation Activity Areas by WelTec or anyone and that a two storey building covering 20% of the site would adversely affect the open space. The submitter also comments that Tertiary Education activities should be provided for only as an exception and once it is demonstrated there are no other suitable sites in the district suitable for the activity, and any adverse effects on residential amenity etc. can be managed. The submitter requests that Amendments 25 to 29 be deleted in total.

**Petone Urban Environmental Association (PUEA)** [152.38], **Mr & Mrs Yardley** [153.38] and the **Nelson Street Trust** [154.38] refer to their comments on Amendment 25 and request that the

amendment to Introduction (b) General Recreation Activity Area be deleted as this is Conservation Land and cannot be incorporated into the Tertiary Education Precinct.

**Peter & Nicola Prichard** in their further submission support the submission of the **Petone Urban Environmental Association (PUEA)** [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

**Rosy & Kevin Moar** in their further submission support the submission of

- *Petone Planning Action Group* [159.2]
- *Petone Urban Environmental Association (PUEA)* [159.2]

as they raise detailed and important questions and objections and request that careful consideration should be given to all of the points raised.

**Wellington Institute of Technology (WelTec)** in their further submission oppose the relief sought by

- *Petone Planning Action Group* [160.9]
- *Petone Urban Environmental Association (PUEA)* [160.10]
- *Mr & Mrs Yardley* [160.11]

as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the submissions of

- *Petone Planning Action Group* [162.7], [163.7], [164.7]
- *Petone Urban Environmental Association (PUEA)* [162.9], [163.9]
- *Mr & Mrs Yardley* [163.10], [164.9]
- *Nelson Street Trust* [162.10], [164.10]

as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.

### **Discussion**

The Plan Change proposes to add a policy in relation to Non-Recreational Activities in the General Recreation Activity Area referring to the provision for tertiary education activities within the General Recreation Activity Area.

As discussed above the inclusion of the Bracken Street site in the Tertiary Education Precinct is not considered appropriate and it is therefore recommended to withdraw the proposed amendments to the General Recreation Activity Area.

### **Recommendation**

That the submissions of **Petone Planning Action Group (PPAG)** [86.23], **Petone Urban Environmental Association (PUEA)** [152.38], **Mr & Mrs Yardley** [153.38] and the **Nelson Street Trust** [154.38] and the further submissions of **Rosy & Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.7, 162.9, 162.10], the **Nelson Street Trust** [163.7, 163.9, 163.10] and the **Petone Urban Environmental Association (PUEA)** [164.7, 164.9, 164.10], **Peter & Nicola Prichard** [158.2] be accepted.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.9, 160.10, 160.11] be rejected.

**That the Plan Change be amended as follows**

7A 1.1.4 Non-Recreational Activities - Policies
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~~(b) To provide for tertiary education activities within the Tertiary Education Precinct where such activities would not adversely affect the open space character and amenity values of Recreation Activity Areas.~~

### 3.39 Amendment 27 - Chapter 7A 2.1 General Recreation Activity Area - Permitted Activities

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

#### Submissions

**Petone Planning Action Group (PPAG)** [86.24] submits that the proposed amendments 27, 28 and 29 are unacceptable in what is and should be recreation and open space area and request that Amendments 25 to 29 be deleted in total.

**Petone Urban Environmental Association (PUEA)** [152.39], **Mr & Mrs Yardley** [153.39] and the **Nelson Street Trust** [154.39] refer to their comments on Amendment 25 and request that the amendment to Policy (b) be deleted as this area is Conservation Land and cannot be incorporated into the Tertiary Education Precinct.

***Peter & Nicola Prichard** in their further submission support the submission of the Petone Urban Environmental Association (PUEA) [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.*

***Rosy & Kevin Moar** in their further submission support the submission of*

- *Petone Planning Action Group [159.2]*
- *Petone Urban Environmental Association (PUEA) [159.2]*

*as they raise detailed and important questions and objections and request that careful consideration should be given to all of the points raised.*

***Wellington Institute of Technology (WelTec)** in their further submission oppose the relief sought by*

- *Petone Planning Action Group [160.9]*
- *Petone Urban Environmental Association (PUEA) [160.10]*
- *Mr & Mrs Yardley [160.11]*

*as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.*

***Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the submissions of*

- *Petone Planning Action Group [162.7], [163.7], [164.7]*
- *Petone Urban Environmental Association (PUEA) [162.9], [163.9]*
- *Mr & Mrs Yardley [163.10], [164.9]*
- *Nelson Street Trust [162.10], [164.10]*

*as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.*

#### Discussion

The Plan Change proposes to add a permitted activity providing for tertiary education activities within the General Recreation Activity Area.

As discussed above the inclusion of the Bracken Street site in the Tertiary Education Precinct is not considered appropriate and it is therefore recommended to withdraw the proposed amendments to the General Recreation Activity Area.

**Recommendation**

That the submissions of **Petone Planning Action Group (PPAG)** [86.24], **Petone Urban Environmental Association (PUEA)** [152.39], **Mr & Mrs Yardley** [153.39] and the **Nelson Street Trust** [154.39] and the further submissions of **Rosy & Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.7, 162.9, 162.10], the **Nelson Street Trust** [163.7, 163.9, 163.10] and the **Petone Urban Environmental Association (PUEA)** [164.7, 164.9, 164.10], **Peter & Nicola Prichard** [158.2] be accepted.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.9, 160.10, 160.11] be rejected.

**That the Plan Change be amended as follows**

<p>7A 2.1 Permitted Activities</p> <p>(f) <del>Tertiary education activities within the Tertiary Education Precinct (as shown on Appendix General Recreation 1)</del></p>
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**3.40 Amendment 28 - Chapter 7A 2.1.1 General Recreation Activity Area - Permitted Activities - Conditions**

<p>(d) Building Coverage and Size of Structures:</p> <p>(i) A maximum of 15% of the area of the site may be covered by buildings and structures; <u>except that within the Tertiary Education Precinct a maximum of 20% of the area of the site may be covered by buildings and structures</u></p> <p>(ii) Buildings and structures must not exceed 100m<sup>2</sup>; <u>except that within the Tertiary Education Precinct buildings and structures must not exceed 200m<sup>2</sup>;</u></p> <p>(iii) Where buildings and structures adjoin a residential activity area the separation yard shall be landscaped for a minimum depth of 3m.</p> <p>(iv) All new buildings and structures or additions in the Primary or Secondary River Corridor with a gross floor area of 20m<sup>2</sup> or less and with a setback of 20m or more from a flood protection structure.</p> <p>Condition (d) does not apply to the area delineated as the Belmont Regional Park and the East Harbour Regional Park.</p> <p>....</p> <p>(j) <u>For activities permitted under Rule 7A 2.1 (c) at the Bracken Street Depot, Bracken Street, Petone, Section 979 Hutt District, SO 33425, in addition to the above conditions, the following shall apply –</u></p> <p>(i) No retail sales are permitted directly from the site.</p> <p>(ii) 20 onsite parking spaces are to be provided at each location at all times. All parking to comply with the design standards in Chapter 14A – Transport.</p>
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**Submissions**

**Petone Planning Action Group (PPAG)** [86.24] submits that the proposed amendments 27, 28 and 29 are unacceptable in what is and should be recreation and open space area and request that Amendments 25 to 29 be deleted in total.

**Petone Urban Environmental Association (PUEA)** [152.40], **Mr & Mrs Yardley** [153.40] and the **Nelson Street Trust** [154.40] refer to their comments on Amendment 25 and request that the

amendment to the permitted activity standard Rule 7A 2.1.1 (d) be deleted as this area is Conservation Land and cannot be incorporated into the Tertiary Education Precinct.

**Peter & Nicola Prichard** in their further submission support the submission of the **Petone Urban Environmental Association (PUEA)** [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

**Rosy & Kevin Moar** in their further submission support the submission of

- *Petone Planning Action Group* [159.2]
- *Petone Urban Environmental Association (PUEA)* [159.2]

as they raise detailed and important questions and objections and request that careful consideration should be given to all of the points raised.

**Wellington Institute of Technology (WelTec)** in their further submission oppose the relief sought by

- *Petone Planning Action Group* [160.9]
- *Petone Urban Environmental Association (PUEA)* [160.10]
- *Mr & Mrs Yardley* [160.11]

as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the submissions of

- *Petone Planning Action Group* [162.7], [163.7], [164.7]
- *Petone Urban Environmental Association (PUEA)* [162.9], [163.9]
- *Mr & Mrs Yardley* [163.10], [164.9]
- *Nelson Street Trust* [162.10], [164.10]

as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.

### **Discussion**

The Plan Change proposes to amend the Permitted Activities Conditions for the General Recreation Activity Area to include specific conditions that apply to the Tertiary Education Precinct.

As discussed above the inclusion of the Bracken Street site in the Tertiary Education Precinct is not considered appropriate and it is therefore recommended to withdraw the proposed amendments to the General Recreation Activity Area.

### **Recommendation**

That the submissions of **Petone Planning Action Group (PPAG)** [86.24], **Petone Urban Environmental Association (PUEA)** [152.40], **Mr & Mrs Yardley** [153.40] and the **Nelson Street Trust** [154.40] and the further submissions of **Rosy & Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.7, 162.9, 162.10], the **Nelson Street Trust** [163.7, 163.9, 163.10] and the **Petone Urban Environmental Association (PUEA)** [164.7, 164.9, 164.10], **Peter & Nicola Prichard** [158.2] be accepted.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.9, 160.10, 160.11] be rejected.

**That the Plan Change be amended as follows**

7A 2.1.1 Permitted Activities - Conditions
(d) Building Coverage and Size of Structures:

- (i) A maximum of 15% of the area of the site may be covered by buildings and structures. ~~except that within the Tertiary Education Precinct a maximum of 20% of the area of the site may be covered by buildings and structures.~~
- (ii) Buildings and structures must not exceed 100m<sup>2</sup>. ~~except that within the Tertiary Education Precinct buildings and structures must not exceed 200m<sup>2</sup>;~~
- (iii) Where buildings and structures adjoin a residential activity area the separation yard shall be landscaped for a minimum depth of 3m.
- (iv) All new buildings and structures or additions in the Primary or Secondary River Corridor with a gross floor area of 20m<sup>2</sup> or less and with a setback of 20m or more from a flood protection structure.

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

....

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

### 3.41 Amendment 29 - Chapter 7A General Recreation Activity Area - Appendices

ADD NEW APPENDIX GENERAL RECREATION 1

#### Submissions

**Petone Planning Action Group (PPAG)** [86.24] submits that the proposed amendments 27, 28 and 29 are unacceptable in what is and should be recreation and open space area and request that Amendments 25 to 29 be deleted in total.

**Petone Urban Environmental Association (PUEA)** [152.41], **Mr & Mrs Yardley** [153.41] and the **Nelson Street Trust** [154.41] refer to their comments on Amendment 25 and request that the amendment to Appendix Map “Appendix General Recreation 1” to Chapter 7A be deleted as the area is Conservation Land and cannot be incorporated into the Tertiary Education Precinct.

**Peter & Nicola Prichard** in their further submission support the submission of the Petone Urban Environmental Association (PUEA) [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

**Rosy & Kevin Moar** in their further submission support the submission of

- *Petone Planning Action Group* [159.2]
- *Petone Urban Environmental Association (PUEA)* [159.2]

as they raise detailed and important questions and objections and request that careful consideration should be given to all of the points raised.

**Wellington Institute of Technology (WelTec)** in their further submission oppose the relief sought by

- *Petone Planning Action Group* [160.9]
- *Petone Urban Environmental Association (PUEA)* [160.10]
- *Mr & Mrs Yardley* [160.11]

as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance

between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the submissions of

- *Petone Planning Action Group* [162.7], [163.7], [164.7]
- *Petone Urban Environmental Association (PUEA)* [162.9], [163.9]
- *Mr & Mrs Yardley* [163.10], [164.9]
- *Nelson Street Trust* [162.10], [164.10]

as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.

### **Discussion**

The Plan Change proposes to add a new Appendix General Recreation 1 to identify those sites of the General Recreation Activity Area proposed to be included in the Tertiary Education Precinct.

As discussed above the inclusion of the Bracken Street site in the Tertiary Education Precinct is not considered appropriate and it is therefore recommended to withdraw the proposed amendments to the General Recreation Activity Area.

### **Recommendation**

That the submissions of **Petone Planning Action Group (PPAG)** [86.24], **Petone Urban Environmental Association (PUEA)** [152.41], **Mr & Mrs Yardley** [153.41] and the **Nelson Street Trust** [154.41] and the further submissions of **Rosy & Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.7, 162.9, 162.10], **the Nelson Street Trust** [163.7, 163.9, 163.10] and **the Petone Urban Environmental Association (PUEA)** [164.7, 164.9, 164.10], **Peter & Nicola Prichard** [158.2] be accepted.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.9, 160.10, 160.11] be rejected.

**That the Plan Change be amended as follows:**

Delete proposed Appendix General Recreation 1
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## **3.42 Amendment 30 - Chapter 14A (iii) Car and Cycle Parking - 14A (iii) 1.2.1 On site Parking Provision for Activities – Policy**

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

**Greater Wellington Regional Council (GWRC)** [1.1, 1.2] supports the changes to Chapter 14A Transport as proposed by Amendments 30 to 35. The submitter comments that the proposed approach would enable car parking provisions to be more flexible, avoiding excessive on-site car parking areas, with consideration of how existing on-street and on-site car parking is utilised, how it can be more efficiently utilised, and based on actual parking demands. The submitter considers that the proposed amendments are consistent with the Regional Policy Statement Policy 9 and Regional Travel Demand Management Plan and requests that Hutt City Council notes the support for these provisions.

**Petone Planning Action Group (PPAG)** [86.25] comments that the use of the words '*recognising the existing nature, level and extent of car parking in and around precinct*' suggests that current

situation would be the baseline for future definitions of whether effects might be more than minor and considers that this is not acceptable. The submitter suggests that the words '*predominantly residential*' should be inserted before '*area*' and considers that no development in the General Business Area should rely on parking in those parts of the precinct within the Residential Activity Area zone. The submitter also comments that the policy needs to focus on maintaining and improving residential amenity and needs to promote moving to no reliance on on-street parking. The submitter points out the need for a 'sunset clause' – about reliance on on-street parking to be stopped in say 5 years from any plan provisions being approved. The submitter agrees with none of the current Amendment 30 wording as it should be about improving the residential amenity rather than making it worse. The submitter requests that the policy be rewritten to focus on maintaining and improving residential amenity and promote non-reliance on on-street parking, that the words '*predominantly residential*' be inserted before '*area*' and that a sunset clause about reliance on on-street parking being stopped 5 years from any plan provisions being approved be introduced.

**Petone Urban Environmental Association (PUEA)** [152.42], **Mr & Mrs Yardley** [153.42] and the **Nelson Street Trust** [154.42] submit that a campus wide on-site parking approach may be appropriate as long as relationship between car parks and activities is logical and functional and subsequent actual use of car-parks occurs. The submitters suggest that the Bracken Street site should be removed from the campus wide on-site parking approach as it is too far from the majority of the campus and that the Udy Street site is also a significant distance from the main campus. The submitters comment that WelTec does not currently provide adequate off-street (on-site) parking to meet its parking demand and that this needs to be addressed. They consider it not appropriate to confirm and recognise the existing nature, level and extent of car parking in and around the Precinct as it results in unreasonable adverse effects on surrounding area and comment that the extent of reliance of on-street parking is entirely unprecedented and inappropriate and should be reduced. The submitters comment that while some existing use rights may exist in respect of buildings and site, off-site ancillary activities such as car parking are not usually recognised as having existing use rights and think it is questionable whether it is permissible to include a provision which relies on on-street parking provided in an area outside the precinct. The submitters request that Policy 14A (iii) 1.2.1 (b) be re-worded in a manner consistent with their submission, including (but not limited to):

- Deletion of the Bracken Street site from any campus wide approach to providing on-site car parking for the Precinct.
- Further consideration needs to be given to whether the campus wide parking approach is appropriate, mechanism to manage the tertiary Education Activities off-street parking, given that reliance on this approach in previous consent applications has resulted in the existing unacceptable parking situation and significant impact and effects.
- Deletion of "Recognising the existing nature, level and extent of car parking in and around the precinct..."
- Development of a sunset clause requiring the on street effects to be reduced over time and to those spaces available directly outside the precinct property boundaries to reduce the adverse effects; and
- Defining the residential character and amenity values to be protected and determining the effects of on-street parking on these values.

**Peter & Nicola Prichard** in their further submission support the submission of the **Petone Urban Environmental Association (PUEA)** [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

**Rosy & Kevin Moar** in their further submission support the submission of

- **Petone Planning Action Group** [159.2]
- **Petone Urban Environmental Association (PUEA)** [159.2]

as they raise detailed and important questions and objections and request that careful consideration should be given to all of the points raised.

**Wellington Institute of Technology (WelTec)** in their further submission support the submission of **Greater Wellington Regional Council** [160.1] as it recognises that the proposed parking



*provisions are consistent with policy 9 of the Regional Policy Statement and requests that the submission be allowed.*

*They oppose the relief sought by*

- *Petone Planning Action Group [160.9]*
- *Petone Urban Environmental Association (PUEA) [160.10]*
- *Mr & Mrs Yardley [160.11]*

*as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.*

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the outcomes sought by GWRC [162.1], [163.1], [164.1] relating to efficient public transport, vibrant local centres and economies enhanced by good urban design but oppose the support for parking provisions as the Plan Change lacks policies that promote travel demand management and is contrary to Policy 9 of the RPS. The further submitters comment that the proposed parking standards do not support good urban design and sustainability objectives and consider that the support by GWRC for Amendments 30 and 31 is inappropriate, does not represent sound resource management practice and is contrary to the purpose of the RMA.

*They support the submissions of*

- *Petone Planning Action Group [162.7], [163.7], [164.7]*
- *Petone Urban Environmental Association (PUEA) [162.9], [163.9]*
- *Mr & Mrs Yardley [163.10], [164.9]*
- *Nelson Street Trust [162.10], [164.10]*

*as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.*

### **Discussion**

These submissions concern the policy framework for parking. As has been stated in section 3.10 above the concept of a campus wide approach to parking is supported and it is also considered that a realistic parking approach needs to be taken. While the proposed parking formula is new and will require ongoing monitoring it is considered appropriate that this also considers both on and off street parking in the general vicinity of the campus.

It should be noted that Greater Wellington Regional Council are supportive of the overall approach to the proposed parking changes (Amendments 30 to 35) and state that there is consistency with RPS Policy 9 that states that District Plans shall include policies to promote travel demand management mechanisms. As has been stated in section 3.10 the approach to travel demand management is a wider issue and such matters as workplace travel plans, parking restrictions, passenger transport supply, cycle parking and matters such as telecommuting are reasonably difficult to define in District Plans. It is considered that this is a wider issue and best left to a city wide approach.

In terms of parking the reality is that unrestricted on street parking exists in streets adjoining WelTec and is being utilised anyway. This can and does have some amenity effects but is very much the existing situation. What is important about the policy is that it recognises adverse effects and the need for an appropriate balance between activity levels and amenity. The policy does not however specifically recognise the desirability for the residential community of reducing on street parking demand or at least maintaining existing levels which are variable depending on the time, day of the week or year.

The PPAG submission requests a sunset clause requiring the on street effects to be reduced over time and to those spaces available directly outside the precinct property boundaries to reduce the adverse effects. It is unclear how this would work considering the existing levels of

activity and will require Council Management and enforcement that has been considered already but generally not supported by local residents. Certainly travel demand management measures may assist as will the rigid application of the formula but a sunset clause is undefined and difficult to implement in practice.

In terms of the permitted baseline and whether parking falls within this concept it is considered that it does. The parking resource is existing or has been approved as part of previous resource consent applications. It is also appropriate to recognise this in terms of the policy framework for the nature, level and extent of car parking existing and the ongoing guidance to balance parking demand against residential amenity. This is entirely appropriate at a policy level considering the existing resource and the need for efficiency.

However it is important to recognise that the on street carparking resource is under pressure at times and it is considered appropriate to signal within the policy that the maintenance or reduction in parking effects would be desirable. It is therefore considered appropriate and recommended to change the policy accordingly.

For completeness it should be mentioned that Bracken Street is recommended for removal from the precinct.

### **Recommendation**

That the submission of **Greater Wellington Regional Council (GWRC)** [1.1, 1.2] and the further submissions of **Wellington Institute of Technology (WelTec)** [160.1] be accepted.

That the further submissions of **Mr & Mrs Yardley** [162.1], **the Nelson Street Trust** [163.1] and **the Petone Urban Environmental Association (PUEA)** [164.1] be rejected.

That the submission of **Petone Planning Action Group (PPAG)** [86.25], **Petone Urban Environmental Association (PUEA)** [152.42], **Mr & Mrs Yardley** [153.42] and the **Nelson Street Trust** [154.42] and the further submissions of **Rosy & Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.7, 162.9, 162.10], **the Nelson Street Trust** [163.7, 163.9, 163.10] and **the Petone Urban Environmental Association (PUEA)** [164.7, 164.9, 164.10], **Peter & Nicola Prichard** [158.2] be accepted to the extent that the words “*desirability of maintaining or reducing the effects of the*” are included in the final part of the policy.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.9, 160.10, 160.11] be rejected.

**That the Plan Change be amended as follows:**

#### 14A (iii) 1.2.1 On site Parking Provisions for Activities - Policies

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

### **3.43 Amendment 31 - Chapter 14A (iii) Car and Cycle Parking - 14A (iii) 1.2.1 On site Parking Provision for Activities – Explanation and Reasons**

The objective and policies seek ...

...and turnover characteristics.

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

provision of on-site carparks through the use of the precinct enables a more efficient use of the on-site carparking areas and any additional demand generated by new or altered site developments on any part of the campus.

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

### **Submissions**

**Greater Wellington Regional Council (GWRC)** [1.1, 1.2] supports the changes to Chapter 14A Transport as proposed by Amendments 30 to 35. The submitter comments that the proposed approach would enable car parking provisions to be more flexible, avoiding excessive on-site car parking areas, with consideration of how existing on-street and on-site car parking is utilised, how it can be more efficiently utilised, and based on actual parking demands. The submitter considers that the proposed amendments are consistent with the Regional Policy Statement Policy 9 and Regional Travel Demand Management Plan and requests that Hutt City Council notes the support for these provisions.

**Petone Planning Action Group (PPAG)** [86.26] opposes the changes proposed under Amendment 31 as no information is provided about how the aim referred to in Amendment 31 can be achieved and how the number of staff/students will be established and monitored. The submitter identifies the need for a cap on the number of people who can use the Precinct at any one time and suggests that *'the total number of students and staff provided for is 1200 plus 300 staff'* needs to be added at the end of the first paragraph of Amendment 31. The submitter comments that the emphasis of the second paragraph needs to change from the existing situation to a future situation that is directed towards maintaining and enhancing residential amenity and criticises that the Plan Change does not mention/promote the need for linkages to public transport and doesn't mention pedestrian walkways but it is totally vehicle orientated for travel. The submitter requests that a cap on the total number of students and staff who can use the precinct at any one time be introduced and monitored, that a sun-set clause be introduced and that the emphasis of the second paragraph be changed from the existing situation to a future situation which maintains and enhances residential amenities.

**Petone Urban Environmental Association (PUEA)** [152.43], **Mr & Mrs Yardley** [153.43] and the **Nelson Street Trust** [154.43] submit that aspects of first paragraph are acceptable in principle but challenge the reference to recognising the existing nature, level and extent of car parking in and around the precinct in the second paragraph as it implies that the existing situation is acceptable and should be maintained. The submitters point out that the District Plan requires parking to be a maximum of 100m from the site and that this non-compliance needs to be addressed. The submitters point out that the second paragraph has reference to *'...the improved management of the on-street parking resources so it is more available for residents...'* and that this management is outside of the Tertiary Education providers control and requires HCC to implement and comment that it is not known if any on street changes will occur and appears to be outside the scope of the Precinct. The submitters suggest that *'Adequate supply of car parking'* within the precinct should be linked to staff numbers and the total number of students enrolled in courses and that provisions should also be made to recognise, develop and encourage public/alternative transport options. The submitters request that the second paragraph of the Explanation and Reasons 14A (iii) 1.2.1 be amended to address the concerns raised in the submission.

**Peter & Nicola Prichard** in their further submission support the submission of the Petone Urban Environmental Association (PUEA) [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

**Rosy & Kevin Moar** in their further submission support the submission of

- *Petone Planning Action Group [159.2]*
- *Petone Urban Environmental Association (PUEA) [159.2]*

*as they raise detailed and important questions and objections and request that careful consideration should be given to all of the points raised.*

**Wellington Institute of Technology (WelTec)** in their further submission support the submission of Greater Wellington Regional Council [160.1] as it recognises that the proposed parking provisions are consistent with policy 9 of the Regional Policy Statement and requests that the submission be allowed.

*They oppose the relief sought by*

- *Petone Planning Action Group [160.9]*
- *Petone Urban Environmental Association (PUEA) [160.10]*
- *Mr & Mrs Yardley [160.11]*

*as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.*

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the outcomes sought by GWRC [162.1], [163.1], [164.1] relating to efficient public transport, vibrant local centres and economies enhanced by good urban design but oppose the support for parking provisions as the Plan Change lacks policies that promote travel demand management and is contrary to Policy 9 of the RPS. The further submitters comment that the proposed parking standards do not support good urban design and sustainability objectives and consider that the support by GWRC for Amendments 30 and 31 is inappropriate, does not represent sound resource management practice and is contrary to the purpose of the RMA.

*They support the submissions of*

- *Petone Planning Action Group [162.7], [163.7], [164.7]*
- *Petone Urban Environmental Association (PUEA) [162.9], [163.9]*
- *Mr & Mrs Yardley [163.10], [164.9]*
- *Nelson Street Trust [162.10], [164.10]*

*as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.*

## **Discussion**

This amendment provides the explanation to the policy provisions. Its primary intent is to assist with interpretation.

It is fair to say that there are a large number of submissions that have concerns about the way in which the parking policy for the plan change has been explained. Even though the concept of a precinct wide approach to parking provision which relies on a combination of off street and on street parking is supported, it is considered appropriate that the desirability of reducing, or at least maintaining, the effects of on street parking attributed to staff and students is also supported. Therefore amendments to the explanation are proposed that place more of an emphasis on maintaining or reducing the existing reliance of on street parking into the future.

Within the Tertiary Education Precinct, the aim is to increase the utilisation of the existing on-site carparks as well as reducing the demand for carparking spaces by supporting staff and students and providing encouragement to use non-private vehicular forms of transport (e.g. public transport, cycling and walking). On this latter point some wording improvements are recommended to increase clarity.

The requirement for an adequate supply of carparking within the Tertiary Education Precinct is linked to the number of staff and students and to the level of those who bring cars to campus. Adopting a campus wide approach to the requirement and provision of on-site carparks through

the use of the precinct enables a more efficient use of the on-site carparking areas and any additional demand generated by new or altered site developments on any part of the campus.

It is in our view also important to recognise the existing nature, level and extent of carparking in and around the Tertiary Education Precinct, with a combination of on-site and on street carparks utilised and the desirability of reducing on street parking demand.

The other issue raised by PUEA is concerning the non RMA methods mentioned in the explanation that are outside of the plan change. As has been stated before the improved management of the on street parking resource by HCC so it is more available for residents and other users would provide for the more efficient use of the parking spaces (both on-site and on street) and could lessen the adverse effects on local residents associated with the limited availability of the on street parking during certain periods of the day/week/year.

It is considered that it is important that on street parking and any actual or perceived effects on residential amenity are within the explanation and that methods are available to manage such effects but these are outside the direct control of Council's administration of the District Plan. It is therefore important to consider the initiative taken by HCC as Road Controlling Authority to request residents' views on the possible implementation of on street parking control. This is outlined in paragraph 3.10 and could still be investigated in the future if there is no improvement in the levels of on street parking attributable to the tertiary institution. Advice from officers is that Council is willing to look again at on street parking demand should that be necessary.

There are therefore two changes recommended to the explanation. The first is to improve the wording of the first sentence where the words '*and encouraging the*' have been added as there is a disconnect between greater utilisation of on street parking and encouraging staff and students to use alternative forms of transport.

The second change recommended is the introduction of a sentence that states "*The levels of on street utilisation of parking by staff and students should be reduced over time*" to signify that there is support for greater off street parking utilisation and the use of alternative means of travel.

### **Recommendation**

That the submission of **Greater Wellington Regional Council (GWRC)** [1.1, 1.2] and the further submissions of **Wellington Institute of Technology (WelTec)** [160.1] be accepted.

That the further submissions of **Mr & Mrs Yardley** [162.1], **the Nelson Street Trust** [163.1] and **the Petone Urban Environmental Association (PUEA)** [164.1] be accepted to the extent that changes are proposed to the explanation.

That the submission of **Petone Planning Action Group (PPAG)** [86.26], **Petone Urban Environmental Association (PUEA)** [152.43], **Mr & Mrs Yardley** [153.43] and **the Nelson Street Trust** [154.43] and the further submissions of **Rosy & Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.7, 162.9, 162.10], **the Nelson Street Trust** [163.7, 163.9, 163.10] and **the Petone Urban Environmental Association (PUEA)** [164.7, 164.9, 164.10], **Peter & Nicola Prichard** [158.2] be accepted to the extent that changes are proposed to the explanation.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.9, 160.10, 160.11] be rejected to the extent that changes are proposed to the explanation.

### **That the Plan Change be amended as follows:**

#### 14A (iii) 1.2.1 On site Parking Provisions for Activities – Explanation and Reasons

The objective and policies seek ...

...and turnover characteristics.

Within the Tertiary Education Precinct, the aim is to increase the utilisation of the existing on-site carparks as well as reducing the demand for carparking spaces by supporting staff and students and encouraging the to use non-private vehicular forms of transport (e.g. public transport, cycling and walking). The requirement for an adequate supply of carparking within the Tertiary Education Precinct is linked to the number of staff and students and the level who bring cars to campus.

Adopting a campus wide approach to the requirement and provision of on-site carparks through the use of the precinct enables a more efficient use of the on-site carparking areas and any additional demand generated by new or altered site developments on any part of the campus.

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

### 3.44 Amendment 32 - Chapter 14A (iii) Car and Cycle Parking - 14A (iii) 2.1 Permitted Activity Conditions (b) Location of Parking Spaces

#### (b) Location of Parking Spaces

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

#### Submissions

**Greater Wellington Regional Council (GWRC)** [1.1, 1.2] supports the changes to Chapter 14A Transport as proposed by Amendments 30 to 35.

**Petone Planning Action Group (PPAG)** [86.27] submit that 'precinct' should only refer to a centrally located area and not include any outlying areas or sites not currently used for tertiary education and requests that the word 'may' be changed to 'must'.

**Petone Urban Environmental Association (PUEA)** [152.44], **Mr & Mrs Yardley** [153.44] and the **Nelson Street Trust** [154.44] submit that a campus-wide on-site parking approach is considered appropriate as long as the relationship between car parks and activities is logical and functional and are concerned that the provision of off-street parking outside the precinct causes creep and impacts on residential areas. The submitters request that Rule 14A (iii) 2.1 (b) be amended by changing the words 'may be located on any site...' to 'must be located on any site...'.  
*as they raise detailed and important questions and objections and request that careful consideration should be given to all of the points raised.*

**Peter & Nicola Prichard** in their further submission support the submission of the *Petone Urban Environmental Association (PUEA)* [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

**Rosy & Kevin Moar** in their further submission support the submission of

- *Petone Planning Action Group* [159.2]
- *Petone Urban Environmental Association (PUEA)* [159.2]

*as they raise detailed and important questions and objections and request that careful consideration should be given to all of the points raised.*

**Wellington Institute of Technology (WelTec)** in their further submission support the submission of *Greater Wellington Regional Council* [160.1] as it recognises that the proposed parking provisions are consistent with policy 9 of the *Regional Policy Statement* and requests that the submission be allowed.

*They oppose the relief sought by*

- *Petone Planning Action Group* [160.9]
- *Petone Urban Environmental Association (PUEA)* [160.10]
- *Mr & Mrs Yardley* [160.11]

*as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance*

between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the outcomes sought by GWRC [162.1], [163.1], [164.1] relating to efficient public transport, vibrant local centres and economies enhanced by good urban design but oppose the support for parking provisions as the Plan Change lacks policies that promote travel demand management and is contrary to Policy 9 of the RPS. The further submitters comment that the proposed parking standards do not support good urban design and sustainability objectives and consider that the support by GWRC for Amendments 30 and 31 is inappropriate, does not represent sound resource management practice and is contrary to the purpose of the RMA.

They support the submissions of

- Petone Planning Action Group [162.7], [163.7], [164.7]
- Petone Urban Environmental Association (PUEA) [162.9], [163.9]
- Mr & Mrs Yardley [163.10], [164.9]
- Nelson Street Trust [162.10], [164.10]

as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.

### **Discussion**

The primary issue with these submissions is the emphasis in the rule upon whether or not the word 'may' should be replaced with 'must' in the term "*Parking spaces must be provided on site, except for tertiary education activities within the Tertiary Education Precinct, for which parking spaces **may** be located on any site within the Precinct.*" It is considered that this change proposed by the submissions is not appropriate as it would compromise the intent of the campus wide approach to carparking which is supported.

In addition if carparking proposed is not located within the precinct then it would not be subject to the policy and rule provisions of this plan change. An exemption to the usual requirement to provide parking on site is appropriate in that the sites are spread and some are more densely developed currently than others.

In terms of further submissions requesting that permitted activity conditions should include a requirement for travel demand management while in principle being supported this is very difficult to quantify (refer section 3.10) and would be best considered as part of a city or region wide approach to the wide issue of travel demand management.

### **Recommendation**

That the submission of **Greater Wellington Regional Council (GWRC)** [1.1, 1.2] and the further submissions of **Wellington Institute of Technology (WelTec)** [160.1] be accepted.

That the further submissions of **Mr & Mrs Yardley** [162.1], **the Nelson Street Trust** [163.1] and **the Petone Urban Environmental Association (PUEA)** [164.1] be rejected.

That the submission of **Petone Planning Action Group (PPAG)** [86.27], **Petone Urban Environmental Association (PUEA)** [152.44], **Mr & Mrs Yardley** [153.44] and **the Nelson Street Trust** [154.44] and the further submissions of **Rosy & Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.7, 162.9, 162.10], **the Nelson Street Trust** [163.7, 163.9, 163.10] and **the Petone Urban Environmental Association (PUEA)** [164.7, 164.9, 164.10], **Peter & Nicola Prichard** [158.2] be rejected.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.9, 160.10, 160.11] be accepted.

**That Amendment 32 of the Plan Change remains unchanged.**

### 3.45 Amendment 33 - Chapter 14A (iii) Car and Cycle Parking - 14A (iii) 2.2 Discretionary Activities (b)

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

#### **Submissions**

**Greater Wellington Regional Council (GWRC)** [1.1, 1.2] supports the changes to Chapter 14A Transport as proposed by Amendments 30 to 35.

**Petone Planning Action Group (PPAG)** [86.28] submits that a cap on total student and staff number should be added and that any parking off site should have non-complying activity status particularly if parking on a Residential Activity Area site might be involved. The submitter requests that words such as '*or where the total number of students and staff in any precinct exceeds 1200 (students) and 300 (Staff)*' be added to the provision and that any parking provided off site have a non-complying activity status.

**Petone Urban Environmental Association (PUEA)** [152.45], **Mr & Mrs Yardley** [153.45] and the **Nelson Street Trust** [154.45] submit that where parking associated with a tertiary education activity cannot comply with the permitted activity status, it should be Non-complying and require notification. The submitters consider that providing off-street parking outside of the Precinct is unacceptable and encourages 'creep' and derogation of the residential area and suggest that a Discretionary Activity rule should be developed that adopts one of the mechanisms discussed (sunset clause, stepped approach, or car parking requirements based on staff and student numbers) to reduce the reliance of the Tertiary Education Activity operations on on-street parking. The submitters request that the activity provided by the amendment to Rule 14A (iii) 2.2 (b) be a Non-complying activity with full notification, with the Discretionary Activity Rules mentioned before to reduce the reliance of the tertiary education activities on on-street parking be included.

**Peter & Nicola Prichard** in their further submission support the submission of the **Petone Urban Environmental Association (PUEA)** [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

**Rosy & Kevin Moar** in their further submission support the submission of

- *Petone Planning Action Group* [159.2]
- *Petone Urban Environmental Association (PUEA)* [159.2]

as they raise detailed and important questions and objections and request that careful consideration should be given to all of the points raised.

**Wellington Institute of Technology (WelTec)** in their further submission support the submission of **Greater Wellington Regional Council** [160.1] as it recognises that the proposed parking provisions are consistent with policy 9 of the *Regional Policy Statement* and requests that the submission be allowed.

They oppose the relief sought by

- *Petone Planning Action Group* [160.9]
- *Petone Urban Environmental Association (PUEA)* [160.10]
- *Mr & Mrs Yardley* [160.11]

as it is considered that the proposed provisions as notified (subject to the amendments sought by **WelTec** in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of **WelTec** and that of residents and other users in the area. The further submitter requests that the submission be disallowed.

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the outcomes sought by **GWRC** [162.1], [163.1], [164.1] relating to efficient public transport, vibrant local centres and economies enhanced by good urban design but oppose the support for parking provisions as the *Plan Change* lacks policies that promote travel demand management and is contrary to Policy 9 of the *RPS*. The



further submitters comment that the proposed parking standards do not support good urban design and sustainability objectives and consider that the support by GWRC for Amendments 30 and 31 is inappropriate, does not represent sound resource management practice and is contrary to the purpose of the RMA.

They support the submissions of

- *Petone Planning Action Group* [162.7], [163.7], [164.7]
- *Petone Urban Environmental Association (PUEA)* [162.9], [163.9]
- *Mr & Mrs Yardley* [163.10], [164.9]
- *Nelson Street Trust* [162.10], [164.10]

as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.

### **Discussion**

These submissions consider the issue of carparking that cannot meet the permitted activity conditions of the rule. There are several matters that need to be considered.

In relation to the PPAG submission a cap on staff and student numbers is not supported as it would be difficult to enforce and would to some extent defeat the purpose of the plan change itself. However the carparking formula utilised is on the basis of staff/student numbers in terms of the calculations which could fluctuate over the years and would only apply in the case of resource consent and not in circumstances where there is more intensive use of existing facilities.

The PUEA submission requests that there either be a stepped approach to discretionary activity status with non-complying activity status following. It is unclear how this would work in practice, with there being a need to for a figure to be placed on what would be considered as discretionary before it moves to non-complying. It is considered that the classification is acceptable as it still enables resource consents to be dealt with on their merits and considering the policy framework that applies. Full public notification as a requirement is not considered appropriate as it will depend on the scale and significance of the proposal and the gross shortfall or otherwise with parking standards to have effects beyond the exact location of the proposal. For example if a proposal in Kensington Street West has a shortfall of one space over the parking formula, public notification for that shortfall is considered inappropriate.

PUEA also suggest that a mechanism of a sunset clause be added. Again this is confusing about how this would apply assuming it was on the basis of the current activities ceasing or reducing and existing non-compliance with carparking standards not being able to be utilised by a future occupier. Other aspects of the submissions relating to the proposed amendment have been covered elsewhere in those sections relating to parking.

### **Recommendation**

That the submission of **Greater Wellington Regional Council (GWRC)** [1.1, 1.2] and the further submissions of **Wellington Institute of Technology (WelTec)** [160.1] be accepted.

That the further submissions of **Mr & Mrs Yardley** [162.1], the **Nelson Street Trust** [163.1] and the **Petone Urban Environmental Association (PUEA)** [164.1] be rejected

That the submission of **Petone Planning Action Group (PPAG)** [86.28], **Petone Urban Environmental Association (PUEA)** [152.45], **Mr & Mrs Yardley** [153.45] and the **Nelson Street Trust** [154.45] and the further submissions of **Rosy & Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.7, 162.9, 162.10], the **Nelson Street Trust** [163.7, 163.9, 163.10] and the **Petone Urban Environmental Association (PUEA)** [164.7, 164.9, 164.10], **Peter & Nicola Prichard** [158.2] be rejected.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.9, 160.10, 160.11] be accepted.

**That Amendment 33 of the Plan Change remains unchanged.**

### 3.46 Amendment 34 - Chapter 14A (iii) Car and Cycle Parking - 14A (iii) 2.2.1 Assessment Matters for Discretionary Activities

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

(ii) Location of parking spaces:

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

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

#### **Submissions**

**Greater Wellington Regional Council (GWRC)** [1.1, 1.2] supports the changes to Chapter 14A Transport as proposed by Amendments 30 to 35.

**Petone Planning Action Group (PPAG)** [86.29] questions how and by whom the demand mentioned in Amendment 34 would be identified and suggests that a reduction in kerbside parking has to be built in.

**Petone Urban Environmental Association (PUEA)** [152.46], **Mr & Mrs Yardley** [153.46] and the **Nelson Street Trust** [154.46] criticise that the proposed wording does not provide enough certainty to the requirement for the precinct to work towards reducing their reliance on on-street parking and their adverse effects within the vicinity of their property boundaries. The submitters suggest that the phrase *'is likely to maintain'* should be replaced with *'will maintain'* and that a reference to reducing the reliance on on-street parking should be retained. The submitters request that the matters included in Assessment Matters in 14A (iii) 2.2.1 be included as a Non-complying Activity assessment matter.

**Peter & Nicola Prichard** in their further submission support the submission of the *Petone Urban Environmental Association (PUEA)* [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

**Rosy & Kevin Moar** in their further submission support the submission of

- *Petone Planning Action Group* [159.2]
- *Petone Urban Environmental Association (PUEA)* [159.2]

as they raise detailed and important questions and objections and request that careful consideration should be given to all of the points raised.

**Wellington Institute of Technology (WelTec)** in their further submission support the submission of *Greater Wellington Regional Council* [160.1] as it recognises that the proposed parking provisions are consistent with policy 9 of the *Regional Policy Statement* and requests that the submission be allowed.

They oppose the relief sought by

- *Petone Planning Action Group* [160.9]

- *Petone Urban Environmental Association (PUEA) [160.10]*
- *Mr & Mrs Yardley [160.11]*

*as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.*

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the outcomes sought by GWRC [162.1], [163.1], [164.1] relating to efficient public transport, vibrant local centres and economies enhanced by good urban design but oppose the support for parking provisions as the Plan Change lacks policies that promote travel demand management and is contrary to Policy 9 of the RPS. The further submitters comment that the proposed parking standards do not support good urban design and sustainability objectives and consider that the support by GWRC for Amendments 30 and 31 is inappropriate, does not represent sound resource management practice and is contrary to the purpose of the RMA.

*They support the submissions of*

- *Petone Planning Action Group [162.7], [163.7], [164.7]*
- *Petone Urban Environmental Association (PUEA) [162.9], [163.9]*
- *Mr & Mrs Yardley [163.10], [164.9]*
- *Nelson Street Trust [162.10], [164.10]*

*as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.*

### **Discussion**

These submissions concern the assessment criteria associated with parking that does not comply with permitted activity conditions. It is considered that there is validity in the submissions that are concerned with the term “is likely to maintain or reduce” the demand for kerbside or on street parking. The submission is that the word “*is likely to*” should be replaced with “*will*”.

As stated previously it is preferable that every effort be taken where discretionary activity consent is required to reduce or maintain the existing levels of on street parking associated with development and a change to the policy context to reflect this (see discussion on amendments 30 and 31) is supported. The word “is likely to” is too uncertain, in our view. The submission of PUEA on this is therefore supported.

### **Recommendation**

That the submission of **Greater Wellington Regional Council (GWRC)** [1.1, 1.2] and the further submissions of **Wellington Institute of Technology (WelTec)** [160.1] be rejected

That the further submissions of **Mr & Mrs Yardley** [162.1], **the Nelson Street Trust** [163.1] and **the Petone Urban Environmental Association (PUEA)** [164.1] be accepted.

That the submission of **Petone Planning Action Group (PPAG)** [86.29], **Petone Urban Environmental Association (PUEA)** [152.46], **Mr & Mrs Yardley** [153.46] and **the Nelson Street Trust** [154.46] and the further submissions of **Rosy & Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.7, 162.9, 162.10], **the Nelson Street Trust** [163.7, 163.9, 163.10] and **the Petone Urban Environmental Association (PUEA)** [164.7, 164.9, 164.10], **Peter & Nicola Prichard** [158.2] be accepted.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.9, 160.10, 160.11] be rejected.

**That the Plan Change be amended as follows:**

14A (iii) 2.2.1 Assessment Matters for Discretionary Activities

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

(ii) Location of parking spaces:

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

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

**3.47 Amendment 35 - Chapter 14A Appendix Transport 3 – Minimum Parking Standards**

ACTIVITY	PARKS	UNIT
EDUCATION <u>Tertiary Education Precinct (as shown on Appendix General Residential 20, Appendix General Business 5 and Appendix General Recreation 1)</u>	<u>1</u>	<u>[(1 parking space per 1.33 staff members, plus 1 parking space per 2.5 students) – 300] ÷ 0.85</u>

**Submissions**

**Greater Wellington Regional Council (GWRC)** [1.1, 1.2] supports the changes to Chapter 14A Transport as proposed by Amendments 30 to 35.

**Petone Planning Action Group (PPAG)** [86.30] questions how any of the numbers required will be able to be agreed on or monitored.

**Petone Urban Environmental Association (PUEA)** [152.47], **Mr & Mrs Yardley** [153.47] and the **Nelson Street Trust** [154.47] oppose the standard proposed in Appendix Transport 3. They are concerned that without indication of what future development in the Precinct might look like, it is not possible to tell if the formula is the ‘...*the most effective and efficient for activities and development within the proposed Tertiary Education Precinct area*’. The submitters suggest that in keeping with the relief sought in respect of Amendment 1, parking requirements for ancillary activities that do not come within the definition of ‘Tertiary Education Activities’ should not be assessed on this basis (e.g. retail, childcare and health). But that these activities will require different minimum parking requirements. The submitters comment that the definition of the unit is inadequate and that continued reliance on on-street parking is in contradiction to the intent of the wording in Amendment 34 and criticise that the proposed supply calculation makes no attempt to reduce the reliance on on-street parking. The submitters also criticise that the definition of ‘Student’ is unknown and it is not known if this refers to the total number of students enrolled or

the number on site at any time, that the staff number is also unknown and there is no reference to whether it relates just to teaching staff or all other staff working on the site (i.e. cleaners, grounds men or tutors) and suggest that both these definitions need to be more clearly defined. The submitters consider it appropriate to modify the parking requirement to an equation that uses FTE staff and enrolled students and reduce the on street parking provision from 300 to 63. The submitters request that the formula included in Appendix 3 be deleted, a tighter definition of the terms 'student' and 'staff' and that the equation be replaced with an equation that uses FTE students and enrolled staff, and reduction of the on street parking provision from 300 to 63 (the number of car parks available on the adjoining road frontages on the Education Precinct). A separate further equation is required for the car parking requirements for ancillary activities.

**Peter & Nicola Prichard** in their further submission support the submission of the Petone Urban Environmental Association (PUEA) [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

**Rosy & Kevin Moar** in their further submission support the submission of

- Petone Planning Action Group [159.2]
- Petone Urban Environmental Association (PUEA) [159.2]

as they raise detailed and important questions and objections and request that careful consideration should be given to all of the points raised.

**Wellington Institute of Technology (WelTec)** in their further submission support the submission of Greater Wellington Regional Council [160.1] as it recognises that the proposed parking provisions are consistent with policy 9 of the Regional Policy Statement and requests that the submission be allowed.

They oppose the relief sought by

- Petone Planning Action Group [160.9]
- Petone Urban Environmental Association (PUEA) [160.10]
- Mr & Mrs Yardley [160.11]

as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the outcomes sought by GWRC [162.1], [163.1], [164.1] relating to efficient public transport, vibrant local centres and economies enhanced by good urban design but oppose the support for parking provisions as the Plan Change lacks policies that promote travel demand management and is contrary to Policy 9 of the RPS. The further submitters comment that the proposed parking standards do not support good urban design and sustainability objectives and consider that the support by GWRC for Amendments 30 and 31 is inappropriate, does not represent sound resource management practice and is contrary to the purpose of the RMA.

They support the submissions of

- Petone Planning Action Group [162.7], [163.7], [164.7]
- Petone Urban Environmental Association (PUEA) [162.9], [163.9]
- Mr & Mrs Yardley [163.10], [164.9]
- Nelson Street Trust [162.10], [164.10]

as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.

## **Discussion**

There are several related issues with these submissions. The first preliminary matter in accordance with our previous recommendations is that there is considered to be no need for reference to the tertiary education carparking standard in Appendix General Recreation 1 as the

Bracken Street site has been recommended for deletion. Carparking standards for tertiary education therefore need not apply to the General Recreation Activity Area.

### Proposed Carparking Standard

In principle what the Plan Change seeks to achieve is a method whereby carparking can be calculated campus wide utilising staff and student numbers as the base with a specific allocation of 300 spaces as an “acceptable” level of on street carparking. This is because the current carparking requirements for tertiary education are considered to be inadequate for the activities being carried out. Provision of on-site carparking for all tertiary education activities to the current carparking standard cannot be achieved without probable demolition of existing buildings or the provision of a carparking building.

As such a formula for calculating carparking requirements has been proposed based on

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

Where:

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

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

AKP = the acceptable level of kerbside parking; and

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

Student and staff numbers are the maximum numbers of each expected to be on site at any one time.

As stated in section 3.10 a report from Walbran Transport Analysis Ltd has been commissioned to evaluate the Plan Change, provide a peer review of the transport components and consider recommendations both to the District Plan and by Council as the Road Controlling Authority. This is included as Appendix 3 to this report. In addition conferencing of HCC and WelTec experts occurred on 1 March 2013 but did not include participation from the traffic expert on behalf of the residents. The conferencing report has been circulated to all parties.

### Staff/Student Numbers

Submissions raise the difficulty with interpretation of the calculations particularly how the numbers of staff and students are defined. From the Tim Kelly Transportation report (paragraph 2.2 page 3) which is attached to the Plan Change document, a definition for number of staff/students is provided where it utilised the figures from WelTec taking into account the busiest timetable period of 10am on a Wednesday to calculate student numbers (including a 10% reduction for absenteeism) with a further calculation of a 50% allowance for part time staff. It would be helpful if this was explained in the table and an amendment defining this is proposed.

Therefore under the following these are the scenarios that could be anticipated.

	Examples of car parking required using formula		Comparison with existing standard	
	Total Spaces	Car Parking density	Total Spaces	Car Parking Density
Scenario 1 : 1200 students and 300 staff	484	0.32	700	0.47
Scenario 2: 1000 students and 200 staff	299	0.25	533	0.44
Scenario 3: 1500 students and 300 staff	625	0.35	800	0.44

These calculations and the basis for assessing staff and student numbers were discussed at the conferencing held between HCC and WelTec experts. It was agreed that the basis of calculation is fair and reasonable for reasons outlined elsewhere in this report and in the peer review.

## **Acceptable Level of On Street Parking**

The calculations rely on 300 on street spaces being provided and the submission for PUEA considers this to be too high. As stated in section 3.10 few of the surrounding residential streets have parking controls and it is human nature that if sufficient or convenient off street parking is not provided then people will park as close as they can to their destination. The submissions suggest that 63 is more appropriate being the number of on street carparks that directly abut the precinct and that further calculations will be presented at the hearing.

It is our view that some level of on street parking is tolerable taking into account the current shortfalls and the figure of 300 is currently supported. However if there are lower student and staff numbers the on-site requirement reduces but the off street 300 remains. The analysis by both, Council in its committee report and research and the peer review by Walbran Transport Analysis Ltd, find that a reasonable on street allocation is acceptable but it is recognised that there is a contrary view.

There will be debate on this at the hearing and we would expect that evidence from both WelTec and the principal submitters will assist in clarifying whether this approach is acceptable and whether the 300 number is the right one to use going forward. Certainly this approach to carparking standards is relatively unusual in New Zealand where it is normal to have a straight floor space or person requirement. The actual requirement also varies depending on context. An inner city institution will have a low requirement whereas an edge of town facility has a higher requirement. In this context WelTec is reasonably well positioned to Jackson Street but a reasonable distance from Petone and Ava stations.

## **Monitoring/On street controls**

As has been stated HCC carried out a residents survey of a number of streets surrounding the proposed precinct and as road controlling authority the Council has powers to control parking either through time restrictions or through the implementation of residential parking schemes such as the trial currently being undertaken in High Street. There was limited support for a more widespread approach to on street management in other locations.

The overall approach has been peer reviewed and we concur with the findings that the approach taken is acceptable on the basis that the situation is monitored and reviewed ideally annually. This is because the situation can fluctuate with changes in student and staff numbers attending the campus. In addition the success of any travel demand initiatives reducing the percentage of both students and staff who travel by other means than the private car needs to be assessed.

At the conferencing referred to above HCC Transport and WelTec's experts discussed ongoing monitoring and reporting with HCC officers HCC officers are agreeable to revisiting further on street controls if requested and they are warranted and have carried out an additional survey. The outcome is that:

*The experts agree that WelTec, in association with HCC, should undertake consistent surveys to establish student/staff numbers, their mode of travel and the level of utilisation of the off-street parking resource with the first carried out one year after the finalisation of the Plan Change as long as that time is within term time for the Institution.*

*The objectives, methods and frequency of monitoring should be agreed between WelTec and HCC. This will include any resulting actions that may be carried out as a result of the monitoring.*

## **Ancillary Activities**

In this report and in response to submissions, we have proposed splitting the definition of Tertiary Education Activities to core functions and ancillary functions. The core functions would be calculated under the proposed formula with ancillary activities calculated under the existing carparking standards for activities such as for retail, student accommodation etc. Therefore if a retail shop for example is proposed carparking requirements for that activity would be calculated over and above the core tertiary education requirements

## Carparking Standard Conclusions

We are of the view that the current minimum parking standard for this use in the District Plan requires a higher level of car parking than other non-residential activities (but this is relatively difficult to compare in the absence of floorspace figures). The parking requirement is significantly above that for places of assembly, which appears to be the next closest use in Transport Appendix 3. In addition on street car parking provision at a rate of almost 1 per 2 students and staff seems excessive, promotes reliance on private vehicular transport and reduces the efficiency of land use as more land is needed for car parking.

The proposed car parking formula looks reasonable and would require roughly one on-site car parking space within the precinct for every third or fourth student/staff member. The difference in car parking provision between the two methods of calculation largely comes down to the discount of around 300 for the identified level of sustainable on-street parking.

### Recommendation

That WelTec and officers formally agree a programme for monitoring the numbers and effects of on and off street carparking within the precinct.

That the submission of **Greater Wellington Regional Council (GWRC)** [1.1, 1.2] and the further submissions of **Wellington Institute of Technology (WelTec)** [160.1] be accepted to the extent of the changes proposed above.

That the further submissions of **Mr & Mrs Yardley** [162.1], **the Nelson Street Trust** [163.1] and **the Petone Urban Environmental Association (PUEA)** [164.1] be rejected to the extent of the changes proposed above.

That the submission of **Petone Planning Action Group (PPAG)** [86.30], **Petone Urban Environmental Association (PUEA)** [152.47], **Mr & Mrs Yardley** [153.47] and **the Nelson Street Trust** [154.47] and the further submissions of **Rosy & Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.7, 162.9, 162.10], **the Nelson Street Trust** [163.7, 163.9, 163.10] and **the Petone Urban Environmental Association (PUEA)** [164.7, 164.9, 164.10], **Peter & Nicola Prichard** [158.2] be rejected to the extent of the changes proposed above.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.9, 160.10, 160.11] be accepted to the extent of the changes proposed above.

### That the Plan Change be amended as follows

ACTIVITY	PARKS	UNIT
EDUCATION Tertiary Education Precinct (as shown on Appendix General Residential 20, and Appendix General Business 5 and Appendix General Recreation 4)	1	[(1 parking space per 1.33 staff members <sup>1</sup> , plus 1 parking space per 2.5 students <sup>2</sup> ) – 300] ÷ 0.85

<sup>1</sup> Including an allowance of 50% for part time staff.

<sup>2</sup> From the busiest timetable period – 10% for typical absenteeism.

## 3.48 Amendment 36 - Chapter 14B 2.1.1 Signs – Rules – Permitted Activities – Conditions in all residential activity areas, and Community Iwi Activity Area 1 - Marae

(c) Maximum face area

1.0m<sup>2</sup> per site, with the exception of temporary signs erected for the purposes of a local or central government election, for which the maximum face area shall be 2.4m<sup>2</sup>; and signs within the Tertiary



### **Submissions**

**Petone Planning Action Group (PPAG)** [86.31] opposes the proposed changes under Amendment 36 and considers that no logic is provided for 3m<sup>2</sup> signs. It is suggested that any content must only be related to the Tertiary Education Precinct and that, when on a site abutting (or across the road from or able to be seen from) a residential area, signs should be a Discretionary Activity to protect residential amenity and be notified. The submitter further suggests that signs referred to in Amendment 39 need to be non-complying and notified and that no flashing lights on any signs that can be seen from a residential area should be possible. The submitter does not agree with non-notification as suggested.

**Petone Urban Environmental Association (PUEA)** [152.48], **Mr & Mrs Yardley** [153.48] and the **Nelson Street Trust** [154.48] oppose the proposed Permitted Activity status and submit that there is no justification for allowing the maximum face area of signs in the precinct to be 3m<sup>2</sup>. The submitters are concerned that there is no control over purpose, location or content of signs and consider that such controls are required to ensure the residential character and amenity of adjoining areas is maintained or enhanced. The submitters suggest that signs should only be linked to tertiary education activities provided within the precinct. The submitters request that the amendment to Rule 14B 2.1.1 (c) be deleted, with additional controls developed on the purpose, location and content of the signs, and any adverse effects on the character and amenity values of the surrounding residential area and that if these standards cannot be met, a Non-complying activity should be required, with notification.

**Peter & Nicola Prichard** in their further submission support the submission of the *Petone Urban Environmental Association (PUEA)* [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

**Rosy & Kevin Moar** in their further submission support the submission of

- *Petone Planning Action Group* [159.2]
- *Petone Urban Environmental Association (PUEA)* [159.2]

as they raise detailed and important questions and objections and request that careful consideration should be given to all of the points raised.

**Wellington Institute of Technology (WelTec)** in their further submission oppose the relief sought by

- *Petone Planning Action Group* [160.9]
- *Petone Urban Environmental Association (PUEA)* [160.10]
- *Mr & Mrs Yardley* [160.11]

as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the submissions of

- *Petone Planning Action Group* [162.7], [163.7], [164.7]
- *Petone Urban Environmental Association (PUEA)* [162.9], [163.9]
- *Mr & Mrs Yardley* [163.10], [164.9]
- *Nelson Street Trust* [162.10], [164.10]

as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.

## Discussion

The Plan Change proposes to amend the Permitted Activity Conditions for signs in all residential activity areas to provide for an increased maximum face area of 3m<sup>2</sup> for signs within the Tertiary Education Precinct.

Submissions received question the proposed maximum face area of 3m<sup>2</sup> and are concerned about a lack of control with regards to content, location and purpose of signs.

Taking into account the more institutional, non-residential nature of the precinct and the existing and potential development within the precinct, it is considered appropriate to provide for an increased maximum face area of 3m<sup>2</sup> within the precinct. The 3m<sup>2</sup> size limit can be found throughout the District Plan provisions for signs in other activity areas such as all recreation activity areas, all rural activity areas and the Community Health Activity Area.

Considering the existing signage as well as the scale of existing buildings within the proposed precinct, a maximum face area of 3m<sup>2</sup> does not seem to be out of scale with the built environment.

With regards to controlling the content, location and purpose of the sign it needs to be kept in mind that apart from the maximum face area all other permitted activity conditions remain unchanged and apply throughout the precinct. However it is recommended to add a new permitted activity condition for signs within the precinct to control the content of signs. The proposed condition limits the content of signs within the precinct to the notification of the name, character or purpose of any permitted activity on the site. Any signs that do not comply with these conditions would become restricted discretionary.

The request to make any signs on a site abutting (or across the road from or able to be seen from) a residential area a discretionary or non-complying activity with full notification required to protect residential amenity is considered inappropriate. As the majority of the proposed precinct is located within the residential activity area it can be assumed that almost any sign within the precinct could at least be seen from a residential area and would thereby be a discretionary or non-complying activity.

To reflect that the proposed changes only relate to those areas of the precinct located in the General Residential Activity Area it is recommended that the reference to Appendix General Business 5 and Appendix General Recreation 1 be deleted.

## Recommendation

That the submissions of **Petone Planning Action Group (PPAG)** [86.31], **Petone Urban Environmental Association (PUEA)** [152.48], **Mr & Mrs Yardley** [153.48] and the **Nelson Street Trust** [154.48] and the further submissions of **Rosy & Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.7, 162.9, 162.10], **the Nelson Street Trust** [163.7, 163.9, 163.10] and **the Petone Urban Environmental Association (PUEA)** [164.7, 164.9, 164.10], **Peter & Nicola Prichard** [158.2] be accepted in part.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.9, 160.10, 160.11] be rejected.

Those parts which are recommended to be **accepted** relate to the introduction of a permitted activity condition which relates to the content of signs within the Tertiary Education precinct.

Those parts which are recommended to be **rejected** relate to:

- The withdrawal of the increased maximum face area for signs within the Tertiary Education Precinct.
- The request that any sign on a site abutting or across the road from or able to be seen from a residential area should be a Discretionary Activity.

**That the Plan Change be amended as follows**

14B 2.1.1 Permitted Activities – Conditions in all residential activity areas, and Community Iwi Activity Area 1 - Marae
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(c) Maximum face area

1.0m<sup>2</sup> per site, with the exception of temporary signs erected for the purposes of a local or central government election, for which the maximum face area shall be 2.4m<sup>2</sup>; and signs within the Tertiary Education Precinct (as shown on Appendix General Residential 20, ~~and Appendix General Business 5 and Appendix General Recreation 1~~) for which the maximum face area shall be 3.0m<sup>2</sup>.

...

(g) Content

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

### 3.49 Amendment 37 - Chapter 14B 2.2 Signs - Controlled Activities

(a) In all Commercial Activity Areas excluding the Petone Commercial Activity Area 1, Business Activity Areas (except the Avalon Business Activity Area and the Tertiary Education Precinct (as shown on Appendix General Residential 20, Appendix General Business 5 and Appendix General Recreation 1)), and Community Iwi Activity Area 3 – Kokiri Centres; except sites included in 14B 2.2 (d):

(i) Any sign on sites abutting a Residential, Recreation or Rural Activity Area, or Community Iwi Activity Area 1 – Marae.

#### Submissions

**Petone Planning Action Group (PPAG)** [86.31] opposes the proposed changes under Amendment 36 and considers that no logic is provided for 3m<sup>2</sup> signs. It is suggested that any content must only be related to the Tertiary Education Precinct and that, when on a site abutting (or across the road from or able to be seen from) a residential area, signs should be a Discretionary Activity to protect residential amenity and be notified. The submitter further suggests that signs referred to in Amendment 39 need to be non-complying and notified and that no flashing lights on any signs that can be seen from a residential area should be possible. The submitter does not agree with non-notification as suggested.

**Petone Urban Environmental Association (PUEA)** [152.49], **Mr & Mrs Yardley** [153.49] and the **Nelson Street Trust** [154.49] refer to their comments on Amendment 36 and request that the amendment to Rule 14B 2.2 (a) be deleted, with additional controls sought on the purpose, location and content of the signs, and any adverse effects on the character and amenity values of the surrounding residential area (which may be a matter for an Urban Design Guide). If these standards cannot be met, a Non-complying activity should be required, with notification

***Peter & Nicola Prichard** in their further submission support the submission of the Petone Urban Environmental Association (PUEA) [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.*

***Rosy & Kevin Moar** in their further submission support the submission of*

- *Petone Planning Action Group [159.2]*
- *Petone Urban Environmental Association (PUEA) [159.2]*

*as they raise detailed and important questions and objections and request that careful consideration should be given to all of the points raised.*

***Wellington Institute of Technology (WeITec)** in their further submission oppose the relief sought by*

- *Petone Planning Action Group [160.9]*
- *Petone Urban Environmental Association (PUEA) [160.10]*
- *Mr & Mrs Yardley [160.11]*

as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the submissions of

- *Petone Planning Action Group [162.7], [163.7], [164.7]*
- *Petone Urban Environmental Association (PUEA) [162.9], [163.9]*
- *Mr & Mrs Yardley [163.10], [164.9]*
- *Nelson Street Trust [162.10], [164.10]*

as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.

### **Discussion**

The Plan Change proposes to amend the Controlled Activity (a) to exclude the Tertiary Education Precinct.

Submissions oppose the exclusion of the precinct and ask for additional controls.

The proposed amendment needs to be seen in context with Amendment 38 which proposes to add a new Controlled Activity (e) in relation to signs in the Tertiary Education Precinct on buildings or structures abutting residential or recreational areas.

It is considered appropriate to introduce new specific provisions for controlled activities in relation to sign within the Tertiary Education Precinct and to consequentially exclude the precinct from other controlled activity provisions.

It is therefore considered appropriate to exclude the Tertiary Education Precinct from the controlled activities listed under 14B 2.2 (a). For further discussion of this issue please refer to Amendment 38 below.

It is recommended that the only changes to this amendment relate to the deletion of the reference to General Recreation Activity Area to reflect the exclusion of the Bracken Street site from the precinct and the deletion of the reference to the General Residential Activity Area as this rule only applies to those parts of the precinct within the General Business Activity Area.

### **Recommendation**

That the submissions of **Petone Planning Action Group (PPAG)** [86.31], **Petone Urban Environmental Association (PUEA)** [152.49], **Mr & Mrs Yardley** [153.49] and the **Nelson Street Trust** [154.49] and the further submissions of **Rosy & Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.7, 162.9, 162.10], the **Nelson Street Trust** [163.7, 163.9, 163.10] and the **Petone Urban Environmental Association (PUEA)** [164.7, 164.9, 164.10], **Peter & Nicola Prichard** [158.2] be rejected.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.9, 160.10, 160.11] be accepted.

**That the Plan Change be amended as follows**

#### 14B 2.2 Controlled Activities

- (a) In all Commercial Activity Areas excluding the Petone Commercial Activity Area 1, Business Activity Areas (except the Avalon Business Activity Area and the Tertiary Education Precinct (as shown on ~~Appendix General Residential 20, Appendix General Business 5 and Appendix General Recreation 4~~)), and Community Iwi Activity Area 3 – Kokiri Centres; except sites included in 14B 2.2 (d):
- (i) Any sign on sites abutting a Residential, Recreation or Rural Activity Area, or Community Iwi Activity Area 1 – Marae.

### 3.50 Amendment 38 Chapter 14B 2.2 Signs (Controlled Activities)

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

(i) Non-notification

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

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

#### **Submissions**

**Petone Planning Action Group (PPAG)** [86.31] opposes the proposed changes under Amendment 36 and considers that no logic is provided for 3m<sup>2</sup> signs. It is suggested that any content must only be related to the Tertiary Education Precinct and that, when on a site abutting (or across the road from or able to be seen from) a residential area, signs should be a Discretionary Activity to protect residential amenity and be notified. The submitter further suggests that signs referred to in Amendment 39 need to be non-complying and notified and that no flashing lights on any signs that can be seen from a residential area should be possible. The submitter does not agree with non-notification as suggested.

**Petone Urban Environmental Association (PUEA)** [152.50], **Mr & Mrs Yardley** [153.50] and the **Nelson Street Trust** [154.50] refer to their comments on Amendments 36 and 37 and request that the amendment to Rule 14B 2.2 (e) be deleted, with additional controls sought on the purpose, location and content of the signs, and any adverse effects on the character and amenity values of the surrounding residential area. If these standards cannot be met, a Non-complying activity should be required, with notification.

**Peter & Nicola Prichard** in their further submission support the submission of the *Petone Urban Environmental Association (PUEA)* [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.

**Rosy & Kevin Moar** in their further submission support the submission of

- *Petone Planning Action Group* [159.2]
- *Petone Urban Environmental Association (PUEA)* [159.2]

as they raise detailed and important questions and objections and request that careful consideration should be given to all of the points raised.

**Wellington Institute of Technology (WelTec)** in their further submission oppose the relief sought by

- *Petone Planning Action Group* [160.9]
- *Petone Urban Environmental Association (PUEA)* [160.10]
- *Mr & Mrs Yardley* [160.11]

as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.

**Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the submissions of

- *Petone Planning Action Group* [162.7], [163.7], [164.7]
- *Petone Urban Environmental Association (PUEA)* [162.9], [163.9]
- *Mr & Mrs Yardley* [163.10], [164.9]
- *Nelson Street Trust* [162.10], [164.10]

*as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.*

## **Discussion**

The Plan Change proposes to add a new Controlled Activity (e) in relation to signs in the Tertiary Education Precinct. It is proposed that within the precinct all signs on buildings and structures abutting residential or recreational areas where the building elevation carrying the sign abuts the residential or recreational site boundary be controlled activities and that notification is precluded.

One submission seeks that any sign on sites abutting, across the road from or able to be seen from a residential area should be a fully discretionary activity and notified. Other submissions request that the amendment be deleted and additional controls be established.

The introduction of controlled activity provisions for signage that apply specifically to the Tertiary Education Precinct is considered appropriate.

The intention of the amendment is to control signs on sites abutting residential and recreational activity areas where the façade on which the sign is located is abutting a residential or recreational area.

In response to the recommended exclusion of the Bracken Street site from the precinct it is proposed to delete any reference to recreational areas from this provision. The limitation of the controlled activity status to only those signs on sites abutting residential areas that are actually facing these residential areas is considered appropriate as any other signs are not expected to have potential adverse effects on these abutting sites.

For clarification it is recommended to replace “any sign on a *building and structure* abutting” with “any sign on a *site* abutting”. It is also recommended to replace the word “*abuts*” in the context of the building or structure elevation on which the sign is located with the word “*fronts*”. The amended wording would be “*In the Tertiary Education Precinct (as shown on Appendix General Business 5), any sign on a site abutting a Residential Activity Area, where the building or structure elevation on which the sign is located, fronts the Residential Activity Area site boundary*”. This change would reflect the intention to protect residential amenities from potential effects of signs and takes into account that the potential effects are the same whether the building elevation is directly abutting or just fronting the neighbouring residential properties. It also recognises the the High Court decision in *Macdonald v Hutt City Council* CIV-2007-485-1329, which confirms the traditional interpretation of the word ‘abutting’ as ‘touching’ and provides a fuller explanation of the meaning of the word ‘abut’ in the District Plan.

It is noted that the proposal lacks the introduction of any matters in which Council seeks to control the proposed controlled activity. It is therefore recommended to amend the Plan Change accordingly and introduce matters in which Council seeks to control the activity. As the controlled activity relates to signs on elevations abutting/fronting residential areas, the main matter for control would have to be the design and appearance of the proposed sign and the potential impact on visual amenity. To avoid any commercial signs with no relation to tertiary education activities provided for within the Tertiary Education Precinct it is also proposed to introduce a matter for control which relates to the content of signs, limiting the content to the notification of the name, character or purpose of any permitted activity on the site. It is considered appropriate to control the content as the range of activities provided for in precinct is broad and could include independently operated businesses with their own advertising needs, such as bookshops, cafes and retail outlets. These activities extend beyond those that are normally permitted in the General Business Zone. It also recognises the proximity of the Tertiary Education Precinct to residential development and the residential character of surrounding sites.

Submissions raise concerns regarding the proposed non-notification provision and consider that the amendment is inappropriate. The proposed non-notification provision included in this amendment is identical with the existing non-notification provisions for controlled activities (contained in Chapter 17 - Resource Consent and Notification Procedures) which apply to all controlled activities throughout the District Plan unless stated otherwise. The notice is therefore considered unnecessary and recommended to be deleted. However this does not change the fact

that public and limited notification would still be precluded under the relevant notification provisions for controlled activities. The notification provisions have recently been review as part of the rolling review of the District Plan. The preclusion of notification for controlled activities has been found to be the most appropriate option through the plan change process and therefore been established as a District Plan wide requirement.

### **Recommendation**

That the submissions of **Petone Planning Action Group (PPAG)** [86.31], **Petone Urban Environmental Association (PUEA)** [152.50], **Mr & Mrs Yardley** [153.50] and the **Nelson Street Trust** [154.50] and the further submissions of **Rosy & Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.7, 162.9, 162.10], **the Nelson Street Trust** [163.7, 163.9, 163.10] and **the Petone Urban Environmental Association (PUEA)** [164.7, 164.9, 164.10], **Peter & Nicola Prichard** [158.2] be accepted in part.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.9, 160.10, 160.11] be accepted in part.

Those parts which are recommended to be **accepted** relate to the introduction of matters in which Council seeks to control (Visual Amenity and Content).

Those parts which are recommended to be **rejected** relate to:

- The deletion of the amendment.
- Signs on sites abutting, across the road from or able to be seen from a residential area becoming discretionary requiring full notification.
- Changes to the non-notification provisions

### **That the Plan Change be amended as follows**

#### 14B 2.2 Controlled Activities

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

(i) ~~Non-notification~~

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

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

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

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

(i) Visual Amenity, Design and Appearance:

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

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

(ii) Content:

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

### 3.51 Amendment 39 Chapter 14B 2.3 Signs - Restricted Discretionary Activities

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

(i) Non-notification

In respect of Rule 14B 2.3(e), public and limited notification of applications for resource consent is precluded.

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

#### **Submissions**

**Petone Planning Action Group (PPAG)** [86.31] opposes the proposed changes under Amendment 36 and considers that no logic is provided for 3m<sup>2</sup> signs. It is suggested that any content must only be related to the Tertiary Education Precinct and that, when on a site abutting (or across the road from or able to be seen from) a residential area, signs should be a Discretionary Activity to protect residential amenity and be notified. The submitter further suggests that signs referred to in Amendment 39 need to be non-complying and notified and that no flashing lights on any signs that can be seen from a residential area should be possible. The submitter does not agree with non-notification as suggested.

**Petone Urban Environmental Association (PUEA)** [152.51], **Mr & Mrs Yardley** [153.51] and the **Nelson Street Trust** [154.51] refer to their comments on Amendments 36 and 37 and request that the amendment to Rule 14B 2.3 (e) be deleted, with additional controls sought on the purpose, location and content of the signs, and any adverse effects on the character and amenity values of the surrounding residential area. If these standards cannot be met, a Non-complying activity should be required, with notification

***Peter & Nicola Prichard** in their further submission support the submission of the Petone Urban Environmental Association (PUEA) [158.2] and request that Council adopt the amendments, additions and deletions sought by PUEA in its submission.*

***Rosy & Kevin Moar** in their further submission support the submission of*

- *Petone Planning Action Group [159.2]*
- *Petone Urban Environmental Association (PUEA) [159.2]*

*as they raise detailed and important questions and objections and request that careful consideration should be given to all of the points raised.*

***Wellington Institute of Technology (WelTec)** in their further submission oppose the relief sought by*

- *Petone Planning Action Group [160.9]*
- *Petone Urban Environmental Association (PUEA) [160.10]*
- *Mr & Mrs Yardley [160.11]*

*as it is considered that the proposed provisions as notified (subject to the amendments sought by WelTec in its submission) provide an effective planning framework which achieves a balance between the objectives and needs of WelTec and that of residents and other users in the area. The further submitter requests that the submission be disallowed.*

***Mr & Mrs Yardley, the Nelson Street Trust and the Petone Urban Environmental Association (PUEA)** in their further submissions support the submissions of*

- *Petone Planning Action Group [162.7], [163.7], [164.7]*
- *Petone Urban Environmental Association (PUEA) [162.9], [163.9]*
- *Mr & Mrs Yardley [163.10], [164.9]*
- *Nelson Street Trust [162.10], [164.10]*

*as the matter raised and relief sought are consistent with the matters raised in their submissions and they consider they are appropriate, represent sound resource management practice, and are consistent with the purpose of the RMA.*



## **Discussion**

The Plan Change proposes to introduce a new restricted discretionary provision for signs within the Tertiary Education Precinct that do not comply with the relevant Permitted Activity Conditions.

Submissions received on this amendment seek the deletion of this amendment and that any signs that do not comply with any of the relevant standards become non-complying activities requiring full notification.

Under the proposed provisions all signs in the Tertiary Education Precinct would have to comply with and be assessed against the provisions of the underlying activity area. The only changes proposed by the Plan Change relate to the maximum face area within the residential part of the precinct and the controlled activity status for signs on sites within the business part of the precinct abutting residential properties.

It is considered appropriate that in case of non-compliance with one of the relevant conditions the signs in the Tertiary Education Precinct become restricted discretionary. It is the intention of the precinct to provide for non-residential tertiary education activities and to manage potential effects on abutting residential properties.

However it is agreed with submissions that the proposal lacks the introduction of any matters in which Council has restricted its discretion. It is therefore recommended to amend the Plan Change accordingly and introduce matters in which Council has restricted its discretion for the proposed restricted discretionary activity (e). This would provide a clear framework within which any signs which do not comply with the permitted activity conditions can be assessed.

The issue of the proposed non-notification provisions has been discussed throughout this report and the same reasoning applies here. It is therefore recommended to amend the proposed non-notification provision to preclude only public notification while providing for limited notification if required.

As a consequential amendment to the recommended removal of the Bracken Street site from the precinct it is recommended to delete the corresponding reference to 14B 2.1.2.

## **Recommendation**

That the submissions of **Petone Planning Action Group (PPAG)** [86.31], **Petone Urban Environmental Association (PUEA)** [152.51], **Mr & Mrs Yardley** [153.51] and the **Nelson Street Trust** [154.51] and the further submissions of **Rosy & Kevin Moar** [159.2], **Mr & Mrs Yardley** [162.7, 162.9, 162.10], **the Nelson Street Trust** [163.7, 163.9, 163.10] and **the Petone Urban Environmental Association (PUEA)** [164.7, 164.9, 164.10], **Peter & Nicola Prichard** [158.2] be accepted in part.

That the further submission of **Wellington Institute of Technology (WelTec)** [160.9, 160.10, 160.11] be accepted in part.

Those parts which are recommended to be **accepted** relate to

- The introduction of matters in which Council has restricted its discretion.
- Changes to the non-notification provisions.

Those parts which are recommended to be **rejected** relate to:

- The deletion of the amendment.
- Signs on sites abutting, across the road from or able to be seen from a residential area becoming discretionary requiring full notification.

**That the Plan Change be amended as follows**

14B 2.3 Restricted Discretionary Activities

**(e)** In the Tertiary Education Precinct, signs which do not comply with one or more of the Permitted Activity Conditions in Rule 14B 2.1.1, ~~14B 2.1.2~~ and 14B 2.1.5.

(i) Non-notification

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

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

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

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

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

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

Consideration should be given to -

- The height of the sign in relation to buildings and structures on sites in adjacent activity areas.
- The face area of the sign and the extent to which it is visually obtrusive from a site within a residential activity area.
- The extent to which the use of colour causes the sign to be visually obtrusive from a site within a residential activity area.
- The extent to which the frequency of signs on the site, and movement of signs detracts from visual amenity values of sites in the residential activity areas.
- The extent to which the illumination of the sign affects adversely amenity values. All measures are to be taken to ensure there is no unreasonable light spill beyond the boundaries of the site.
- Artificial light shall not result in added illuminance in excess of 8 lux measured at the window of any dwelling house in a residential activity area.
- The content of any sign shall relate to tertiary education activities provided for within the Tertiary Education Precinct.

## APPENDIX 1: LIST OF SUBMITTERS

The following submitters have lodged submissions on proposed Plan Change 25:

#	Name of Submitter	Submission Reference
DPC25/1	Greater Wellington Regional Council c/- Caroline Ammundsen	1.1, 1.2
DPC25/2	Carolyn Wadsworth	2.1
DPC25/3	Hilda Burgess	3.1
DPC25/4	Janet Milne	4.1
DPC25/5	Phyllis & Paul Anderson	5.1 , 5.2
DPC25/6	Dwight Christian Poutoa	6.1
DPC25/7	Deborah Michelle Poutoa	7.1
DPC25/8	Stephen Charles & Jane Frazes Parson	8.1
DPC25/9	Sarah Beth Antunovic	9.1
DPC25/10	Tyrone Lee Phillips	10.1
DPC25/11	Robert Roy Carr	11.1
DPC25/12	Denise Carr	12.1
DPC25/13	Mr Baden Atkin	13.1
DPC25/14	Leon and Ruth Cooke	14.1
DPC25/15	Matthew Earles	15.1
DPC25/16	Roger Bagshaw	16.1
DPC25/17	Lesley Dokter and Peter Wilson	17.1
DPC25/18	Jo Raverty	18.1
DPC25/19	Denis Lea	19.1
DPC25/20	Khiem Trong Nguyen	20.1
DPC25/21	Ruth Burton	21.1, 21.2, 21.3, 21.4, 21.5
DPC25/22	Alfred Memelink	22.1
DPC25/23	Thomas Reedy	23.1
DPC25/24	Kathryn Mary Reedy	24.1
DPC25/25	Department of Conservation Kapiti Wellington Area Office c/- Grant McKenna	25.1
DPC25/26	Michael Debney	26.1
DPC25/27	Angela Zhen Liu	27.1
DPC25/28	Petone Community Board Gerald Davidson, Chair	28.1
DPC25/29	William D L Cooper	29.1
DPC25/30	Carla Richelle Cooper	30.1
DPC25/31	Cuong Ngoc Do and Hau Thi Lai	31.1
DPC25/32	Barry and Wendy Delwyn Rozenberg	32.1, 32.2, 32.3
DPC25/33	Fish & Game Council c/- Fiona Death	33.1
DPC25/34	Lesley Kennedy & Menno van der Laan	34.1, 34.2, 34.3, 34.4, 34.5, 34.6
DPC25/35	Merran Bakker	35.1, 35.2, 35.3, 35.4, 35.5, 35.6, 35.7
DPC25/36	Josephine & John Jones	36.1

#	Name of Submitter	Submission Reference
DPC25/37	Ken & Val Fitzmaurice	37.1
DPC25/38	Alice Elizabeth Pollock	38.1
DPC25/39	Dr Barnaby C H May	39.1
DPC25/40	Kathryn Joyce Vinten	40.1
DPC25/41	Barbara Gibbs	41.1
DPC25/42	Mrs Mavis Anne Rayner	42.1, 42.2
DPC25/43	Tui Kent	43.1
DPC25/44	Graeme Lyon	44.1, 44.2, 44.3, 44.4, 44.5, 44.6, 44.7
DPC25/45	Peter and Nicola Prichard	45.1, 45.2, 45.3, 45.4, 45.5
DPC25/46	Ian Hawij	46.1
DPC25/47	Suzanne Debra Hartley	47.1
DPC25/48	Mrs Sian Bisson	48.1
DPC25/49	Julie Dennison	49.1
DPC25/50	Mary Horner	50.1
DPC25/51	Tui Lewis	51.1, 51.2, 51.3, 51.4, 51.5, 51.6, 51.7, 51.8, 51.9
DPC25/52	Rachel Badham	52.1
DPC25/53	Sally Davina Selwood	53.1
DPC25/54	Katherine Jane Clarke	54.1
DPC25/55	Vert Company Ltd c/- M Verkerk	55.1
DPC25/56	Jude Wachswender	56.1
DPC25/57	Patrick & Bridget Gower	57.1, 57.2
DPC25/58	Wellington Institute of Technology Attn: R Schofield	58.1, 58.2, 58.3, 58.4
DPC25/59	Charles Avery	59.1
DPC25/60	Rosy and Kevin Moar	60.1, 60.2, 60.3, 60.4, 60.5, 60.6, 60.7
DPC25/61	Nick Miller and Jan Simmons	61.1
DPC25/62	New Zealand Historic Places Trust, Pouhere Taonga c/- Sacha Walters	62.1, 62.2, 62.3, 62.4, 62.5, 62.6
DPC25/63	Roger Thackery	63.1, 63.2, 63.3, 63.4, 63.5, 63.6, 63.7
DPC25/64	Michele [Mishi] Berecz	64.1
DPC25/65	Roger Chandler	65.1
DPC25/66	Geoffrey Terence Broad	66.1
DPC25/67	James Kwing	67.1
DPC25/68	Craig McKirdy	68.1
DPC25/69	Simon and Wendy Rogerson	69.1
DPC25/70	Anita Patel	70.1, 70.2
DPC25/71	Laura Newton-King	71.1
DPC25/72	Clinton Maulder	72.1
DPC25/73	Patricia Fraser	73.1
DPC25/74	Dannie John Warren	74.1

#	Name of Submitter	Submission Reference
DPC25/75	Bocardá Print	75.1
DPC25/76	Barbara Scott	76.1
DPC25/77	Nikki Chiappini and Brian Cole	77.1
DPC25/78	Patricia Alexandra Fraser	78.1
DPC25/79	Dannie Warren	79.1
DPC25/80	Iain Jenkins	80.1
DPC25/81	Kylie & Andrew Morrell	81.1
DPC25/82	Emani Iosefo	82.1
DPC25/83	Mr A. Powers	83.1
DPC25/84	High Street Residents	84.1, 84.2, 84.3, 84.4
DPC25/85	Royal New Zealand Plunket Society c/- Tina Syme	85.1, 85.2, 85.3
DPC25/86	Petone Planning Action Group c/- Pam Hanna, Chairperson	86.1, 86.2, 86.3, 86.4, 86.5, 86.6, 86.7, 86.8, 86.9, 86.10, 86.11, 86.12, 86.13, 86.14, 86.15, 86.16, 86.17, 86.18, 86.19, 86.20, 86.21, 86.22, 86.23, 86.24, 86.25, 86.26, 86.27, 86.28, 86.29, 86.30, 86.31
DPC25/87	Andrea and Warwick Bolton	87.1
DPC25/88	Petone Corps, Salvation Army c/- Bryan Stuart Campbell Thomson	88.1
DPC25/89	Pat Sviatko	89.1
DPC25/90	Frank Steven Sviatko	90.1
DPC25/91	Anthony Joseph O'Connor	91.1
DPC25/92	Michiko Ammon	92.1
DPC25/93	Ranka Sanko	93.1
DPC25/94	Judith Kathleen Exley	94.1
DPC25/95	Lisa Michelle Wilde	95.1
DPC25/96	David Tripp	96.1
DPC25/97	Nikki Cherie Bennett The Salvation Army Petone Playgroup	97.1
DPC25/98	Joleen Hendry The Salvation Army Petone Playgroup	98.1
DPC25/99	Jamie Dawson	99.1
DPC25/100	Karen Ferguson	100.1
DPC25/101	Sharon McKendrick	101.1
DPC25/102	Tessa Marie McGuinness	102.1
DPC25/103	Meagan Joan Hughes	103.1
DPC25/104	Helen Dorothy Tripp High Street Craft Group	104.1
DPC25/105	Margaret Isobel Nicholas High Street Craft Group	105.1
DPC25/106	Lesley Anne Whitlock High Street Craft Group	106.1
DPC25/107	Sue Moran High Street Craft Group	107.1
DPC25/108	Lorraine Isabel Driskel	108.1

#	Name of Submitter	Submission Reference
	High Street Craft Group	
DPC25/109	Beryl Henderson High Street Craft Group	109.1
DPC25/110	Michael McCrorie	110.1
DPC25/111	Alan & Jenny Mumford	111.1
DPC25/112	Albert & Geraldine Wayers	112.1
DPC25/113	Flora Beblidakis	113.1
DPC25/114	Rose & Humphrey Foote	114.1
DPC25/115	Cathy & Mike Reid	115.1
DPC25/116	Mukesh Vakharia	116.1
DPC25/117	Victoria Sutton	117.1
DPC25/118	Suega Boot	118.1
DPC25/119	Rochelle Griffin	119.1
DPC25/120	Wilma Cooke	120.1
DPC25/121	M J Sammons	121.1
DPC25/122	C J Cosford	122.1
DPC25/123	Peter & Catharina Philipsen	123.1
DPC25/124	D Gordon	124.1
DPC25/125	Sue Howard	125.1
DPC25/126	Faith Janet Lawson	126.1
DPC25/127	Chris Skinn	127.1
DPC25/128	Jonathan Mahoney	128.1
DPC25/129	Graham Nesor	129.1
DPC25/130	Paul McGillicuddy	130.1
DPC25/131	Hazel Nesor	131.1
DPC25/132	Gordon Craig	132.1
DPC25/133	Jo St Just	133.1
DPC25/134	Susana Lemisio	134.1
DPC25/135	Mark & Anne Godfrey	135.1, 135.2, 135.3, 135.4, 135.5, 135.6
DPC25/136	Peter Richard Cartwright	136.1
DPC25/137	Esme Judith Cartwright	137.1
DPC25/138	A E Hansen	138.1
DPC25/139	Mike Fisher	139.1
DPC25/140	Patrick Williams	140.1
DPC25/141	Lorraine Williams	141.1
DPC25/142	Reg & Anne Cotter	142.1
DPC25/143	Kathryn Josephine Delahunty	143.1
DPC25/144	Mark Dare Phegan	144.1
DPC25/145	Katrina Mannix	145.1
DPC25/146	Maara Heather	146.1
DPC25/147	Vasu Govind	147.1

#	Name of Submitter	Submission Reference
DPC25/148	David Goldsbury	148.1
DPC25/149	Matt Goldsbury	149.1
DPC25/150	Diane Goldsbury	150.1
DPC25/151	Kevin Goldsbury	151.1
DPC25/152	Petone Urban Environmental Association Incorporated c/- Pherne Tancock	152.1, 152.2, 152.3, 152.4, 152.5, 152.6, 152.7, 152.8, 152.9, 152.10, 152.11, 152.12, 152.13, 152.14, 152.15, 152.16, 152.17, 152.18, 152.19, 152.20, 152.21, 152.22, 152.23, 152.24, 152.25, 152.26, 152.27, 152.28, 152.29, 152.30, 152.31, 152.32, 152.33, 152.34, 152.35, 152.36, 152.37, 152.38, 152.39, 150.40, 152.41, 152.42, 152.43, 152.44, 152.45, 152.46, 152.47, 152.48, 152.49, 152.50, 152.51
DPC25/153	John & Kathleen Yardley c/- Pherne Tancock	153.1, 153.2, 153.3, 153.4, 153.5, 153.6, 153.7, 153.8, 153.9, 153.10, 153.11, 153.12, 153.13, 153.14, 153.15, 153.16, 153.17, 153.18, 153.19, 153.20, 153.21, 153.22, 153.23, 153.24, 153.25, 153.26, 153.27, 153.28, 153.29, 153.30, 153.31, 153.32, 153.33, 153.34, 153.35, 153.36, 153.37, 153.38, 153.39, 150.40, 153.41, 153.42, 153.43, 153.44, 153.45, 153.46, 153.47, 153.48, 153.49, 153.50, 153.51
DPC25/154	Nelson Street Trust c/- Pherne Tancock	154.1, 154.2, 154.3, 154.4, 154.5, 154.6, 154.7, 154.8, 154.9, 154.10, 154.11, 154.12, 154.13, 154.14, 154.15, 154.16, 154.17, 154.18, 154.19, 154.20, 154.21, 154.22, 154.23, 154.24, 154.25, 154.26, 154.27, 154.28, 154.29, 154.30, 154.31, 154.32, 154.33, 154.34, 154.35, 154.36, 154.37, 154.38, 154.39, 150.40, 154.41, 154.42, 154.43, 154.44, 154.45, 154.46, 154.47, 154.48, 154.49, 154.50, 154.51
DPC25/155	Scott Anthony Sonneman	155.1
DPC25/156	Helen Louise Kneebone	156.1
DPC25/157	Raelee Jensen and Manesh Kumar	157.1
DPC25/161	Carolyn Nimmo (late submission)	161.1

#	Name of Further Submitter	Submission Reference (Page)
DPC25/158	Peter and Nicola Prichard	158.1, 158.2, 158.3
DPC25/159	Rosy and Kevin Moar	159.1, 159.2, 159.3, 159.4
DPC25/160	Wellington Institute of Technology Attn: R Schofield	160.1, 160.2, 160.3, 160.4, 160.5, 160.6, 160.7, 160.8, 160.9, 160.10, 160.11
DPC25/162	John & Kathleen Yardley c/- Pherne Tancock	162.1, 162.2, 162.3, 162.4, 162.5, 162.6, 162.7, 162.8, 162.9, 162.10, 162.11, 162.12, 162.13, 162.14, 162.15, 162.16, 162.17, 162.18
DPC25/163	Nelson Street Trust c/- Pherne Tancock	163.1, 163.2, 163.3, 163.4, 163.5, 163.6, 163.7, 163.8, 163.9, 163.10, 163.11, 163.12, 163.13, 163.14, 163.15, 163.16, 163.17, 163.18
DPC25/164	Petone Urban Environmental Association Incorporated c/- Pherne Tancock	164.1, 164.2, 164.3, 164.4, 164.5, 164.6, 164.7, 164.8, 164.9, 164.10, 164.11, 164.12, 164.13, 164.14, 164.15, 164.16, 164.17, 164.18





**APPENDIX 2: RECOMMENDED AMENDMENTS**

(Note for the purpose of this report only the changes recommended in this report have been shown here.)

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

**Tertiary Education Activities:**

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

Ancillary Tertiary Education Activities means the use of land and buildings ~~for residential accommodation, health care, child care, recreational, cultural, social and retail services and facilities and carparking structures for students and staff.~~

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

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

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

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

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

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

One principal non-residential activity is the Wellington Institute of Technology (“WelTec”) in Petone which has developed over many years, and as a public entity, it was previously protected by Public Works designations. ~~WelTec~~ This tertiary education facility is recognised as making an important contribution to the economic and social wellbeing of the city and wider region. To recognise the location of the existing campus and the role, nature and activities on the WelTec campus of the tertiary education facility it is identified and managed within the District Plan as a ‘Tertiary Education Precinct’. The purpose of the Precinct is to provide for the ongoing use and development of the campus to meet future tertiary education needs, while using standards to ensure the adverse effects are avoided, remedied or mitigated so they are in keeping with the existing character and amenity of the area.

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

- ~~Udy Street~~
- ~~Elizabeth Street~~

~~Kensington Avenue (western side)~~

~~Kensington Avenue (eastern side)~~

~~Cuba Street~~

~~Bracken Street~~

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

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

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

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

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

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

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

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

- (b) Site Coverage

Combined with net site area, site coverage helps to control building density. A maximum acceptable site cover of 35% has been set. Where higher density residential development is encouraged, this maximum site coverage has been set at 40% to allow more intensive use of the site, while protecting residential amenity values. Within the Tertiary Education Precinct, a maximum site coverage of 60% has been set for the area on the western side of Kensington Avenue, recognising the existing nature, scale and intensity of activities and development within the core of the campus. A 40% maximum site coverage standard applies to the areas in Udy Street and Elizabeth Street ~~and while for~~ the eastern side of Kensington Avenue the underlying 35% maximum site coverage applies.

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

(c) Recession Plane

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

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

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

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

(d) Yards

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

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

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

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

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

(e) Height

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

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

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

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

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

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

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

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

Note: For the purpose of this rule “southern boundary” shall refer to any boundaries of the Precinct with Lot 1 DP 5460 and Lot 4 DP 8102.
- (iv) For that part of the Tertiary Education Precinct on the eastern side of Kensington Avenue –
  - (1) The minimum yard requirement shall be 3m for the southern boundary
  - (2) The Recession Plane for all buildings and structures shall be 2.5m + 37.5° for the southern boundary
- (v) Rules 4A 2.1.1 (b) (Minimum Yard Requirements) and (c) (Recession Plane) do not apply to internal boundaries within all areas of the Tertiary Education Precinct.
- (vi) For all areas in the Tertiary Education Precinct, the following Landscaping and Screening requirements shall apply:

- (1) All outdoor storage and servicing areas shall be screened so that they are not visible from a road or public space. Where this is not practicable such area must be screened by a close-boarded fence or a fence made of solid material with a minimum height of 1.8m.
- (2) Where a site abuts a residential or recreation activity area, all outdoor storage and screening areas shall be screened by a close-boarded fence or a fence made of solid material with a minimum height of 1.2m and a maximum height of 1.8m.
- (3) Where there are 5 or more parking spaces on site and the site abuts a residential or recreation activity area, that area shall be screened from the street and adjoining properties by a fence or wall not less than 1.5m in height.

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

- (j) Principal ~~Tertiary~~ tertiary education activities within the Tertiary Education Precinct, including associated buildings and structures, which do not comply with the following Permitted Activity conditions: 4A 2.1.1 (b) Minimum Yard Requirements; 4A 2.1.1 (c) Recession Planes; 4A 2.1.1 (d) Maximum Height of Buildings and Structures; 4A 2.1.1 (e) Maximum Site Coverage; and 4A 2.1.1 (z) Tertiary Education Precinct (excluding The Maximum Height of Buildings and Structures 4A 2.1.1 (z) (i), (ii) and (iii)).
- (i) Non-notification
- In respect of Rule 4A 2.3 (j), public ~~and limited~~ notification of applications for resource consent is precluded and limited notification of applications for resource consent need not be required.

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

- (k) Ancillary tertiary education activities within the Tertiary Education Precinct, including associated buildings and structures.
- (i) Non-notification
- In respect of Rule 4A 2.3 (k), public notification of applications for resource consent is precluded and limited notification of applications for resource consent need not be required.

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

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

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

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

- (1) The effect of buildings and structures on the neighbouring and surrounding residential sites and, in particular the location, design and appearance of the buildings.
- (2) Whether the proposal would cause significant loss of sunlight, daylight or privacy of adjoining residential properties.
- (ii) Landscaping and Screening
  - (1) The location, nature and degree of proposed landscaping.
  - (2) The location, nature and screening of outdoor storage, servicing and parking areas, including their visibility and relationship to adjoining residential sites and visibility from any public space.

In addition for structures and buildings on the Udy Street site and on the Elizabeth Street site within the precinct that do not comply with the relevant Permitted Activity conditions:

(iii) Design External Appearance and Siting

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

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

(i) Amenity Values

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

(ii) Landscaping and Screening

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

(iii) Traffic Effects

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

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

(iv) Parking Effects

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

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

(v) Noise

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

#### **4A 2.3.2 Other Matters**

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

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

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

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

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

Please see Appendix 5 to this report.

#### **Amendment 16: No changes to Chapter 6 Business – Introduction**

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

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

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

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

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

~~WeTeo and its predecessors have historically provided t~~Tertiary education activities have historically been provided for within the area in Cuba Street and the activity is an established use on the site providing important tertiary education including vocational education and applied research. These non-industrial activities are provided for where the potential generated effects do not have an adverse effect on the amenity values of the area and the environment.

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

Business Activities (commercial and industrial activities) and other activities accommodated within the General Business Activity Area, have the potential to generate adverse effects on the amenity values of the area and neighbouring areas at the interface. These adverse effects

include noise, dust, odour, glare, light spill and traffic. These activities can also have an adverse effect on the receiving environment in terms of air, water, and soil contamination, or damage to ecosystems. It is, therefore, necessary to manage such adverse effects to maintain and enhance the quality of the environment.

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

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

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

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

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

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

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

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

In respect of Rule 6A 2.3 (i), ~~public and limited~~ notification of applications for resource consent is precluded and limited notification of applications for resource consent need not be required.
- (j) ~~All ancillary tertiary education activities within the Tertiary Education Precinct, including associated buildings and structures.~~
  - (i) ~~Non-notification~~

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

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

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

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



- (i) **Amenity Values**  
 The extent to which the proposal would affect adversely the amenity values of the surrounding area, including;
  - (1) The effect of buildings and structures on the neighbouring and surrounding sites and, in particular the location, design and appearance of the buildings.
  - (2) Whether the proposal would cause significant loss of sunlight, daylight or privacy of adjoining residential properties.
- (ii) **Layout and location of activities and facilities not enclosed within a building or structure, including;**
  - (1) Whether the sites is designed in such a manner so as to maintain or enhance the amenity values of the area.
  - (2) The location, nature and degree of proposed landscaping.
  - (3) The location, nature and screening of outdoor storage, servicing and parking areas, including visibility and relationship to adjoining residential sites and visibility from any public space.

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

- (i) Amenity Values  
The extent to which the proposal would affect adversely the amenity values of the surrounding area, including:
  - (1) The effect of buildings and structures on the neighbouring and surrounding sites and, in particular the location, design and appearance of the buildings.
  - (2) Whether the proposal would cause significant loss of sunlight, daylight or privacy of adjoining residential properties.
- (ii) Layout and location of activities and facilities not enclosed within a building or structure, including;
  - (1) Whether the sites is designed in such a manner so as to maintain or enhance the amenity values of the area.
  - (2) The location, nature and degree of proposed landscaping.
  - (3) The location, nature and screening of outdoor storage, servicing and parking areas, including visibility and relationship to adjoining residential sites and visibility from any public space.
- (iii) Traffic Effects  
The safe and efficient movement of all vehicle and pedestrian traffic needs to be ensured. It should be demonstrated that traffic generation and vehicles entering and leaving the site will not adversely affect normal traffic flows on the road, or cause a vehicle or pedestrian hazard.  
The proposal should comply with the access and manoeuvring controls contained in Chapter 14A.
- (iv) Parking Effects  
The extent to which the proposal appropriately provides for the carparking needs of the activity, without adversely affecting the carparking requirements of the surrounding area.  
The proposal should comply with the parking and loading controls contained in Chapter 14A.
- (v) Noise

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

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

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

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

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

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

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

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

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

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

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

- (d) Building Coverage and Size of Structures:
- (i) A maximum of 15% of the area of the site may be covered by buildings and structures. ~~except that within the Tertiary Education Precinct a maximum of 20% of the area of the site may be covered by buildings and structures.~~
  - (ii) Buildings and structures must not exceed 100m<sup>2</sup>. ~~except that within the Tertiary Education Precinct buildings and structures must not exceed 200m<sup>2</sup>;~~
  - (iii) Where buildings and structures adjoin a residential activity area the separation yard shall be landscaped for a minimum depth of 3m.
  - (iv) All new buildings and structures or additions in the Primary or Secondary River Corridor with a gross floor area of 20m<sup>2</sup> or less and with a setback of 20m or more from a flood protection structure.

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

....

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

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

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

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

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

The objective and policies seek ...

...and turnover characteristics.

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

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

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

##### **(b) Location of Parking Spaces**

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

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

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

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

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

(ii) Location of parking spaces:

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

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

**Amendment 35: Amend Appendix Transport 3 as follows**

ACTIVITY	PARKS	UNIT
EDUCATION Tertiary Education Precinct (as shown on Appendix General Residential 20, <del>and</del> Appendix General Business 5 <del>and Appendix General Recreation 4</del> )	1	[(1 parking space per 1.33 staff members <sup>1</sup> , plus 1 parking space per 2.5 students <sup>2</sup> ) – 300] ÷ 0.85

<sup>1</sup> Including an allowance of 50% for part time staff.

<sup>2</sup> From the busiest timetable period – 10% for typical absenteeism.

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

(c) Maximum face area'

1.0m<sup>2</sup> per site, with the exception of temporary signs erected for the purposes of a local or central government election, for which the maximum face area shall be 2.4m<sup>2</sup>; and signs within the Tertiary Education Precinct (as shown on Appendix General Residential 20, ~~and Appendix General Business 5 and Appendix General Recreation 4~~) for which the maximum face area shall be 3.0m<sup>2</sup>.

...

(g) Content

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

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

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

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

- (e) In the Tertiary Education Precinct (as shown on ~~Appendix General Residential 20, Appendix General Business 5 and Appendix General Recreation 1~~), any sign on a ~~building or structure~~ site abutting a Residential ~~or Recreation~~ Activity Area, where the building or structure elevation on which the sign is located, ~~abuts~~ fronts the Residential ~~or Recreation~~ Activity Area site boundary.
  - (i) ~~Non-notification~~
    - ~~In respect of Rule 14B 2.2(e), public and limited notification of applications for resource consent is precluded.~~

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

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

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

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

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

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

**(ii) Content:**

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

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

- (e) In the Tertiary Education Precinct, signs which do not comply with one or more of the Permitted Activity Conditions in Rule 14B2.1.1, ~~14B2.1.2~~ and 14B2.1.5.
  - (i) Non-notification
    - In respect of Rule 14B 2.3 (e), public ~~and limited~~ notification of applications for resource consent is precluded and limited notification of applications for resource consent need not be required.

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

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

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

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

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

Consideration should be given to -

- The height of the sign in relation to buildings and structures on sites in adjacent activity areas.
- The face area of the sign and the extent to which it is visually obtrusive from a site within a residential activity area.
- The extent to which the use of colour causes the sign to be visually obtrusive from a site within a residential activity area.
- The extent to which the frequency of signs on the site, and movement of signs detracts from visual amenity values of sites in the residential activity areas.
- The extent to which the illumination of the sign affects adversely amenity values. All measures are to be taken to ensure there is no unreasonable light spill beyond the boundaries of the site.
- Artificial light shall not result in added illuminance in excess of 8 lux measured at the window of any dwelling house in a residential activity area.
- The content of any sign shall relate to tertiary education activities provided for within the Tertiary Education Precinct.

**APPENDIX 3: TRAFFIC ASSESSMENT BY WARWICK WALBRAN, WALBRAN TRANSPORT ANALYSYS LIMITEED**





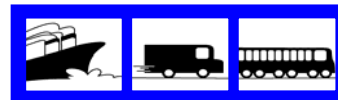
# PLAN CHANGE 25

## TRANSPORTATION ISSUES

BY WALBRAN TRANSPORT ANALYSIS LTD

FOR HUTT CITY COUNCIL



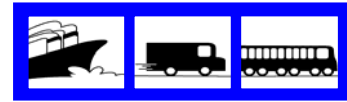


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### Document History and Status

Printed:	18/03/2013 08:07:00
Last Saved:	18 March 2013
Path & File Name:	C:\Users\Warwick\Documents\Walbran Transport Analysis Ltd\Job 11 - Weltec Plan Change\Report.Docx
Project Manager:	Warwick Walbran
Name of Client:	Hutt City Council
Name of Project:	Plan Change 25 – Transportation Issues
Document Version:	Draft C
Project Number:	Job 11



## 1 CONTEXT

Walbran Transport Analysis Ltd has been commissioned by Hutt City Council to peer review a report by Tim Kelly Transportation Planning Ltd titled “Tertiary Education Precinct, Wellington Institute of Technology (WELTEC), Petone, Proposed District Plan Change Assessment of Parking Issues” dated October 2011. That report builds upon a previous Tim Kelly Transportation Planning Ltd report titled “Wellington Institute of Technology (WELTEC), Petone, Parking Assessment” dated September 2010. Walbran Transport Analysis Ltd has also been asked to analysis and report on car parking issues raised in submissions.

Plan Change 25 seeks to create a Tertiary Education Precinct in Petone to accommodate activities being carried out by the Wellington Institute of Technology (WELTEC) now and into the future. From a transportation stand point the change primarily relates to how car parking can be provided. All other transportation provisions relating to development, such as property access, manoeuvring and loading, remain the same as in the operative District Plan.

The current District Plan parking standard requires that Tertiary Education facilities provide 1 car parking space per staff member plus one car parking space per three students and that all car parking spaces be provided on-site. The car parking spaces requirement is calculated on the maximum number of staff and students expected on site at any one time.

Plan Change 25 proposes changing the car parking requirement to take account of an “acceptable” level of on-street parking, the utilisation of off-street car parking and actual staff and student vehicle numbers as determined by survey. The proposal is for car parking requirements to be calculated from the formula:

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

Where:

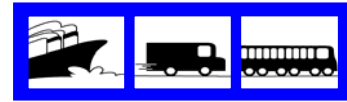
X = the percentage of students recorded as bringing cars to campus;

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

AKP = the acceptable level of kerbside parking; and

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

Student and staff numbers are the maximum numbers of each expected to be on site at any one time.



## 2 BACKGROUND

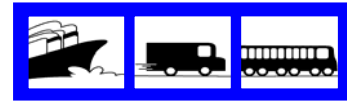
Hutt City Council has been aware of residents' concerns regarding parking outside residential properties in the vicinity of WELTEC for some time. They recently sought to address residents' concerns including considering a number of officers reports and resolutions relating to imposing parking control options. The full background to this is included as APPENDIX A – HUTT CITY COUNCIL COMMITTEE PAPERS AND RESOLUTIONS.

Specifically Hutt City Council offered the creation of time restricted parking and a residents only parking scheme. Both offers were not supported by residents; however it should be pointed out that when the residents considered the proposed residents only parking proposal it appears that there was some parties who responded who were under the misapprehension that such the residents only parking scheme would include a cost to residents, which it would not.

In 2010 WELTEC applied for consent for an extension of "N" block. The Tim Kelly Transportation Planning Ltd report titled "Wellington Institute of Technology (WELTEC), Petone, Parking Assessment" analysed the car parking issues associated with that application. The application was approved by a HCC appointed commissioner but was appealed to the Environment Court. Final approval was gained after resolution of these appeals.

In 2011 WELTC applied for a plan change to implement a Tertiary Education Precinct in Petone to accommodate activities being carried out by the Wellington Institute of Technology (WELTEC). From a transportation point of view, the change primarily relates to how car parking can be provided. In December 2012 Hutt City agreed to adopt the private plan change as a Council plan change. The proposed plan change was publicly notified on 27 March 2012.

I visited the site on 17<sup>th</sup> December to familiarise myself with the area.



### 3 PEER REVIEW

Tim Kelly Transportation Planning Ltd produced a report “*Tertiary Education Precinct, Wellington Institute of Technology (WELTEC), Petone, Proposed District Plan Change, Assessment of Parking Issues*” dated October 2011 (the 2011 report) which contains technical analysis of the car parking demand generated by the Petone campus and the availability of car parking spaces within the campus and on the surrounding street network.

The 2011 report makes reference to an earlier report titled “*Wellington Institute of Technology (WELTEC), Petone, Parking Assessment*” also by Tim Kelly Transportation Planning Ltd dated September 2010 (the 2010 report). Reference to this 2010 report is required to fully comprehend the 2011 report.

Walbran Transport Analysis Ltd has peer reviewed the 2011 and considered the 2010 report to the extent required to fully understand the 2011 report.

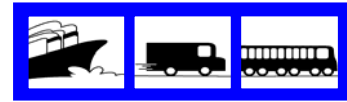
Tim Kelly Transportation Planning Ltd analysed the number of car parks required to meet current district plan requirements and the utilisation of on-site car parking. Consultation with residents was undertaken to determine residents’ views; the consultation revealed that residents levels of concern with on street parking varied, with some residents not having particular concerns about the current level of on street parking and some residents having greater concerns. The report stated that the current utilisation of on-street car parks does not cause undue concern to some residents.

The Tim Kelly Reports state that the point at which undue adverse effects on other members of the community occurs has been decided after consultation with nearby property owners/occupiers and other parties. Properties on some streets impacted by parking associated with WELTEC do not incorporate off-street parking or have limited off-street parking. From the public consultation it was found that concern about on-street parking associated with WELTEC was strongest from residents who relied on on-street parking for their own or their visitors use.

The Tim Kelly reports found that concern about WELTEC use of on street car parks was strongest from residents on streets to the east of Cuba Street (ie Manchester, High and Emerson Streets). He also reports little concern about WELTEC use of on street car parking from residents on Cuba Street and streets west of Cuba Street (Atiawa Street, Huia Street, Kensington Street, Elizabeth Street, Buick Street and Udy Street).

The report assumes that relying on on-street parking for WELTEC only to the extent that parking can be accommodated on streets where residents do have off-street parking available will not impose an adverse effect on the community.

The analysis goes on to identify (by survey) the number of cars parked on street in the vicinity of WELTEC and estimate the number of those (480) that are associated with WELTEC staff and students. Of those 480 WELTEC related cars parked on street, 180 were parked on the streets that appeared from the consultation to be the main areas of residents’ concerns (Manchester, High and Emerson Streets). Tim Kelly concludes that 300 on street car parks could be utilised by WELTEC staff and students without causing undue adverse impacts on residents provided some form of parking control is implemented on Manchester, High and



Emerson Streets to make parking on those streets unattractive to WELTEC staff and students. A formula is then proposed to calculate the required number of off-street car parks based on acceptable utilisation of on-street car parking spaces. This is a reasonable approach.

The two reports propose a change to the way District Plan requirements for parking associated with the proposed Tertiary Education Precinct are calculated. The current district plan requirement is for the provision of on-site (ie off-street) car parking spaces based on the numbers of staff and students on site at any one time. The reports make the case that this is an inefficient use of the community’s resources as it takes no account of the availability of on-street car parking spaces that could be utilised for Tertiary Education purposes without undue adverse effects on other members of the community, i.e. without unreasonable restriction on the supply of on street car parking spaces available for other users. The reports propose a formula for calculating the required number of car parks required, the number of off-street car parks based on the acceptable number of on-street parks utilised by WELTEC, and the utilisation of off-street car parks.

The car parking requirements are proposed to be calculated from the formula:

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

Where:

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

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

AKP = the acceptable level of kerbside parking; and

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

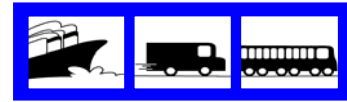
Student and staff numbers are the maximum numbers of each expected to be on site at any one time.

In principle this is a reasonable approach, however it does imply a requirement to determine the both the maximum number of staff and students on site at any one time (which varies from time to time) and the percentage utilisation of on-site car parking

The most recently recorded figures for X% and Y% are 43% and 74% (from the October 2011 report). A parking occupancy survey in 2008 recorded a utilisation of 219 on site spaces from the 418 available spaces, giving a % utilisation of 52%. The October 2011 report proposes 85% utilisation be used as 85% is “*considered to be a realistic and achievable level*”. Hutt City Council undertook a parking occupancy survey in March 2012 where it was revealed that peak car park occupancy at that time was 76%. On the basis of the Hutt City Council, which is the most recent data available; I recommend that % utilisation in the above formula be initially set at 76%, and that it be amended from time to time as results of future car parking occupancy surveys become available.

At October 2011 when the latest report was written the maximum number of staff and students expected to be on site at any one time were 300 and 1,200 respectively. In the intervening period the catering school has relocated to Wellington. WELTEC advise that the maximum numbers of staff and students currently expected on site at any one time is 275 and 990 respectively.

In summary from the Committee report the residents of High Street (where many properties do not have any or sufficient off-street parking) complained that parking associated with WELTEC causes problems with parking availability and starts from 8am on weekdays during



term-times. However, a resident of Kensington Avenue (where properties have a good supply of off-street parking) suggested there was no problem with kerbside parking (and hence that there was no justification for any form of residents only parking scheme or time limits).

The reports proposes a number of measures to support the above approach including parking controls on streets the where properties did not incorporate off-street parking and measures to increase the utilisation of off-street car parks.

The Hutt City Council has recently (April 2012) implemented parking controls on some of the streets impacted by WELTEC parking; specifically:

1. marking of parking spaces on Udy Street (Cuba Street to 71 Udy Street), Cuba Street (Jackson Street to Udy Street), High Street;
2. angle parking in Elizabeth Street; and
3. P120 and P180 restricted parking combined with a Residents' Parking Scheme in High Street.

Hutt City Council enforces these restrictions by parking warden patrols and reports normal levels of compliance with the restrictions. There was some initial dissatisfaction from students, which seemed to centre on fairly large fines for non-compliant vehicles (no warrant of fitness and/or registration).

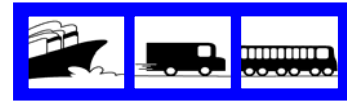
The Tim Kelly reports identify WELTEC on street parking in Manchester Street and Emerson Street as causing concern to residents. Irrespective of the adoption of Plan Change 25 parking in Manchester and Emerson Streets is likely to remain attractive to WELTEC staff and/or students because of their proximity to N Block. On this basis and to take into account these concerns I consider that some form of parking control in both these streets is likely to be required.

The reports also propose measures to increase the utilisation of off-street car parks and these have been partially implemented. The proposals and their current status are:

1. Do not charge for the use of the Udy Street car park – implemented;
2. Encourage staff to use the Udy Street car park by installation of a security incentive (monitored CCTV and/or security); and
3. Communicating to staff the reasons for the changes and the objectives of the parking “project”.

The reports propose both periodic review of the proposed formula (suggested to occur at District Plan reviews which I regard as reasonable) and on-going surveys of vehicle use and off-street car park utilisation by staff and students. I suggest that a commitment to regular (annual initially) surveys of vehicle use and utilisation of off-street car parking would be appropriate.

The Tim Kelly reports recorded 481 on site car parks, and this was confirmed by the Hutt City Council in March 2012. The following table illustrates the requirement for additional on-site car parking under various scenarios:



Students	Staff	X%	Y%	Utilisation	Car Parks Required	On-Site Car Parks	New Car Parks to be Constructed
990	275	43%	74%	76%	433	481	None
1200	300	43%	74%	76%	576	481	95
1200	300	43%	74%	85%	515	481	34

The formula gives WELTEC a significant incentive to increase the utilisation of their on-site car parks if the demand for parking from its users increases.

### 3.1 RECOMMENDATIONS

I recommend that WELTEC provide the following information for the hearing:

1. Clearly identify the underlying philosophy – ie to make on-street parking in areas that do not have off-street parking available to residents unavailable to WELTEC users;
2. Clearly identify the measures proposed to prevent WELTEC users using (to any significant extent) on-street parking on those streets; and
3. Recommend a frequency for the on-going surveys and monitoring (possibly more frequent initially and less frequent as the changes become bedded down). The surveys should cover maximum numbers of staff and students expected on site at any one time and their mode of travel, the number of on-site car parks and their utilisation at peak periods. This can be agreed with HCC as part of ongoing monitoring of the effectiveness of the parking provisions.

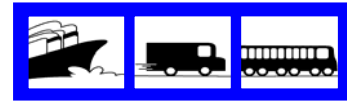
### 3.2 PROPOSED CHANGES TO PLAN CHANGE 25

I do not propose any changes to the formula for calculating the required number of off-street car parking spaces. I do propose that WELTEC survey the current off-street car park utilisation to obtain up to date car park utilisation figure to input to the calculation of the required number of off-street car parks.

### 3.3 PEER REVIEW CONCLUSIONS

1. Successful implementation relies on a commitment to on-going surveys of vehicle use by WELTEC staff and students and surveys of off-street car park utilisation. WELTEC undertook surveys in 2006 and 2009. No surveys have been undertaken by WELTEC since completion of the 2010 report. Annual surveys should be undertaken of off-street car park utilisation;
2. The reports by Tim Kelly Consulting Limited and the formula proposed in those reports for calculating the required number of off-street car parking spaces is reasonable;
3. Parking controls on Emerson and Manchester Streets are likely to be required.





## 4 ANALYSIS OF SUBMISSIONS

Hutt City Council has made available a summary of the submissions received and the relevant submissions. In particular attention was drawn to the submission from the Petone Urban Environmental Association Incorporated as this submission covers all of the issues contained in the other parking related submissions. My analysis of those submissions is below.

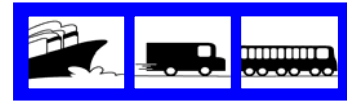
### 4.1 GENERAL TRAFFIC

Traffic and car parking matters raised by submitters include:

1. [32.2 – Barry and Wendy Delwyn Rozenberg] the current level of activity is mostly acceptable, the number of students and tutors should not be increased significantly, no staff or student parking should be allowed on Bracken Street at any time and adequate parking should be provided on-site;
2. [45.5 - Peter & Nicola Prichard] access to the O block parking should be off Elizabeth Street, not via the Petone Recreation Ground;
3. [51.8 - Tui Lewis] opposition to WELTEC being allowed to use any data from the parking survey;
4. [84.3 - High Street Residents] opposition to a campus wide parking approach;
5. [85.2 - Royal New Zealand Plunket Society] increased traffic and safety risk at Petone Recreation Grounds; and
6. [88.1 - Petone Corps, Salvation Army] Increased congestion in Cuba and High Streets and children's safety.

Responding to each of these in turn:

- i. The submitter did not give any reason for banning staff and/or student parking in Bracken Street, and a site on 17<sup>th</sup> December 2012 did not reveal any features in the street that would make it unsuitable for parking. Bracken Street is the only access to WELTEC's K block (which formerly accommodated horticulture and landscape classes);
- ii. From my site inspection the access via Buick Street to the Petone Recreation Grounds does not appear to impose any undue risk to the community. Access from Elizabeth Street would be likely to require egress through private property, which does not appear to be desirable;
- iii. No reasons were given for the submitter's opposition to WELTEC using data from the parking survey. Preventing access to data is likely to result in poorer quality decision making;
- iv. No reasons were given for opposition to a campus wide parking approach;
- v. The proposed Plan Change is not expected to result in additional traffic or safety risk at Petone Recreation Grounds; and



- vi. The proposed Plan Change is not expected to result in increased congestion in Cuba and High Streets nor is it expected to result in an increased risk to children's safety.

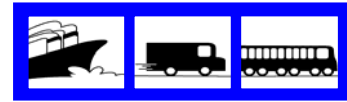
A submitter (Barry and Wendy Delwyn Rozenberg), proposed that adequate parking be provided on-site, by which they appear to mean that WELTEC should provide sufficient on-site parking to accommodate all staff and student parking requirements. Such an approach would increase the overall supply of car parking which was not favoured by a number of other submitters (Yardley, Nelson Street Trust and Petone Urban Environmental Association) who favour increased travel demand management. Providing more than required on site car parking would also increase the area of hard surface with consequential negative impacts on stormwater runoff peaking, runoff quality and urban heating.

## 4.2 AMENDMENT 30

1. [162.1 - Mr & Mrs Yardley] [163.1 - Nelson Street Trust] and [164.1 - Petone Urban Environmental Association] The submitters suggest that the proposed parking standards do not support good urban design and sustainability objectives and consider that the support by GWRC for Amendments 30 and 31 is inappropriate, does not represent sound resource management practice and is contrary to the purpose of the RMA.;
2. [86.25 - Petone Planning Action Group] The submitter suggests moving to no reliance on on-street parking and a sunset clause requiring reliance on on-street parking to be stopped in 5 years; and
3. [152.42 - Petone Urban Environmental Association] [153.42 - Mr & Mrs Yardley] and [154.42 - Nelson Street Trust] The submitters suggest that the Bracken Street site should be removed from the campus wide on-site parking approach as it is too far from the majority of the campus and that the Udy Street site is also a significant distance from the main campus.

Responding to the above:

- i. Utilisation of an acceptable level of existing on street parking for WELTEC related activities minimises the total supply of parking, minimises the hard surfaces dedicated to parking which in turn reduce peak stormwater runoff rates and improve stormwater quality;
- ii. The Tim Kelly reports have shown that the impacts of an acceptable level of on street parking are expected to be minor. There has been no rationale presented to indicate that the impacts will change significantly in future to support a sunset set clause; and
- iii. Including the Bracken Street car parking site in the campus wide approach is appropriate as it is the nearest car park to service K Block. Any possible underutilisation of this car parking site will be taken account of by the Utilisation percentage in the proposed car parking formula.



### **4.3 AMENDMENT 31**

Matters raised by submitters include:

1. [86.26 - Petone Planning Action Group] The submitter proposes a cap on the total number of staff and students who can use the precinct at any one time be introduced and monitored, that a sun-set clause be introduced; and
2. [152.43 - Petone Urban Environmental Association] [153.43 - Mr & Mrs Yardley] and [154.43 - Nelson Street Trust] The submitters point out that the District Plan requires parking to be a maximum of 100m from the site and that this non-compliance needs to be addressed.

Responding to the above:

- i. The proposed car parking formula caters for increasing staff and/or student numbers by calculating an increased requirement for on-site car parking. From a car parking point of view there is no need for a cap on staff and/or student numbers; and
- ii. If a car park some distance from the desired destination it will be less attractive to potential users. The extent to which a car park is used is taken account of by the utilisation factor in the proposed formula.

### **4.4 AMENDMENT 32**

Matters raised by submitters include:

1. [86.27 - Petone Planning Action Group] that 'precinct' should only refer to a centrally located area and not include any outlying areas or sites not currently used for tertiary education; and
2. [152.44 - Petone Urban Environmental Association] and [153.44 - Mr & Mrs Yardley] that a campus-wide on-site parking approach is considered appropriate as long as the relationship between car parks and activities is logical and functional.

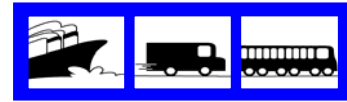
Responding to the above:

- i. In terms of car parking the degree to which non central car parks are used will be accounted for in the utilisation factor in the proposed formula; and
- ii. Any illogical or dysfunctional relationship between car parks and activities will result in lower utilisation of the car parks, which will be addressed by the utilisation factor in the proposed formula.

### **4.5 AMENDMENT 33**

Matters raised by submitters include:

1. [86.28 - Petone Planning Action Group] that a cap on total student and staff number should be added; and
2. [152.45 - Petone Urban Environmental Association], [153.45 - Mr & Mrs Yardley] and [154.45 - Nelson Street Trust] that providing off-street parking outside of the Precinct is unacceptable and encourages 'creep' and derogation of the residential area



and suggest that a Discretionary Activity rule should be developed that adopts one of the mechanisms discussed (sunset clause, stepped approach, or car parking requirements based on staff and student numbers) to reduce the reliance of the Tertiary Education Activity operations on on-street parking.

In response:

- i. Under the proposed formula in terms of car parking increased staff and/or student numbers would result in an increase in the number of on-site car parks required and no change to the utilisation of on-street car parks; and
- ii. The proposed car parking formula will reduce the reliance of the Tertiary Education Activity operations on and is based on the maximum numbers of staff and student expected on site at any time.

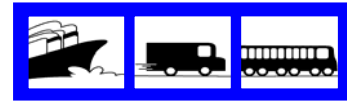
#### **4.6 AMENDMENT 35**

Matters raised by submitters include:

1. [86.30 - Petone Planning Action Group] how any of the numbers required will be able to be agreed on or monitored; and
2. [152.47 - Petone Urban Environmental Association], [153.47 - Mr & Mrs Yardley] and [154.47 - Nelson Street Trust] submitters suggest parking requirements for ancillary activities that do not come within the definition of 'Tertiary Education Activities' should not be assessed on this basis (e.g. retail, childcare and health).
  - A. The submitters also state that the definition of 'Student' is unknown and it is not known if this refers to the total number of students enrolled or the number on site at any time, that the staff number is also unknown and there is no reference to whether it relates just to teaching staff or all other staff working on the site (i.e. cleaners, grounds men or tutors) and suggest that both these definitions need to be more clearly defined. The submitters consider it appropriate to modify the parking requirement to an equation that uses FTE staff and enrolled students;
  - B. and reduce the on street parking provision from 300 to 63.

In response:

1. Usual practice is that car park utilisation will be determined by survey and staff and student numbers determined by WELLTEC from their records;
2. Persons attending ancillary activities should be included in the definitions as staff or students for the purposes of calculating required car parking spaces and included in the annual surveys of staff and students;
  - a. The term "Student" refers to the maximum number of students expected to be on site at any one time. The term "Staff" includes all staff and refers to the maximum number of staff expected to be on site at any one time; and
  - b. The 300 figure was determined after consultation with various parties including residents and is fair and reasonable.



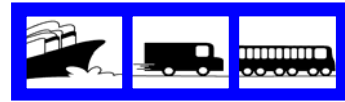
## 5 OVERALL CONCLUSIONS

The formula proposed for determining the required number of on-site car parks as a part of Plan Change 25 is appropriate. None of the submissions that I have sighted contain sufficient and robust reasons for changing the proposed formula.

Parking controls are likely to be required in Manchester and Emerson Streets to ensure the parking formula has the intended effect of limiting the impact of the use of on street car parks by WELTEC staff/students on residents.

WELTEC in association with Hutt City Council undertake annual surveys of:

1. Maximum number of staff and students on site at any one time and their mode of travel; and
2. Peak on site car park utilisation



## **APPENDIX A – HUTT CITY COUNCIL COMMITTEE PAPERS AND RESOLUTIONS**

HUTT CITY COUNCILCOMMUNITY AND INFRASTRUCTURE SERVICES COMMITTEE

Minutes of a meeting held in the Council Chambers, 2nd Floor, 30 Laings Road,  
Lower Hutt on  
**Monday 18 June 2012 commencing at 5.30pm**

**PRESENT:**

Cr M Shierlaw (Chair)	Cr L Bridson
Cr A Finlayson	Cr VR Jamieson
Cr K Laban	Cr M Lulich
Cr M Willard	Mayor WR Wallace (until 6:05pm)

**APOLOGIES:** An apology for early departure was received from Mayor WR Wallace.

**IN ATTENDANCE:**

Mr T Stallinger, Chief Executive  
Mr B Sherlock, General Manager, City Infrastructure  
Mr A Marsh, Sportsgrounds Assets Manager (part meeting)  
Mr R Muir, Divisional Manager, Road and Traffic  
Mr L Earl, Traffic Assets Manager  
Mr Z Moodie, Traffic Engineer  
Ms S Cabrera, Communications and Marketing Advisor  
Mrs C Craig, Committee Advisor

PUBLIC BUSINESS1. APOLOGIESRESOLVED:**Minute No. CIS 12301**

*"That the apology for early departure received from Mayor WR Wallace, be accepted and leave of absence be granted."*

2. PUBLIC COMMENT

Comments are recorded under the item to which they relate.

3. CONFLICT OF INTEREST DECLARATIONS

There were no conflict of interest declarations.

#### 4. RECOMMENDATION TO COUNCIL

##### a) Hutt City Council - 10 July 2012

##### i) Te Whiti Park Lease and Reclassification Proposal (12/432)

The Sportsgrounds Assets Manager elaborated on the report.

In response to questions from members, the Sportsgrounds Assets Manager advised that the sports/health centre operated by the Te Aroha Hutt Valley Association on Te Whiti Park did not fit the Recreation classification and the Local Purpose Reserve classification was more appropriate. He added that officers were planning to close off the park to vehicular access.

<u>RECOMMENDATION:</u>	<b>Minute No. CIS 12302</b>
<i>"That the Committee recommends that Council:</i>	
<i>(i) notes that in accordance with the Reserves Act 1977, public consultation for the proposal has been completed, with no submissions received;</i>	
<i>(ii) agrees to proceed with reclassifying that part of Te Whiti Park from Recreation to Local Purpose Reserve (as detailed more or less, in Appendix 1 attached to the report); and</i>	
<i>(iii) approves the issuing of a 33-year lease to the Te Aroha Hutt Valley Association for that portion of Te Whiti Park that is subject to the reclassification process. "</i>	

#### 5. WELTEC AREA ON STREET PARKING MANAGEMENT (12/537)

Report No. CIS2012/3/125 (3) by the Senior Traffic Engineer

Speaking under public comment, **Dr David Tripp** considered that Council had made a genuine attempt to reach an equitable solution on the parking issue in the area and that officers had been very helpful. However, the overwhelming feedback from residents was that they did not want to accept Council's parking solutions and were frustrated with Council's fragmented and inconsistent approach to the growth of Weltec. Council had assessed Weltec's growth as "less than minor", but was now saying that parking demand had reached unsustainable levels. He requested that the residents' parking scheme may be withdrawn at any time on receipt of the majority of High Street's residents' signatures and that it was clearly stated that the residents' parking scheme remained free to residents. He supported the recommendations of the consultation but asked that Council note the level of frustration and distress experienced by residents towards Council.



In response to questions from members, Dr Tripp advised that the major problem in High Street, Petone was that it was a residential area of 19<sup>th</sup> century housing with no garaging. He added that there were not enough parking spaces available to be dedicated residents' parking that would accommodate all residents' vehicles. He noted that Weltec had taken over a large part of the parking on the street. He advised that Council's Parking Wardens responded promptly when advised of cars parked across drive-ways. He added that the residents' parking scheme would only work if it was properly policed.

Speaking under public comment, **Mr Frank Sviatko** advised that the key issue was that residents were asked for yes or no answers.

In response to questions from members, Mr Sviatko advised that High Street was a busy street containing a child-care centre, toy library, Salvation Army play group and sports academy. He added that residents accepted that they had no statutory right to park in their own street and sometimes had to park in nearby streets. However, the extension of Weltec would push them to park even further away. He noted that residents at the top of High Street from No. 26 onwards would have issues because they did not want time limits in that area. He further noted that several years ago Wellington City Council introduced a free residents' parking scheme but now charged residents \$150 per year. High Street, Petone residents did not want this to occur.

The Traffic Assets Manager elaborated on the report.

In response to questions from members, the Traffic Assets Manager advised that initially the new parking conditions would be heavily enforced. He indicated that once the scheme was seen to be working successfully, more residents would be willing to trial it. He noted that the parking scheme had yet to be costed.

Mayor Wallace left the meeting at 6.05 pm.

RESOLVED:

Minute No. CIS 12303

*"That the Committee:*

- (i) notes that, under public consultation, when the whole area is considered together, the majority of residents who responded did not support any changes to the following:*
  - a) marked parking spaces;*
  - b) angle parking;*
  - c) time restricted parking; and*
  - d) a residents' parking scheme*
- (ii) notes that, when each street is considered on its own, the following changes were supported by residents in each street:*
  - a) marking parking spaces where they are currently unmarked in Udy Street, Petone (Cuba Street to 71 Udy Street, Petone); Cuba Street, Petone (Jackson Street to Udy Street, Petone); and High Street, Petone*
  - b) adding angle parking in Elizabeth Street, Petone (+nine spaces);*
  - c) introducing time restricted parking of P120 and P180 in High Street, Petone; and*
  - d) trialling a Residents' Parking Scheme in High Street, Petone;*  
*(note: that (ii) c) and (ii) d) above, time restricted parking and a Residents' Parking Scheme in High Street, Petone are only supported together, not one or the other);*
- (iii) approves the marking of parking spaces in the following streets as shown in Appendices 3A, 3B and 4 attached to the report:*
  - a) Udy Street, Petone (Cuba Street to 71 Udy Street);*
  - b) Cuba Street, Petone (Jackson Street to Udy Street); and*
  - c) High Street, Petone;*
- (iv) approves the implementation of angle parking in Elizabeth Street, Petone as shown in Appendix 4 attached to the report;*
- (v) approves the implementation, as a trial, of both P120 and P180 restricted parking combined with a free Residents' Parking Scheme in High Street, Petone as shown in Appendices 5 and 6 attached to the report; the trial to be reviewed after it has been in operation for one year and the results to be the subject of a further report to the Committee at that time; and*
- (vi) notes that the residents' free parking scheme may be withdrawn at any time upon receipt of a signed petition from the majority of High Street, Petone residents."*

6. ACTIVITY 7 REVIEW - ROAD AND TRAFFIC (12/616)

Report No. CIS2012/3/127 (3) by the Divisional Manager, Road and Traffic

The Divisional Manager, Road and Traffic elaborated on the report.

In response to questions from members, the Divisional Manager, Roads and Traffic advised that the New Zealand Transport Agency (NZTA) audited Council's Road and Traffic Division. The close-out report from last year's audit had not yet been received, however if there had been any problems NZTA would have discussed these with the Chief Executive at last year's exit interview. He further advised that the deficiencies budget covered a 20-year timeframe. He added that the deficiencies were prioritised, although new hazards would be added over time. He noted that, although officers had regular co-ordination meetings with Utility companies, those companies did not generally make their work programmes public. However it was anticipated that the 'National Code of Practice for Utility Operators' Access to Transport Corridors' approved by the Minister of Infrastructure in November 2011 would encourage the Utility companies to be more proactive.

He advised that generally, due to cost, new footpaths would use concrete rather than asphalt. Modern bridges corroded because of the steel reinforcing and this was exacerbated the closer the bridges were to the sea. He expected that the life of the Waione Street Bridge could be extended to 100 years with the use of Silane coating and, if necessary, cathodic protection. He expected it would be a year or so for results to come through for the Auckland trial on red light runners. He noted that NZTA could be approached to do a similar trial in Hutt City.

He advised that Council's Road Re-sealing Programme would be reduced and NZTA's State Highway road surfaces would be getting rougher. However he noted that although roughness was not much of a concern, cracking of the road surfaces was a more serious issue. He added that he would approach NZTA as soon as he considered the cracking was becoming a real concern. He estimated this would be in two to three years. He agreed to present an annual report on the deficiency database to the Committee which would show the prioritisation of items on the list.

In response to a question from a member, the General Manager, City Infrastructure advised that officers agreed that work on the Central Business District stopbank project should be carried out before the work in Mills Street because it fitted in with the Making Places project. This sequence also suited Greater Wellington Regional Council's plans.

Cr Jamieson requested officers to investigate erecting hoardings reminding drivers to be considerate of cyclists on the Waione Street Bridge.

The Chair thanked the Divisional Manager, Road and Traffic and officers for their efforts and added that he was always impressed with the service the public received on their concerns and issues.

RESOLVED:

**Minute No. CIS 12304**

*"That the Committee notes the Activity 7 Review of the Road and Traffic Division."*

7. **INFORMATION ITEMS**

a) **Tenders Report As At April 2012** (12/644)

Report No. CIS2012/3/156 (3) by the Administration Manager

The General Manager, City Infrastructure elaborated on the report.

**RESOLVED:**

**Minute No. CIS 12305**

*"That the report be noted and received."*

b) **CIS Work Programme Cycle 3** (12/646)

Report No. CIS2012/3/157 (3) by the Committee Advisor

**RESOLVED:**

**Minute No. CIS 12306**

*"That the report be noted and received."*

8. **QUESTIONS**

There were no questions.

There being no further business the Chair declared the meeting closed at 6.55 pm.

Cr M Shierlaw  
**CHAIR**

**CONFIRMED as a true and correct record**  
**Dated this 10th day of July 2012**

**HUTT CITY COUNCIL**

**COMMUNITY AND INFRASTRUCTURE SERVICES COMMITTEE**

Meeting to be held on  
Monday 18 June 2012 commencing at 5.30pm.

**ORDER PAPER**

**PUBLIC BUSINESS**

1. **APOLOGIES**

2. **PUBLIC COMMENT**

Generally up to 30 minutes is set aside for public comment (three minutes per speaker on items appearing on the agenda). Speakers may be asked questions on the matters they raise.

3. **CONFLICT OF INTEREST DECLARATIONS**

4. **RECOMMENDATIONS TO COUNCIL**

a) **Hutt City Council - 10 July 2012**

i) **Te Whiti Park Lease and Reclassification Proposal (12/432)**

Report No. CIS2012/3/126 (3) by the Sportsgrounds Asset Manager,  
Parks and Gardens 3

**CHAIR'S RECOMMENDATION:**

"That the recommendations contained in the report be endorsed."

5. **WELTEC AREA ON STREET PARKING MANAGEMENT (12/537)**

Report No. CIS2012/3/125 (3) by the Senior Traffic Engineer 8

**CHAIR'S RECOMMENDATION:**

"That the recommendations contained in the report be accepted."

6. **ACTIVITY 7 REVIEW - ROAD AND TRAFFIC (12/616)**

Report No. CIS2012/3/127 (3) by the Divisional Manager, Road and Traffic 27

**CHAIR'S RECOMMENDATION:**

"That the Committee notes and discusses the Activity 7 Review of the Road and Traffic Division."

7. INFORMATION ITEMS

a) Tenders Report As At April 2012 (12/644)

Report No. CIS2012/3/156 (3) by the Administration Manager 38

CHAIR'S RECOMMENDATION:

"That the report be noted and received."

b) CIS Work Programme Cycle 3 (12/646)

Report No. CIS2012/3/157 (3) by the Committee Advisor 40

CHAIR'S RECOMMENDATION:

"That the report be noted and received."

8. QUESTIONS

With reference to section 43 of Standing Orders, before putting a question a member shall endeavour to obtain the information. Questions shall be concise and in writing and handed to the Chair prior to the commencement of the meeting.

Chris Craig  
COMMITTEE ADVISOR



## Community and Infrastructure Services Committee

16 May 2012

File: (12/537)

Report no: CIS2012/3/125 (3)

### **WELTEC AREA ON STREET PARKING MANAGEMENT**

#### **Purpose of Report**

1. The purpose of this report is to outline the results of the consultation with residents of the WelTec area on possible measures to manage on street parking in the area as shown in Appendices 1 and 2 attached to this report and to recommend changes that are supported by the residents.

## Recommendations

It is recommended that the Committee:

- (i) notes that, when the whole area is considered together, the majority of residents who responded did not support any changes to the following:
  - a) marked parking spaces
  - b) angle parking
  - c) time restricted parking
  - d) a residents' parking scheme;
- (ii) notes that, when each street is considered on its own, the following changes were supported by residents in each street:
  - a) marking parking spaces where they are currently unmarked in
    - Udy Street (Cuba Street to 71 Udy Street)
    - Cuba Street (Jackson Street to Udy Street)
    - High Street
  - b) adding angle parking in Elizabeth Street (+9 spaces)
  - c) introducing time restricted parking of P120 and P180 in High Street
  - d) trialling a Residents' Parking Scheme in High Street

(Note that (ii) c) and (ii) d) above, time restricted parking and a Residents' Parking Scheme in High Street, are only supported together, not one or the other);
- (iii) approves the marking of parking spaces in the following streets as shown in Appendices 3A, 3B and 4 attached to the report:
  - a) Udy street (Cuba Street to 71 Udy Street)
  - b) Cuba Street (Jackson Street to Udy Street)
  - c) High Street;
- (iv) approves the implementation of angle parking in Elizabeth Street as shown in Appendix 4; and
- (v) approves the implementation, as a trial, of both P120 and P180 restricted parking combined with a Residents' Parking Scheme in High Street as shown in Appendices 5 and 6 attached to the report; the trial to be reviewed after it has been in operation for one year and the results to be the subject of a further report to this Committee at that time.

## Background

2. The Policy Committee, at its meeting on 29 November 2011, requested that officers produce a report on traffic and parking issues in the WelTec area.
3. As the Policy Committee does not have delegated authority to approve traffic management issues, with both Chairs' approval, this report is being



presented to the Community and Infrastructure Committee which does have the appropriate delegation. The report has also been copied to the Petone Community Board for its consideration and recommendations.

4. Council is also currently seeking public submissions on Proposed District Plan Change 25 which introduces a Tertiary Education Precinct under the Resource Management Act and associated policies and controls that can only apply to the WelTec Campus.
5. Independent of that proposal, Council has consulted on possible measures to better manage on street parking in the area to improve the availability of on street parking for local residents. This is a completely independent process as any conditions that may be set under the Resource Management Act for the WelTec site can only apply to the site, i.e. they cannot include conditions relating to adjacent public streets.
6. Officers prepared consultation documents (see Appendix 1) and plans. The overall consultation plan is attached as Appendix 2 (larger scale individual plans of each street were delivered to each street – they are not attached).

#### **Discussion**

7. The results of the consultation show that when the whole area was considered together, the majority of respondents did not support any of the changes consulted on.
8. However, when each street was considered on its own, the following changes were supported by residents in each street:
  - a) marking parking spaces in the following streets as shown in Appendix 3;
    - Udy Street (Cuba Street to 71 Udy Street)
    - Cuba Street (Jackson Street to Udy Street)
    - High Street
  - b) adding angle parking in Elizabeth street (+9 carparks) as shown in Appendix 4
  - c) adding P120 and P180 time restricted parking in High Street as shown in Appendix 5
  - d) a Residents' Parking Scheme (RPS) in High Street as shown in Appendix 5 and detailed in Appendix 6.
9. Items 8 (c) and (d) above were only supported by High Street residents if they are implemented together (i.e. not one or the other), if RPS parking exemptions are issued for every legitimate car associated with each property and that there be no fees charged to residents while the RPS is in place.
10. WelTec have indicated that they:
  - a) support marking spaces as in 8 a) above

- b) do not support angle parking in Elizabeth Street. They think this will encourage students to use them rather than use the on site carparks provided
  - c) do support P120 restrictions in Kensington Avenue but do not support the P240 in conjunction with the RPS. They think this will still restrict residents' ability to find a park
  - d) do not support the RPS as proposed (i.e. time restrictions with residents' exemptions) but would support an RPS which reserved some on street parks for residents only
11. In view of the residents' support, officers consider it is appropriate that both marked parking spaces and angle parking be implemented in the streets.
  12. Officers also consider it appropriate that P120 and P180 restricted parking, together with an RPS, be implemented in High Street (see Appendices 5 and 6 for details). As this will be the first such scheme in Lower Hutt, officers recommend that this be done initially as a trial and its operation be reviewed after one year with results reported to the Committee at that time.
  13. The High Street residents asked that the Committee note that they are somewhat reluctant to the proposals for their street but agree that any changes be undertaken as a trial and that they reserve the right to stop the trial at any time if that is the wish of the majority of residents.

### Options

14. The four parking management options consulted on were:
  - marking parking bays in your street
  - angle parking in your street
  - time restricted parking in your street
  - a residents' parking scheme in your street

### Consultation

15. At its meeting on 28 May 2012 the Petone Community Board passed the following resolution: "That the Board endorses the recommendations contained in the report."
16. The consultation documents and plans were delivered to each property within the WelTec area (shown inside the yellow dashed lines on the plan in Appendix 2).
17. The detailed results of the consultation are shown in Appendix 7.

### Legal Considerations

18. The marking of parking bays and the painting of broken yellow lines (BYLs) across driveways has no legal implications as parking over or within 1m of a driveway is illegal under "Section 6.9 of the Land Transport (Road User) Rule 2004" and can be enforced whether or not BYLs are in place.

19. Once approved, P120 and P180 parking restrictions can be installed and enforced by Council.

#### Financial Considerations

20. The estimated cost of marking all parking bays and painting BYLs is \$3,000.

#### Other Considerations

21. There are no other considerations.

#### Appendices

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3	Appendix 3A Udy Street Marked Parking Spaces	21
4	Appendix 3B Cuba Street Marked Parking Spaces	22
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6	Appendix 5 High Street P180 and P120 RPS Area	24
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<b>Supporting Information</b>
<p><b>Strategic Fit/Strategic Outcome</b></p> <p>Supports Council Outcome 3: An Accessible and Connected City.</p>
<p><b>LTCCP/Annual Plan Reference</b></p> <p>The recommendation supports Activity 7: Roads and Traffic by providing management of the City's roading network.</p>
<p><b>Decision Making</b></p> <p>This decision is not considered to be a significant decision.</p>
<p><b>Consistency with Existing Policy</b></p> <p>The recommendations are consistent existing policies.</p>

**Author:** Wayne King  
Senior Traffic Engineer

**Reviewed By:** Lyle Earl  
Traffic Assets Manager

**Approved By:** Ron Muir  
Divisional Manager, Road and Traffic

30<sup>th</sup> March 2012

To **The Resident**

Elizabeth Street, Buick Street, Kensington  
Avenue, Atiawa Street, Huia Street, High Street,  
Emerson Street, Udy Street (Cuba St to 71 Udy  
Street), Cuba Street (from Jackson Street to Udy  
Street).

**PETONE**

Contact: Zackary Moodie  
Group/Division: Road and Traffic  
Telephone: 04-570 6788  
Email: zackary.moodie@huttcity.govt.nz  
Our Reference: DOC/12/24480

Dear Sir / Madam

**WELTEC AREA ON-STREET PARKING CONSULTATION**

**Background**

You may be aware that Council is currently seeking public submissions on Proposed District Plan Change 25 which introduces a Tertiary Education Precinct under the Resource management Act and associated policies and controls that would only apply to the WelTec Campus. You can expect to receive this in the mail.

Independent of that proposal, Council is also consulting on possible measures to better manage on-street car parking in the area to improve the availability of on-street parking for local residents.

Council has provided an overall concept plan, and a more detailed plan of your street showing the proposal. These are attached so you can give us an informed comment upon the proposals.

On-street parking is a community resource and in areas of high demand (as in some of the streets around the WelTec Campus) Council endeavours to manage parking to achieve an average occupancy of around 85% where possible. This aims to ensure a number of car parks are available most of the time to meet demand.

**WelTec Changes**

The WelTec Hospitality School is to be relocated away from the Petone Campus by the end of 2012 and the construction of an extension of 'N Block' on Cuba Street is due to start in early 2013. These changes will increase the number of WelTec on-site car parks by 76 and is expected to reduce parking demand by 83.

This will increase the availability of parking by 159 and therefore significantly reduce on-street parking demand. The current WelTec on-street parking demand is approximately 480 each term day.

### Parking Surveys

Recent comprehensive parking surveys of the streets around WelTec showed:

- Three streets with occupancy of 50% or less:  
    Britannia Street  
    Manchester Street  
    Heretaunga Street

Consequently no changes are proposed for these streets

- Nine streets with occupancy of 80% or greater  
    Atiawa Street  
    Buick Street  
    Cuba Street (Jackson St to Udy St)  
    Elizabeth Street  
    Emerson Street  
    High Street  
    Huia Street  
    Kensington Avenue  
    Udy Street (from Cuba Street to 71 Udy Street)

Consequently it is proposed to implement a parking management structure in these streets. The precise nature of the plan depends upon public acceptance of the proposals outlined below.

### PUBLIC CONSULTATION

Council values your opinion on these proposed improvements to parking conditions on the streets adjacent to WelTec. Please can you share your views with Council. There are four key matters below. All four improvements work together to improve on-street parking in the area. Please give consideration to all of them.

**Note:** Improvements will only be made in your street if a majority of respondents in your street support a particular proposal.

#### 1. Marked Parking Spaces

It is proposed to separately mark all individual parking spaces and paint yellow no stopping lines across all driveways to improve parking discipline and reduce the incidence of parking to close or over driveways.

## 2. Angle Parking

It is proposed to implement angle parking in the following streets to increase the number of on-street parks available by a total of 38 additional spaces:

- Elizabeth Street (+9 spaces)
- Buick Street (+6 spaces)
- High Street (+8 spaces)
- Emerson Street (+15 spaces)

## 3. Time Restricted Parking

It is not proposed to implement any time restricted parking in the 3 streets with 50% or less occupancy rates i.e. Britannia Street, Manchester Street and Heretaunga Street.

It is proposed to implement time restricted parking in the nine streets with occupancy rates of 80% or higher as follows:

- P120 minutes in Kensington Ave between Huia Street and Atiawa Street.
- P240 minutes in:
  - The rest of Kensington Ave
  - Atiawa Street
  - Buick Street
  - Cuba Street (Jackson St to Udy St)
  - Elizabeth Street
  - Emerson Street
  - High Street
  - Huia Street
  - Udy Street (from Cuba Street to 71 Udy Street)

## 4. Residents Parking Scheme

It is proposed to implement a Residents Parking Scheme (RPS) in all of the streets listed above for Time Restricted Parking. Residents may apply for a permit which would exempt a permitted vehicle from the prevailing on-street time restriction (e.g. P240) and park unrestricted all day. The RPS would only apply during the WelTec Term between the hours of 8am to 6pm Monday to Friday.

The conditions that would apply to a RPS permit being issued are as follows:

- *Your main place of residence must be within the Residents Parking Zone (RPZ) and you will need to demonstrate to Council's satisfaction you have insufficient off-street parking to meet your needs.*

- Only one nominated vehicle per residence can qualify for a permit.
- The permit is non-transferrable and applies to one particular registered vehicle.
- The permit applies to the street of residence only, and cannot be used in other streets.
- The valid permit must be displayed while the vehicle is parked on-street to gain the time exemption.
- The permit applies for one year and must be renewed annually.
- There is no cost for bonafide residents who meet the criteria.

### YOUR OPINION?

Please tell us by Friday 27<sup>th</sup> April 2012 if you support (or otherwise) the proposed changes in **your street** by either:

1. Completing the questionnaire enclosed and returning it in the reply paid envelop provided.
2. **Or**, going to our website and filling out the online questionnaire at [www.huttcity.govt.nz/weltec\\_parking](http://www.huttcity.govt.nz/weltec_parking)

If you require any further clarification of these proposals please do not hesitate to contact the Road & Traffic Division of Council on direct dial telephone 570 6912 or email: [zackary.moodie@huttcity.govt.nz](mailto:zackary.moodie@huttcity.govt.nz)

Yours sincerely



Z Moodie  
**TRAFFIC ENGINEER**



**WelTec Area  
On-Street Parking Consultation**



Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone No: \_\_\_\_\_

Email: \_\_\_\_\_

(Please circle either yes or no)

**Q1?** Do you support the proposed Marked Parking Spaces in your street? YES / NO

**Q2?** Do you support the proposed Angle Parking in your street? YES / NO

**Q3?** Do you support the proposed Time restricted Parking in your street? YES / NO

**Q4?** Do you support the proposed Residents Parking Scheme for your street? YES / NO

If you do not support the proposed changes, please clearly explain the reasons for your objection, and what changes you would support.

**Comments/Observations and/or Reasons:** *Please use additional sheets of paper, if required*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please return to: Hutt City Council, in the reply paid envelope provided by

**Friday 27<sup>th</sup> April 2012**

**PTO**

**PRIVACY ACT STATEMENT**

I/We acknowledge that:

1. Personal information concerning me/us provided to Hutt City Council ("the Council"), whether contained in this questionnaire or otherwise obtained is provided and may be held, used and disclosed by the Council:
  - (a) to enable the Council to communicate with me/us for any purpose
  - (b) to enable the Council to provide me/us, or have provided to me/us advice and information concerning products and services that the council believes may be of interest to me/us
  - (c) to enable the Council to administer and maintain its records and carry out its required functions.
2. The personal information provided in this questionnaire is collected by and will be held by the Council, whose address is Private Bag 31 912, 30 Laings Road, Lower Hutt.
3. If I/we fail to provide any of the information the Council may be unable to process the questionnaire.
4. I/we have the right under the Privacy Act 1993 to obtain access to and to request correction of any personal information held by the Council concerning me/us.

Council has a Privacy Officer. If you have any concerns regarding privacy issues, please telephone 570 6666.

\_\_\_\_\_(please sign)











### **High Street Trial Residents Parking Scheme Conditions**

To be eligible for a residents parking permit you must reside within the Residents Parking Zone.

You may apply for a Residents Parking Permit for each vehicle that is owned and/or operated by a resident of the property.

The Residents Parking Scheme will apply 8.00am to 6.00pm, Monday to Friday.

Residents Parking Permits:

- Are non-transferable and apply to a particular motor vehicle
- Apply to the street of residence only
- Exempt the vehicle from the prevailing on street time restrictions
- Must be displayed in the vehicle while it is parked on street to gain the time exemption
- Apply for one year and must be renewed annually



## Weltec Consultation Results

	Sent	Received	Marked parking Spaces			Angle parking Spaces			P 24J Time Restricted			Residents Parking Scheme		
			Q1	Q1	%	Q2	Q2	%	Q3	Q3	%	Q4	Q4	%
			Yes	NO	FOR	Yes	NO	FOR	Yes	NO	FOR	Yes	NO	FOR
Whole Weltec Area	288	193	86	94	45%	50	125	26%	36	147	19%	39	144	20%
High Street	30	32	25	7	78%	3	29	9%	1	31	3%	2	30	6%
Elizabeth Street	29	12	6	6	50%	8	4	67%	3	9	25%	2	10	17%
Cuba Street	93	45	29	16	64%	27	17	60%	3	42	7%	5	40	11%
Udy Street	15	8	6	3	63%	3	4	38%	0	8	0%	1	7	13%
Buick Street	12	10	5	5	50%	1	9	10%	0	10	0%	0	10	0%
Kensington Ave	40	19	9	10	47%	5	12	26%	3	16	16%	3	14	16%
Huia Street	17	19	2	17	11%	1	17	5%	1	18	5%	1	18	5%
Aliawa Street	22	19	7	12	37%	2	12	11%	2	17	11%	2	17	11%
Emerson Street	30	29	1	28	3%	0	29	0%	0	29	0%	0	29	0%



**APPENDIX 4: URBAN DESIGN ASSESSMENT BY JANE BLACK, PEOPLE AND PLACES**



**Jane Black**

Urban Planner

**People and Places**

Jane@people-places.co.nz

## **Proposed Plan Change 25 - Tertiary Education Precinct**

The purpose of this report is to look at the overall design implications of the provisions of PC 25 and address matters raised in submissions with regard to the need for design guidelines.

### **Site Context**

WelTec is a well established institution in Petone within a predominantly residential area. There has been an educational institution in the area since 1904. Petone Recreation Ground is a significant landmark open space adjacent to WelTec and to the north, there is land zoned for General Business with a range of semi industrial and commercial activities. There are also a number of schools and churches in the area. As the landform is flat within the valley, the WelTec buildings on the western side of Kensington Ave clearly stand out as an institutional precinct. They are not residential in character and scale. On the eastern side of Kensington Ave, the site is residential in character and scale and is occupied by Te Whare Awhina in a house and a carparking site.

The Udy Street site is vacant and used for carparking. To the north of this site lies the General Business Activity Area and to the east, the Petone Recreation Ground. To the south and west the area is residential in character. Being vacant and surrounded by activities and spaces of varying character means not only that it has the greatest potential for development but also that care needs to be taken to provide buildings that respond well to their surroundings.

The Elizabeth Street site is residential in character and scale. The buildings on the site – the crèche, the historic courthouse and other single storey buildings are of a scale and character that are compatible with the surrounding residential area.

The Cuba Street site is within the General Business Area and the buildings and uses are compatible with the character, scale and uses of the area.

### **Issues**

Submitters have raised concerns about the compatibility of development on the WelTec site with the surrounding residential area in terms of height, visual dominance, privacy, shading and effects on character generally. A number of submitters consider that design guidelines *would provide greater certainty for the community and a more balanced approach to managing built form*. It is appropriate to look at each site separately as they have different contexts and characteristics.

On the western side of Kensington Ave, the site is already developed to over 60% coverage as proposed by PC25. Its buildings are the most dominant of the institution with the main building achieving a height of 8 storeys. Any new development will be required to be within a 12m height

limit which is well below the height of the existing main building. The proposed bulk and location requirements require setbacks to create a transition between the lower height of 8m on adjoining southern residential properties and the proposed height of 12m. This means that development can't achieve 12m within 12.5m of the southern boundary. This is an appropriate height in the context of the development of this site while recognising the proximity to adjoining properties. This site differs from those on the eastern side of Kensington Ave, Elizabeth Street and Udy Street in that it is already substantially developed with limited scope for new development and the bulk and location controls seek to maintain a balance between providing for any future buildings and acknowledging the scale of the surrounding area.

On the eastern side of Kensington Ave the existing development is residential in character to the extent that Te Whare Awhina is located in a house. The other part of this site is used for carparking. The plan change recognises that the nature of WelTec on this side of Kensington is of a character and scale that is residential rather than institutional on the western side. In response to this the bulk and location requirements are the same as the General Residential Character Area with the exception of a reduced recession plane on the southern boundary to 2.5m and 37.5deg (rather than 45deg) and a greater yard requirement on the southern boundary of 3m (rather than 1m). This further reduces the impact of development on neighbouring properties.

Similarly, the existing development on the front of the site on Elizabeth Street is residential in character and scale and the whole site is surrounded by residential development and open space. The historic courthouse is a listed building and afforded protection through the District Plan but an application for a resource consent to demolish can be made. The circumstances are similar to the site on the eastern side of Kensington Ave where there is low scale development within the residential area and the bulk and location requirements are largely those of the General Residential Activity Area. However on the Elizabeth Street site, the proposed plan provisions provide for a 12 m building height, 40 % maximum site coverage and no additional yard or setbacks in height (recession planes). It would be appropriate for provisions similar to those for the eastern side of Kensington Street to apply to the Elizabeth Street site to acknowledge the residential character and scale of the existing site and adjacent area. By applying the bulk and location provisions of the General Residential Activity Area the maximum height would be 8m and there would be no need for additional setbacks in height. The maximum site coverage of 40% would be appropriate providing more flexibility and scope for development recognising the nature of the institution. This is consistent with the maximum site coverage for medium density housing in the residential area.

The Udy Street site provides the greatest opportunity for development given that it is vacant and used for carparking. The character and scale of development in the area is mixed and any development needs to take into account the diverse context of the site. On the northern side, the site is opposite to the General Business Activity Area where the height limit is 12m and the maximum site coverage 100%. On the eastern boundary the significance of the Petone Recreation Ground requires particular attention and development should not dominate or shade the ground. On the southern residential boundary the provisions generally provide for a stepped approach to height to provide a transition from the lower height of the residential area so that the proposed height of 12m on the site can only be achieved 12.5m away from the boundary. On the western boundary the site faces Britannia Street and adjoins the residential area.

Given the location of the site within the residential area and that it is currently vacant, the provisions need to relate to the scale of residential development. While a stepped approach provides some transition there is potential for development on the site to dominate the residential neighbourhood and possibly the Petone Recreation Ground. The conditions are similar on this site, to those of the sites on the eastern side of Kensington Ave and Elizabeth Street where the sites are characterised by low scale development within a residential area. Similarly, it is more appropriate that the bulk and location provisions of the General Residential Activity Area apply on this site to ensure an appropriate scale of development. In order to provide more separation from the residential activities, maintenance of the 3m yard requirement is consistent with the approach taken on the eastern side of Kensington Ave. The maximum site coverage of 40% is considered appropriate for the reasons given above in relation to the Elizabeth Street site.

Additional provisions are required to ensure new development exceeding the permitted bulk and location requirements is compatible with the scale of adjacent residential development. The following matters should be added to those which Council has restricted its discretion in considering applications for restricted discretionary activities to exceed the identified bulk and location requirements:

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

Design guidelines on all sites are not considered necessary as the bulk and location requirements adequately address matters of scale and bulk. New buildings can be accommodated within the residential area that are compatible while being institutional in character. The largest site of the precinct is already well developed and in fact exceeds the proposed maximum site coverage. Applying the General Residential Activity Area provisions to the Elizabeth Street and Udy Street sites will however provide a better scale relationship to the surrounding area.

**Jane Black**

Urban Planner

**People and Places**

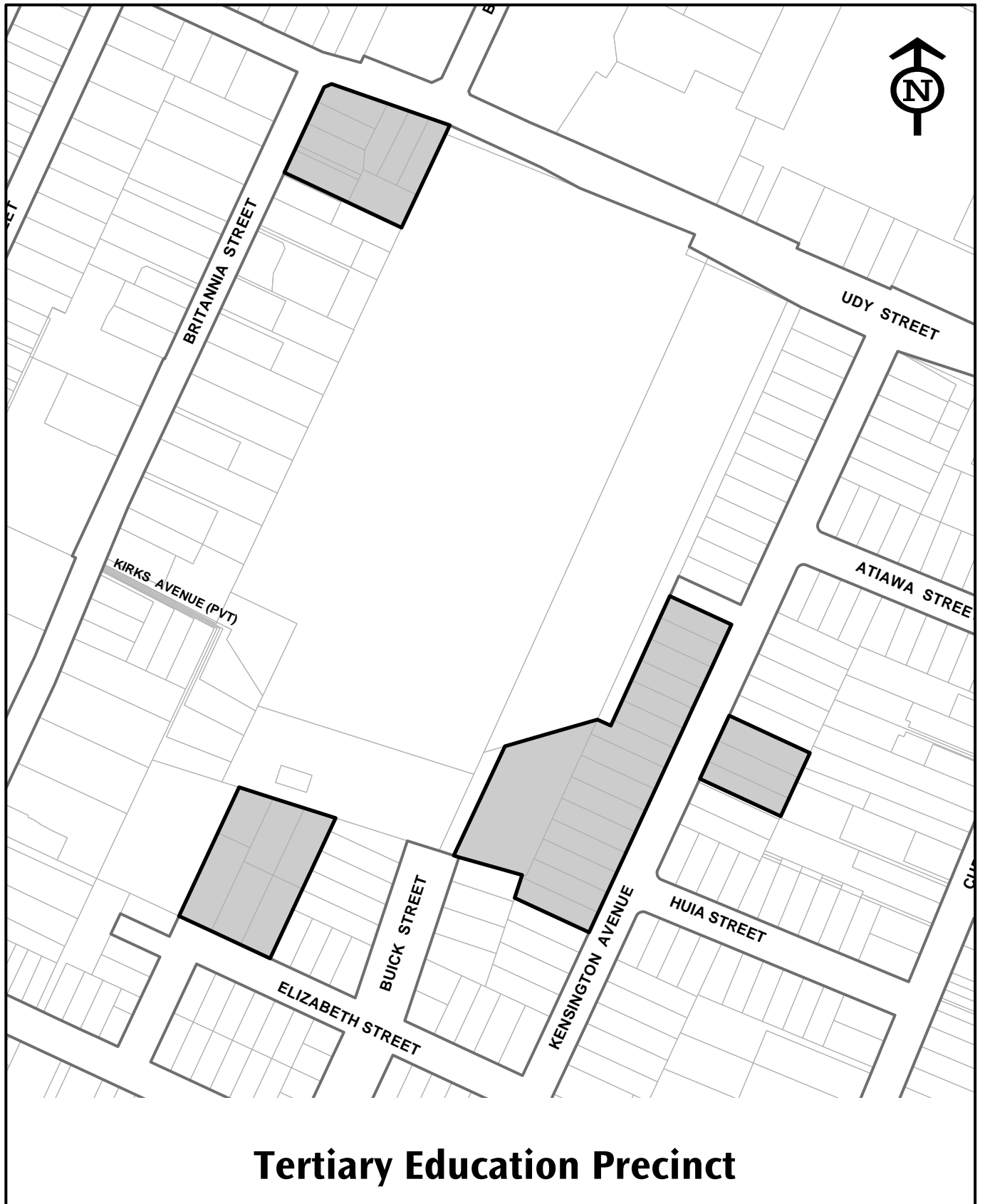




**APPENDIX 5: AMENDED APPENDIX GENERAL RESIDENTIAL 20**



# Appendix General Residential 20



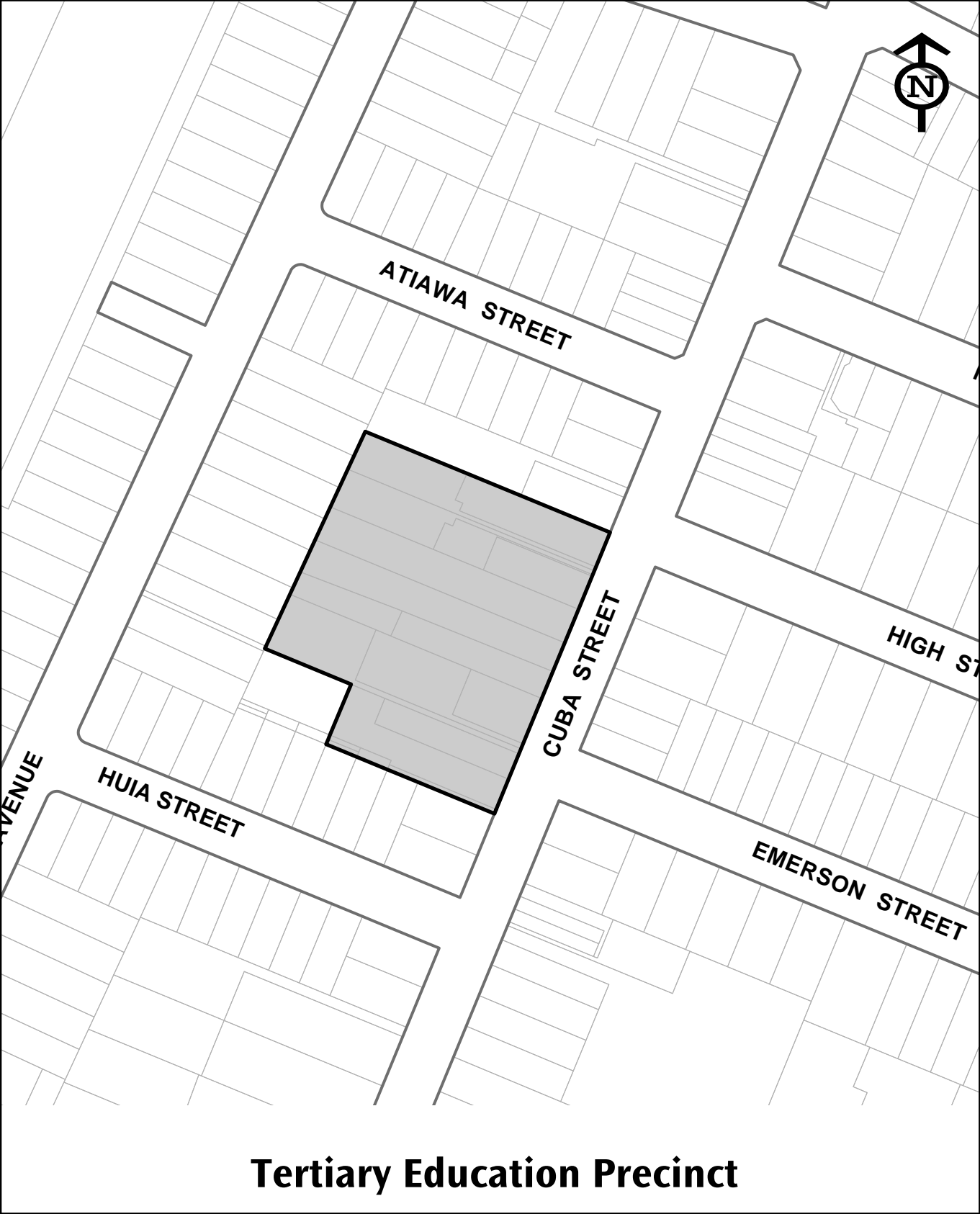
**Tertiary Education Precinct**



**APPENDIX 6: AMENDED APPENDIX GENERAL BUSINESS 5**



Appendix General Business 5



**Tertiary Education Precinct**





## APPENDIX 7: SCHEDULE OF LAND AFFECTED BY THE PLAN CHANGE

**Table 1: Land Affected By the Plan Change (as amended 10 January 2013)**

Legal Description	Area	Address	Owner	Amendment and Explanation
<b>P Block and Carpark (east side of Kensington Ave)</b>				
<u>Sec 2 SO 351186 [formerly Pt Lot 50 DP 8102]</u>	<u>536m<sup>2</sup> [was 636m<sup>2</sup>]</u>	24 Kensington Ave	WelTec	This property has recently been subdivided, with 99m <sup>2</sup> amalgamated with the adjoining property to the south at 22 Kensington Ave. The new legal description for the subject property is Sec 2 SO 351186 and the revised land area should be 536m <sup>2</sup> .
Lot 51 DP 8102	636 m <sup>2</sup>	26 Kensington Ave	WelTec	
Lot 52 DP 8102	757 m <sup>2</sup>	28 Kensington Ave	WelTec	
<b>N Block</b>				
Lot 1 DP 9689	894 m <sup>2</sup>	59 Cuba St	WelTec	
Lot 2 DP 9689	812 m <sup>2</sup>	59 Cuba St	WelTec	
Lot 3 DP 9689	506 m <sup>2</sup>	59 Cuba St	WelTec	
Pt Lot 35 DP 709	429m <sup>2</sup>	59 Cuba St	WelTec	
Pt Lot 35 DP 709	663m <sup>2</sup>	59 Cuba St	WelTec	
Pt Lot 35 DP 709	1,093m <sup>2</sup>	59 Cuba St	WelTec	
Pt Lot 36 DP 709	1,333m <sup>2</sup>	59 Cuba St	WelTec	
Lot 1 DP 14874	715m <sup>2</sup>	59 Cuba St	WelTec	
Lot 2 DP 14874	718m <sup>2</sup>	59 Cuba St	WelTec	
Lot 1 DP 23321	497m <sup>2</sup>	59 Cuba St	WelTec	
Lot 2 DP 23321	285m <sup>2</sup>	59 Cuba St	WelTec	
Lot 4 DP 14874	774m <sup>2</sup>	69 Cuba St	Watson Property Partnerships Trustee Limited	
<del>Lot 1 DP 11935</del>	<del>1,208m<sup>2</sup></del>	<del>71A Cuba St</del>	<del>Four Fantail Investments Limited, Peter Barron, David Butler</del>	This property and 71 Cuba St (not listed in the original schedule) were included in the Overlay Map to be consistent with the boundary of the Cuba St General Business Activity Area. However, WelTec has not indicated any current or future interests in 71 or 71A Cuba St, and therefore these properties will be deleted from the schedule of properties.
<b>Main Campus (A, B, C, R and T Blocks)*</b>				
Lot 19 DP 8102	496m <sup>2</sup>	37 Kensington Ave	WelTec	
Lot 18 DP 8102	494m <sup>2</sup>	35 Kensington Ave	WelTec	
Lot 17 DP 8102	493m <sup>2</sup>	33 Kensington Ave	WelTec	

Lot 16 DP 8102	458m <sup>2</sup>	31 Kensington Ave	WelTec	
Lot 15 DP 8102	457m <sup>2</sup>	29 Kensington Ave	WelTec	
Lot 14 DP 8102	456m <sup>2</sup>	27 Kensington Ave	WelTec	
Lot 13 DP 8102	527m <sup>2</sup>	25 Kensington Ave	WelTec	
Lot 12 DP 8102	596m <sup>2</sup>	23 Kensington Ave	WelTec	
Lot 11 DP 8102	595m <sup>2</sup>	21 Kensington Ave	WelTec	
Lot 10 DP 8102	594m <sup>2</sup>	19 Kensington Ave	WelTec	
Lot 9 DP 8102	579m <sup>2</sup>	17 Kensington Ave	WelTec	
Lot 8 DP 8102	550m <sup>2</sup>	15 Kensington Ave	WelTec	
Lot 7 DP 8102	549m <sup>2</sup>	13 Kensington Ave	WelTec	
Lot 6 DP 8102	551 m <sup>2</sup>	11 Kensington Ave	WelTec	
Lot 5 DP 8102	566 m <sup>2</sup>	9 Kensington Ave	WelTec	
Section 1 SO 24800	3,346 m <sup>2</sup>	Buick St	WelTec	

#### O Block

Pt Lot 141 DP 1232	1,013 m <sup>2</sup>	9 Elizabeth St	WelTec	
Pt Lot 141 DP 1232	578 m <sup>2</sup>	Rear of 9 Elizabeth St	WelTec	
Pt Lot 142 DP 1232	774 m <sup>2</sup>	11 Elizabeth St	WelTec	
Pt Lot 142 DP 1232	726 m <sup>2</sup>	Rear of 11 Elizabeth St	WelTec	
Pt Lot 143 DP 1232	772 m <sup>2</sup>	13 Elizabeth St	WelTec	
Pt Lot 143 DP 1232	769 m <sup>2</sup>	Rear of 13 Elizabeth St	WelTec	

#### Wormald Building

Pt Lot 33 DP 709	536 m <sup>2</sup>	53 Cuba St	Gaynor Charitable Nominees Ltd	
Pt Lot 33 DP 709	45 m <sup>2</sup>	53 Cuba St	Gaynor Charitable Nominees Ltd	
Pt Lot 33 DP 709	<u>600m<sup>2</sup></u> <u>[was</u>	53 Cuba St	Gaynor Charitable	WelTec only has indicated an interest in the front portion of this property. Therefore, the

	<u>1,590 m<sup>2</sup></u>		Nominees Ltd	area should be revised to 600m <sup>2</sup> .
Pt Lot 32 DP 709	79 m <sup>2</sup>	53 Cuba St	Gaynor Charitable Nominees Ltd	
Pt Lot 32 DP 709	45 m <sup>2</sup>	53 Cuba St	Gaynor Charitable Nominees Ltd	
Lot 1 DP 325690	44 m <sup>2</sup>	53 Cuba St	Gaynor Charitable Nominees Ltd	
<del>Lot 2 DP 325690</del>	<del>44 m<sup>2</sup></del>	<del>53 Cuba St</del>	<del>Gaynor Charitable Nominees Ltd</del>	WelTec indicated that they do not have any interests in this parcel of land; therefore, this property listing should be deleted from the schedule of properties.

#### Udy St Carpark

Lot 1 DP 14552	493m <sup>2</sup>	64 Britannia St	WelTec	
Lot 2 DP 14552	466m <sup>2</sup>	62 Britannia St	WelTec	
Lot 3 DP 14552	504m <sup>2</sup>	60 Britannia St	WelTec	
Lot 4 DP 14552	543m <sup>2</sup>	58 Britannia St	WelTec	
Lot 5 DP 14552	472m <sup>2</sup>	Udy St	WelTec	
Lot 6 DP 14552	496m <sup>2</sup>	Udy St	WelTec	
Lot 7 DP 14552	519m <sup>2</sup>	Udy St	WelTec	
Pt Lot 8 DP 14552	666m <sup>2</sup>	64 Britannia St	WelTec	There are two parcels with the same legal description which form part of the Udy St Carpark. The area (119m <sup>2</sup> ) of the second parcel has been added to the area column.
Pt Lot 8 DP 14552	119m <sup>2</sup>	64 Britannia St	WelTec	

#### ~~Bracken St (K Block)~~

<del>Section 979 Hutt District</del>	<del>7,049m<sup>2</sup></del>	<del>26 Bracken St</del>	<del>Hutt City Council</del>	As it is recommended to remove the Bracken Street site from the precinct this part of the table will no longer be required.
Section 887 Hutt District	1,879m <sup>2</sup>	Bracken St	Hutt City Council	



**APPENDIX 8: EXPERT CONFERENCING – TRAFFIC – JOINT STATEMENT**



Before the Hutt City Council  
Proposed Plan Change 25: Establishment of a Tertiary Education Precinct in  
Petone

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*under:* the Resource Management Act 1991

*in the matter of:* of a proposed change to the Lower Hutt District Plan to  
establish a Tertiary Education Precinct in Petone [Plan  
Change 25]

Expert Conferencing Joint Report to the Plan Change 25 Hearing

Parking & Traffic Issues

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Dated: 01 March 2013

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## **EXPERT CONFERENCING JOINT REPORT TO THE PLAN CHANGE 25 HEARING**

### **INTRODUCTION**

- 1 This joint statement is prepared in accordance with sections 5.6.1(h) and 5.6.2 of the Environment Court's Consolidated Practice Note 2011.
- 2 This report relates to the conferencing topic of Parking & Traffic matters discussed at a meeting on 1 March 2013.
- 3 Attendees at the meeting were:
  - Wayne King (WK), Senior Traffic Engineer Hutt City Council;
  - Zackary Moodie (ZM), Traffic Engineer Hutt City Council;
  - Tim Kelly (TK), Transportation Planning Consultant, for WelTec (a submitter); and
  - Warwick Walbran (WW), Traffic Engineering Reviewer for Hutt City Council.
- 4 Also in attendance and contributing where necessary were:-
  - Corinna Tessendorf (CT), Senior Environmental Policy Adviser for Hutt City Council
  - Lindsay Daysh (LD), Planning Consultant for Hutt City Council
- 5 Conferencing took place in response to a Minute issued by the hearing commissioner encouraging the resolution of matters prior to the hearing. A request was issued to attend conferencing to those submitters who had raised parking and/or traffic issues and named an expert witness, with the only submitter represented being WelTec.

### **AREAS OF AGREEMENT**

#### **Student & Staff Numbers, Travel Patterns**

- 6 The experts agree that the WelTec student and staff numbers for 2009 – 2013 are as summarised in Table 1 and note that the relocation of the Hospitality school to Wellington has been responsible for most of the reductions seen in 2012 and 2013. These numbers are based on maximum numbers of staff and students expected to be on site at any one time and they are not maximum enrolments. The 2013 figures supplied by WelTec are



estimates, subject to some minor variation as enrolments and timetabling are finalised at the commencement of the first trimester.

<b>Year</b>	<b>Students</b>	<b>Staff</b>
2009	1,140	295
2010	1,159	304
2011	1,185	289
2012	995	277
2013	980	270

**Table 1: WelTec Student and Staff Numbers**

- 7 The experts agree that the surveyed percentages of students and staff travelling to WelTec by car are summarised by Table 2.

<b>Year</b>	<b>% Students</b>	<b>%Staff</b>
2006	46%	77%
2009	43%	74%

**Table 2: Percentage of WelTec Student and Staff Using a Car for the Journey to/from WelTec**

- 8 The experts consider as these are now 4 years old that there should be ongoing monitoring and it is likely that these numbers are tracking down based on WelTec travel demand measures and improvements to the quality of public transport services.
- 9 The experts agree that these statistics together indicate a declining demand for parking by staff and students and that this trend is expected to continue as WelTec is working on timetable smoothing aimed at reducing the peaks and troughs in student numbers on site at one time.

### **WelTec Off-Street Parking Provision**

- 10 The experts noted that:
- at the time of the 'N' block consent application, WelTec provided 418 off-street parking spaces;
  - measures proposed as part of the 'N' block application were originally proposed to provide an additional 96 spaces, taking the total to 514 spaces;
  - 20 spaces were subsequently dropped (5 adjacent to the Courthouse building and 15 adjacent to the 'B' Block building) meaning that there will be additional 76 spaces resulting in a total of 494 spaces.
  - The provision of these additional spaces is a condition of the 'N' Block consent. TK envisages that these previously agreed

spaces are likely to be operational by the time the plan change becomes operative. An update on this will be provided at the hearing.

### **Kerbside Parking Provision and Usage**

- 11 The experts also noted that:
- Surveys of parking usage were undertaken by HCC on Wednesday 14 March and Saturday 17 March 2012;
  - These surveys showed the maximum number of vehicles using WelTec off-street parking on a Wednesday was 301, a utilisation of 72% of the 418 available spaces;
  - In terms of on street parking, the surveys indicated that there were a number of streets around the campus with high usage. For example 48 of the available 51 on street spaces on High Street (Cuba – Williams) were occupied;
  - HCC (as outlined in the appendix to WW's review attached to the draft s42A report) requested resident's views in the area around the proposed Precinct on additional controls such as time restrictions and residents parking exemptions;
  - The only uptake subsequent to these surveys, is that HCC introduced a 1 year trial for P120/P180 time restrictions with residents parking exemptions to apply to kerbside parking on High Street.
- 12 WK confirmed that the same parking surveys are to be repeated on during March 2013 and the results of this will be tabled at the hearing.

### **Existing District Plan Parking Requirement**

- 13 The experts agree that the existing parking requirement is defined at Rule 14A(iii)2.1 of the operative District Plan and requires the provision of a minimum of 1 parking space per staff member plus 1 space for every 3 students (based upon the maximum numbers on-site at any one time).
- 14 The methodology for the calculation of staff and student numbers was considered. It was agreed by the experts that the calculation which had been agreed in expert conferencing for the 'N' Block application appeal (being the use of figures for a Wednesday in July at 10.00am, with a 10% reduction to reflect typical absentees) was reasonable.

- 15 The experts agree, that based upon 1,200 students and 300 staff, the requirement under the existing District Plan rules would be 700 spaces (but note that based upon the estimated 2013 figures in Table 1 above, this would reduce to 597).
- 16 The experts agree that in common with other local authorities around New Zealand, HCC expects that large educational or health care facilities require the use of some level of on street parking. In some situations Councils have imposed parking controls to ensure equitable use of the parking resource between the needs of residents and the institution.
- 17 The experts agree that the introduction of a parking standard to apply to the Tertiary Education Precinct which seeks to identify a level of kerbside parking is a pragmatic way forward.

### **Proposed Parking Standard**

- 18 The experts agree that student and staff numbers, and the percentages which use vehicles for the journey to/from WelTec directly influence levels of parking demand.
- 19 The experts agree that these figures are subject to variation over time and will require monitoring.
- 20 The experts agree that the parking standard should take account of an acceptable level of kerbside parking (AKP) use.
- 21 The experts agree that the AKP of 300 is reasonable as it seeks to limit the degree of kerbside demand where adverse effects on those streets have been reported.
- 22 The experts agree that a package of measures to restrict the use of kerbside parking by non-residents would assist in influencing the geographic distribution of parking and in doing so would ensure effects could be controlled. The experts note that the responsibility for controls lies with the road controlling authority and is beyond the jurisdiction of the plan change process.
- 23 The experts agree that the parking standard should take account of the utilisation rate of the WelTec off-street parking resource at the time the maximum parking demand occurs.
- 24 The experts agree that the formula proposed, whilst complex, would be more transparent than a straight student/staff to parking tabular approach, would be workable and represents a reasonable basis to the establishment of a parking standard for the Tertiary Education Precinct.

## Monitoring and Reporting

- 25 The experts agree that WelTec, in association with HCC, should undertake consistent surveys to establish student/staff numbers, their mode of travel and the level of utilisation of the off-street parking resource with the first carried out one year after the finalisation of the Plan Change as long as that time is within term time for the Institution.
- 26 The objectives, methods and frequency of monitoring should be agreed between WelTec and HCC. This will include any resulting actions that may be carried out as a result of the monitoring. LD and CT will request that this approach be raised at the prehearing meeting with other submitters and views sought with the outcomes reported at the hearing.

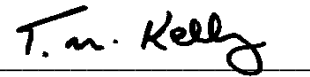
Date: 4 March 2013




[Wayne King]



[Zackary Moodie]



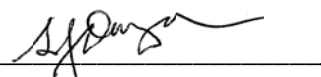
[Tim Kelly]



[Warwick Walbran]



[Corinna Tessendorf]



[Lindsay Daysh]

## APPENDIX 9: RECOMMENDED DECISIONS BY SUBMITTER

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

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**PLAN CHANGE 25 – INTRODUCTION OF A TERTIARY EDUCATION PRECINCT**  
**RECOMMENDATIONS ON DECISIONS SOUGHT AND FURTHER SUBMISSIONS**

<b>DPC25/1 Greater Wellington Regional Council</b>						
<b>Sub. Ref.</b>	<b>Amendment &amp; Provision</b>	<b>Support/ Oppose</b>	<b>Decision/Relief Sought</b>	<b>Accept/Reject</b>	<b>Recommended Decision</b>	
1.1	<b>Amendment 30</b> [14A (iii) 1.2.1 On-site Parking Provision for Activities – Policy]	Support	That Hutt City Council notes our support for these provisions.	Accept in part		
1.2	<b>Amendment 31</b> [14A (iii) 1.2.1 On-site Parking Provision for Activities – Explanation]	Support		Accept in part		
<b>Further Submissions</b>						
	<b>Further Submitter</b>	<b>Sub. Ref.</b>	<b>Original Submission Reference</b>	<b>Support/ Oppose</b>	<b>Accept/Reject</b>	<b>Recommended Decision</b>
	DPC25/160 Wellington Institute of Technology	160.1	Entire Submission	Support	Accept	
	DPC25/162 Mr & Mrs Yardley	162.1	Entire Submission	Support in Part Oppose in Part	Accept in part Accept in part	
	DPC25/163 Nelson Street Trust	163.1	Entire Submission	Support in Part Oppose in Part	Accept in part Accept in part	
	DPC25/164 Petone Urban Environmental Association Inc.	164.1	Entire Submission	Support in Part Oppose in Part	Accept in part Accept in part	

<b>DPC25/2 Carolyn Wadsworth</b>						
<b>Sub. Ref.</b>	<b>Amendment &amp; Provision</b>	<b>Support/ Oppose</b>	<b>Decision/Relief Sought</b>	<b>Accept/Reject</b>	<b>Recommended Decision</b>	
2.1	General	Oppose	That Hutt City Council adopt the amendments, additions, and deletions sought by the Petone Urban Environmental Association in its submission.	Accept in part		

<b>DPC25/3 Hilda Burgess</b>						
<b>Sub. Ref.</b>	<b>Amendment &amp; Provision</b>	<b>Support/ Oppose</b>	<b>Decision/Relief Sought</b>	<b>Accept/Reject</b>	<b>Recommended Decision</b>	
3.1	General	Oppose	Reject Plan Change 25 in its current form.	Reject		
			Remove outlying areas from a so-called Tertiary Education Precinct.	Accept in part		
			Adopt amendments and decisions sought by Petone Urban Environmental Association in its submission.	Accept in part		

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

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

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

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

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

<b>DPC25/9 Sarah Beth Antunovic</b>					
<b>Sub.</b>	<b>Amendment &amp; Provision</b>	<b>Support/</b>	<b>Decision/Relief Sought</b>	<b>Accept/Reject</b>	<b>Recommended</b>

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

### DPC25/10 Tyrone Lee Phillips

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

### DPC25/11 Robert Roy Carr

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

### DPC25/12 Denise Carr

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

### DPC25/13 Mr Baden Atkin

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

### DPC25/14 Leon & Ruth Cooke

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

### DPC25/15 Matthew Earles

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

### DPC25/16 Roger Bagshaw

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

### DPC25/17 Lesley Dokter & Peter Wilson

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

### DPC25/18 Jo Raverty

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

### DPC25/19 Denis Lea

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

### DPC25/20 Khiem Trong Nguyen

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

### DPC25/21 Ruth Margaret Burton

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

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

### DPC25/22 Alfred Memelink

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

### DPC25/23 Thomas Reedy

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

### DPC25/24 Kathryn Mary Reedy

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



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

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

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

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

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

<b>DPC25/29 William D L Cooper</b>					
<b>Sub. Ref.</b>	<b>Amendment &amp; Provision</b>	<b>Support/ Oppose</b>	<b>Decision/Relief Sought</b>	<b>Accept/Reject</b>	<b>Recommended Decision</b>
29.1	General	Oppose	That the Hutt City Council adopt the amendments, additions and deletions sought by the Residents of High Street in its submission.	Accept in part	

<b>DPC25/30 Carla Richelle Cooper</b>					
<b>Sub. Ref.</b>	<b>Amendment &amp; Provision</b>	<b>Support/ Oppose</b>	<b>Decision/Relief Sought</b>	<b>Accept/Reject</b>	<b>Recommended Decision</b>
30.1	General	Oppose	That the Hutt City Council adopt the amendments, additions and deletions sought by the Residents of High Street in its submission.	Accept in part	

<b>DPC25/31 Cuong Ngoc Do and Hau Thi Lai</b>					
<b>Sub. Ref.</b>	<b>Amendment &amp; Provision</b>	<b>Support/ Oppose</b>	<b>Decision/Relief Sought</b>	<b>Accept/Reject</b>	<b>Recommended Decision</b>
31.1	General	Oppose	Reject PC25 in its current form.	Reject	
			Remove the outlying areas from the so-called precinct.	Accept in part	
			Adopt the amendments, additions and deletions sought by Petone Urban Environmental Association Incorporated in its	Accept in part	

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

### DPC25/32 Barry & Wendy Delwyn Rozenberg

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

### DPC25/33 Wellington Fish & Game Council

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

### DPC25/34 Lesley Kennedy & Menno van der Laan

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

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

### DPC25/35 Merran Bakker

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

### DPC25/36 Josephine & John Jones

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

### DPC25/37 Ken & Val Fitzmaurice

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

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

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

### DPC25/39 Dr Barnaby, C H May

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

### DPC25/40 Kathryn Joyce Vinten

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

### DPC25/41 Barbara Gibbs

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

### DPC25/42 Mrs Mavis Anne Rayner

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

### DPC25/43 Tui Kent

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

### DPC25/44 Graeme Lyon

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

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

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

Further Submissions						
Further Submitter	Sub. Ref.	Original Submission Reference	Support/ Oppose	Accept/Reject	Recommended Decision	
DPC25/159 Rosy and Kevin Moar	159.1	Entire Submission	Support	Accept in part		
DPC25/160 Wellington Institute of Technology	160.5	Entire Submission	Support in part	Accept in part		
			Oppose in part	Accept in part		
DPC25/162 Mr & Mrs Yardley	162.13	Entire Submission	Support	Accept in part		
DPC25/163 Nelson Street Trust	163.13	Entire Submission	Support	Accept in part		
DPC25/164 Petone Urban Environmental Association Inc.	164.13	Entire Submission	Support	Accept in part		

**DPC25/46 Ian Hawij**

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

**DPC25/47 Suzanne Debra Hartley**

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

**DPC25/48 Mrs Siân Bisson**

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

**DPC25/49 Julie Dennison**

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



## DPC25/50 Mary Horner

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

## DPC25/51 Tui Lewis

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

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

### DPC25/52 Rachael Badham

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

### DPC25/53 Sally Davina Selwood

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

### DPC25/54 Katherine Jane Clarke

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

### DPC25/55 Marja Verkerk for Vert Company Ltd

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Accept/Reject	Recommended Decision
55.1	General	Oppose	That the Hutt City Council reject the plan change as a whole and retain the status quo.	Reject	

### DPC25/56 Jude Wachswender

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Accept/Reject	Recommended Decision
56.1	General	Oppose	That the Hutt City Council rejects the plan change request.	Reject	

### DPC25/57 Patrick & Bridget Gower

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

### DPC25/58 Wellington Institute of Technology

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

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

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

### DPC25/59 Charles Avery

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

### DPC25/60 Rosy & Kevin Moar

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

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

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

<b>DPC25/61 Nick Miller &amp; Jan Simmons</b>					
<b>Sub. Ref.</b>	<b>Amendment &amp; Provision</b>	<b>Support/ Oppose</b>	<b>Decision/Relief Sought</b>	<b>Accept/Reject</b>	<b>Recommended Decision</b>
61.1	General	Oppose	Reject the plan change.	Reject	
			Remove the outlying areas from the so-called precinct.	Accept in part	
			Make changes to respond to the submitter's submission points.	Accept in part	

			Adopt the amendments, additions and deletions sought by Petone Urban Environmental Association Incorporated in its submission	Accept in part	
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**DPC25/62 New Zealand Historic Places Trust, Pouhere Taonga**

Sub. Ref.	Amendment & Provision	Support / Oppose	Reason	Decision/Relief Sought	
62.1	General	Support with amendments	No specific relief sought.	Accept in part	
62.2	General – 13 Elizabeth Street	Support	That the plan change is accepted as notified in regard to the changes affecting the Petone Magistrate’s Court at 13 Elizabeth Street, with exception of the proposed signage rules.	Accept in part	
62.3	General - 13 Elizabeth Street - Recession Plane and Yards	Support	No specific relief sought.	Accept in part	
62.4	General – 13 Elizabeth Street - Site Coverage	Support	No specific relief sought.	Accept in part	
62.5	General –13 Elizabeth Street - Building Height	Support	No specific relief sought.	Accept in part	
62.6	General –13 Elizabeth Street - Signage	Support with amendments	That an exemption to the proposed signage rules be applied to 13 Elizabeth Street in regards to the Petone Magistrate’s Court, ensuring that the heritage values of the site are taken into consideration if any new signage is proposed on site.	Accept in part	
			That for the court site existing residential signage rules should continue to apply.		

<b>Further Submissions</b>						
Further Submitter	Sub. Ref.	Original Submission Reference	Support/ Oppose	Accept/Reject	Recommended Decision	
DPC25/162 Mr & Mrs Yardley	162.4	Entire Submission	Oppose	Reject		
			Support in part	Accept in part		
DPC25/163 Nelson Street Trust	163.4	Entire Submission	Oppose	Reject		
			Support in part	Accept in part		
DPC25/164 Petone Urban Environmental Association Inc.	164.4	Entire Submission	Oppose	Reject		
			Support in part	Accept in part		

## DPC25/63 Roger Thackery

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



### DPC25/64 Michele [Mishi] Berez

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

### DPC25/65 Roger Chandler

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

### DPC25/66 Terence Broad

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

### DPC25/67 James Kwing

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

### DPC25/68 Craig McKirdy

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

### DPC25/69 Simon & Wendy Rogerson

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

### DPC25/70 Anita Patel

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

### DPC25/71 Laura Newton-King

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

**DPC25/72 Clinton Maulder**

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

**DPC25/73 Patricia Fraser**

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

**DPC25/74 Dannie John Warren**

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

**DPC25/75 Bocarda Print**

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

**DPC25/76 Barbara Scott**

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

**DPC25/77 Nikki Chiappini & Brian Cole**

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

**DPC25/78 Patricia Alexandra Fraser**

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

**DPC25/79 Dannie Warren**

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

**DPC25/80 Iain Jenkins**

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

**DPC25/81 Kylie & Andrew Morrell**

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

### DPC25/82 Emani Iosefo

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

### DPC25/83 A Powers

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

### DPC25/84 High Street Residents

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

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

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

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

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

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



	(Explanation and Reasons)]		<p>includes training facilities, conference centres, places of assembly and places of worship. Tertiary education activities are accommodated within the Tertiary Education Precinct, of which, that part on Cuba Street is located within the General Business Activity Area.</p> <p><del>WellTec and its predecessors have historically provided tertiary education activities within the area in Cuba Street and the activity is an established use on the site providing important tertiary education including vocational education and applied research. These non-industrial activities are provided for where the potential generated effects do not have an adverse effect on the amenity values of the area and the environment</del></p>		
86.17	<p><b>Amendment 19</b> [6A 1.1.3 General Business Activity Area (Environmental Effects - Issue)] and <b>Amendment 20</b> [6A 1.2.1 General Business Activity Area (Effects on Amenity Values - Issue)]</p>	Oppose	<p>That 6A 1.1.3 be amended as follows: <i>Business Activities (commercial and industrial activities) and other activities <del>accommodated</del> provided for where appropriate within the General Business Activity Area, where there is an interface with residential have the potential....</i></p> <p>That 6A 1.2.1 be amended as follows: <i>The sites, structures and buildings used by business activities (commercial and industrial activities) and other activities <del>accommodated</del> provided for where appropriate within the General Business Activity Area, where there is an interface with residential have the potential....</i></p> <p>That a new amendment 6A 2.2.2 (r) be added which limits the maximum number of students to 1200 along with approximately 300 staff. hat 6A 1.1.3 be amended as follows: <i>Business Activities (commercial and industrial activities) and other activities <del>accommodated</del> provided for where appropriate within the General Business Activity Area, where there is an interface with residential have the potential....</i></p> <p>That 6A 1.2.1 be amended as follows: <i>The sites, structures and buildings used by business activities (commercial and industrial activities) and other activities <del>accommodated</del> provided for where appropriate within the General Business Activity Area, where there is an interface with residential have the potential....</i></p> <p>That a new amendment 6A 2.2.2 (r) be added which limits the maximum number of students to 1200 along with approximately 300 staff.</p>	Reject	
86.18	<b>Amendment 21</b> [6A 2.2.1 (b) General Business Activity Area (Controlled Activities)]	Oppose	That activities that cannot meet the Precinct provisions be Non-complying activities or fully Discretionary.	Accept in part	
86.19	<b>Amendment 22</b>	Oppose	That the preclusion of notification be deleted.	Accept in part	

	[6A 2.3 (i) General Business Activity Area (Discretionary Activities)]		That any activities that cannot meet the Precinct provisions be at least Discretionary Activities.		
86.20	<b>Amendment 23</b> [6A 2.3.1 (i) General Business Activity Area (Matters in which Council has restricted its discretion)]	Oppose	That all matters listed be discretionary matters and traffic effects, parking effects, hours of operation, and noise be included.	Accept in part	
86.21	<b>Amendment 24</b> [6A General Business Activity Area (Appendices)]	Oppose	No specific relief sought	Accept in part	
86.22	<b>Amendment 25</b> [Chapter 7 Recreation and Open Space (Introduction)]	Oppose	That the Bracken Street site be removed from the Precinct. That the second sentence of the amendment be deleted. That the word 'accommodate' be replaced by 'provided for where appropriate' and the word 'historically' be deleted. That amendments 25 to 29 be deleted in total.	Accept	
86.23	<b>Amendment 26</b> [7A 1.1.4 Recreation and Open Space (Non-Recreational Activities)]	Oppose	That amendments 25 to 29 be deleted in total.	Accept	
86.24	<b>Amendment 27</b> [7A 2.1 General Recreation Activity Area (Permitted Activities)] and <b>Amendment 28</b> [7A 2.1.1 General Recreation Activity Area (Permitted Activities - Conditions)] and <b>Amendment 29</b> [Appendix 1 – Recreation and Open Space]	Oppose	That amendments 25 to 29 be deleted in total.	Accept	
86.25	<b>Amendment 30</b> [14A (iii) 1.2.1 (b) Car and Cycle Parking]	Oppose	That the policy be rewritten to focus on maintaining and improving residential amenity and promote non-reliance on on-street parking. That the words 'predominantly residential' be inserted before 'area'. That a sunset clause about reliance on on-street parking being stopped 5 years from any plan provisions being approved be introduced.	Accept in part	
86.26	<b>Amendment 31</b> [14A (iii) 1.2.1 Car and Cycle Parking (On-site parking provision for activities – Explanation and Reasons)]	Oppose	That a cap on the total number of students and staff who can use the precinct at any one time be introduced and monitored. That a sun-set clause be introduced. That the emphasis of the second paragraph be changed from the existing situation to a future situation which maintains and enhances residential amenities.	Accept in part	
86.27	<b>Amendment 32</b>	Oppose	That the word 'may' be changed to 'must'.	Reject	

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

### Further Submissions

Further Submitter	Sub. Ref.	Original Submission Reference	Support/ Oppose	Accept/Reject	Recommended Decision
DPC25/159 Rosy and Kevin Moar	159.2	Entire Submission	Support	Accept in part	
DPC25/160 Wellington Institute of Technology	160.9	Entire Submission	Oppose	Accept in part	
DPC25/162 Mr & Mrs Yardley	162.7	Entire Submission	Support with two exceptions (staff/student cap, involvement of a certain person [Christine Foster] in the process)	Accept in part	
DPC25/163 Nelson Street Trust	163.7	Entire Submission	Support with two exceptions (staff/student cap, involvement of a certain person [Christine Foster] in the process)	Accept in part	
DPC25/164 Petone Urban Environmental Association Inc.	164.7	Entire Submission	Support with two exceptions (staff/student cap, involvement of a	Accept in part	

				certain person [Christine Foster] in the process)		
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### DPC25/87 Andrea and Warwick Bolton

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

### DPC25/88 Bryan Thompson for Petone Corps, Salvation Army

Sub. Ref.	Amendment & Provision	Support/ Oppose	Decision/Relief Sought	Accept/Reject	Recommended Decision
88.1	General – Campus-wide parking proposal; Inclusion of Cuba Street site in Precinct; Lack of cap on student numbers; Lack of inclusion of travel demand management requirements	Oppose	That Cuba Street General Business Activity Area be excluded from the campus wide parking proposal. That Cuba Street General Business Activity Area be excluded from the Tertiary Education Precinct. That an all over cap on student and staff numbers on site at one time be included. That requirements to encourage transport options other than private motor cars be included.	Reject	

Further Submissions						
	Further Submitter	Sub. Ref.	Original Submission Reference	Support/ Oppose	Accept/Reject	Recommended Decision
	DPC25/162 Mr & Mrs Yardley	162.17	Entire Submission	Support	Reject	
	DPC25/163 Nelson Street Trust	163.17	Entire Submission	Support	Reject	
	DPC25/164 Petone Urban Environmental Association Inc.	164.17	Entire Submission	Support	Reject	

### DPC25/89 Pat Sviatko

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

**DPC25/90 Frank Steven Sviatko**

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

**DPC25/91 Anthony Joseph O'Connor**

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

**DPC25/92 Michiko Ammon**

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

**DPC25/93 Ranka Sunko**

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

**DPC25/94 Judith Kathleen Exley**

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

**DPC25/95 Lisa Michelle Wilde**

<b>Sub. Ref.</b>	<b>Amendment &amp; Provision</b>	<b>Support/ Oppose</b>	<b>Decision/Relief Sought</b>	<b>Accept/Reject</b>	<b>Recommended Decision</b>

95.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Residents of High Street in its submission.	Accept in part	
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### DPC25/96 David Tripp

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

### DPC25/97 Nikki Bennett (Salvation Army Petone Playgroup)

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

### DPC25/98 Jolene Hendry (Salvation Army Playgroup)

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

### DPC25/99 Jamie Dawson

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

### DPC25/100 Karen Ferguson

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

<b>DPC25/101 Sharon McKendrick</b>					
<b>Sub. Ref.</b>	<b>Amendment &amp; Provision</b>	<b>Support/ Oppose</b>	<b>Decision/Relief Sought</b>	<b>Accept/Reject</b>	<b>Recommended Decision</b>
101.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Residents of High Street in its submission.	Accept in part	

<b>DPC25/102 Tessa McGuinness</b>					
<b>Sub. Ref.</b>	<b>Amendment &amp; Provision</b>	<b>Support/ Oppose</b>	<b>Decision/Relief Sought</b>	<b>Accept/Reject</b>	<b>Recommended Decision</b>
102.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Residents of High Street in its submission.	Accept in part	

<b>DPC25/103 Megan Hughes (Salvation Army)</b>					
<b>Sub. Ref.</b>	<b>Amendment &amp; Provision</b>	<b>Support/ Oppose</b>	<b>Decision/Relief Sought</b>	<b>Accept/Reject</b>	<b>Recommended Decision</b>
103.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Residents of High Street in its submission.	Accept in part	

<b>DPC25/104 Helen Tripp (High Street Craft Group)</b>					
<b>Sub. Ref.</b>	<b>Amendment &amp; Provision</b>	<b>Support/ Oppose</b>	<b>Decision/Relief Sought</b>	<b>Accept/Reject</b>	<b>Recommended Decision</b>
104.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Residents of High Street in its submission.	Accept in part	

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

<b>DPC25/120 Wilma Cook</b>					
<b>Sub. Ref.</b>	<b>Amendment &amp; Provision</b>	<b>Support/ Oppose</b>	<b>Decision/Relief Sought</b>	<b>Accept/Reject</b>	<b>Recommended Decision</b>

120.1	General	Oppose	That the Hutt City Council adopt the amendments, additions, and deletions sought by the Petone Urban Environmental Association in its submission.	Accept in part	
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**DPC25/121 MJ Sammons**

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

**DPC25/122 CJ Cosford**

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

**DPC25/123 Peter and Catharina Philipsen**

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

**DPC25/124 D Gordon**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

	Parking Standards]		be replaced with an equation that uses FTE students and enrolled staff, and reduction of the on street parking provision from 300 to 63 (the number of car parks available on the adjoining road frontages on the Education Precinct). A separate further equation is required for the car parking requirements for ancillary activities.		
152.48	<b>Amendment 36</b> [Chapter 14B 2.1.1 (c) Signs]	Oppose	That the amendment to Rule 14B 2.1.1 (c) be deleted, with additional controls developed on the purpose, location and content of the signs, and any adverse effects on the character and amenity values of the surrounding residential area. If these standards cannot be met, a Non-complying activity should be required, with notification.	Accept in part	
152.49	<b>Amendment 37</b> [14B 2.2 Signs (Controlled Activities)]	Oppose	That the amendment to Rule 14B 2.2 (a) be deleted, with additional controls sought on the purpose, location and content of the signs, and any adverse effects on the character and amenity values of the surrounding residential area (which may be a matter for a urban design guide). If these standards cannot be met, a Non-complying activity should be required, with notification.	Reject	
152.50	<b>Amendment 38</b> [14B 2.2 Signs (Controlled Activities)]	Oppose	That the amendment to Rule 14B 2.2 (e) be deleted, with additional controls sought on the purpose, location and content of the signs, and any adverse effects on the character and amenity values of the surrounding residential area. If these standards cannot be met, a Non-complying activity should be required, with notification.	Accept in part	
152.51	<b>Amendment 39</b> [14B 2.3 Signs (Restricted Discretionary Activities)]	Oppose	That the amendment to Rule 14B 2.3 (e) be deleted, with additional controls sought on the purpose, location and content of the signs, and any adverse effects on the character and amenity values of the surrounding residential area. If these standards cannot be met, a Non-complying activity should be required, with notification.	Accept in part	

<b>Further Submissions</b>						
<b>Further Submitter</b>		<b>Sub. Ref.</b>	<b>Original Submission Reference</b>	<b>Support/ Oppose</b>	<b>Accept/Reject</b>	<b>Recommended Decision</b>
DPC25/158	Peter and Nicola Prichard	158.2	Entire Submission	Support	Accept in part	
DPC25/159	Rosy and Kevin Moar	159.2	Entire Submission	Support	Accept in part	
DPC25/160	Wellington Institute of Technology	160.11	Entire Submission	Oppose	Accept in part	
DPC25/162	Mr & Mrs Yardley	162.9	Entire Submission	Support	Accept in part	
DPC25/163	Nelson Street Trust	163.9	Entire Submission	Support	Accept in part	



**DPC25/153 John and Kathleen Yardley**

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

## LATE SUBMISSION

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

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