

Enabling More Housing in Lower Hutt

Draft Intensification Planning Instrument

Lower Hutt's population is growing and we have residents facing difficulties in finding suitable places to live. We need to accommodate more houses to provide warm, safe and affordable places to live.

Over the last five years Council has implemented a series of actions to support the development of more housing in Lower Hutt. These actions include direct investment in housing projects (through Council-Controlled Organisation called Urban Plus Ltd), supporting community housing providers, efficient regulatory services, and amending the District Plan to enable more land use and subdivision.

The government has now directed Councils in the main cities in New Zealand, including Lower Hutt, to change their District Plan (the document which sets the rules for housing developments) to enable more housing.

Therefore, Council is now preparing proposed Plan Change 56 (PC56) to the District Plan.

This document outlines the background, scope and key changes proposed in PC56. The primary purpose of this plan change is to enable more housing in Lower Hutt. In particular, in urban areas, it will allow up to three homes of up to three storeys to be built on most sites without the need for a resource consent.

This Plan Change will be the Intensification Planning Instrument ('IPI') under s80E of the Resource Management Act.

Key draft proposals

Plan Change 56 (PC56) is a suite of changes to enable more housing through specific rule and policy changes and through rezoning specific sites. Key changes to the District Plan are:

- Allow three dwellings, up to three storeys in height throughout the majority of residential areas, including enabling taller dwellings closer to property boundaries
- Allow up to six storey apartment buildings in the following areas:
 - o Within a proposed walkable catchment of 1200m of the Central Business District and the Petone commercial area
 - o Within a proposed walkable catchment of 800m of railway stations on the Hutt Valley and Melling Lines
 - o In residential areas adjacent to Avalon, Eastbourne, Moera, Stokes Valley and Wainuiomata suburban commercial centres
- Allow papakāinga (housing on ancestral Maori land)
- Amend financial contributions to fund upgrades to infrastructure and parks and green spaces (reserves) resulting from increased housing
- Limiting building heights and density where necessary to manage impacts on historic heritage values and natural hazard risk

Details on Key Changes Proposed to the Planning Rules

Residential zones		
Zones		
Current District Plan	Proposed changes	Reasons for change
<p>Six residential zones:</p> <ul style="list-style-type: none"> • General Residential Activity Area • Medium Density Residential Activity Area • Special Residential Activity Area • Historic Residential Activity Area • Hill Residential Activity Area • Landscape Protection Residential Activity Area 	<p>Four residential zones:</p> <ul style="list-style-type: none"> • General Residential Activity Area • Medium Density Residential Activity Area • Hill Residential Activity Area • Landscape Protection Residential Activity Area <p>Properties within the Special Residential and Historic Residential Activity Areas would be rezoned to a combination of General Residential and Medium Density Residential Activity Area.</p>	<p>The Medium Density Residential Standards must be applied to all residential zones other than large lot residential zones.</p> <p>In addition, buildings of at least six storeys must be enabled within walkable catchment areas.</p> <p>As a result, the District Plan will provide for the same level of development on properties currently in the Special Residential and Historic Residential Activity Areas as what it provides for on properties in the General Residential and Medium Density Residential Activity Areas.</p> <p>The Hill Residential and Landscape Protection Residential Activity Area are retained as they are large lot residential zones.</p>
Medium Density Residential Activity Area		
Current District Plan	Proposed changes	Reasons for change
<p>Location: Applies to residential areas near the following suburban centres:</p> <ul style="list-style-type: none"> • Avalon • Eponi • Naenae • Stokes Valley • Taita 	<p>Location: Applies to the following residential areas:</p> <ul style="list-style-type: none"> • Areas within 1200m of the Lower Hutt city centre and Petone commercial centre, • Areas within 800m of train stations on the Hutt Valley and Melling Lines 	<p>Buildings of at least six storeys must be enabled within walkable catchments of:</p> <ul style="list-style-type: none"> • City centre zones, • Metropolitan centres, and • Rapid transit stops. <p>1200m (a 15-minute walk for most people) is under consideration as a walkable catchment for city centre and metropolitan centre zones</p>

<ul style="list-style-type: none"> • Wainuiomata • Waiwhetū • Waterloo 	<ul style="list-style-type: none"> • Specific areas adjacent to the Avalon, Eastbourne, Moera, Stokes Valley and Wainuiomata suburban centres. <p>This includes all areas currently in the Historic Residential Activity Area and some areas currently in the Special Residential and Hill Residential Activity Areas.</p>	<p>as these are likely to be destinations of a journey.</p> <p>800m (a 10-minute walk for most people) is under consideration for rapid transit stops as a rapid transit stop is less likely to be the destination of a journey.</p> <p>For areas adjacent to Avalon, Eastbourne, Stokes Valley, Moera, Stokes Valley and Wainuiomata suburban centres, the District Plan must enable building heights and density of urban form commensurate with the level of commercial activities and community services. The level of commercial activities and community services in these five suburban centres is similar to that of many of the larger suburban centres within the walkable catchment areas.</p>
<p>Development provided for:</p> <p>Three-storey buildings are permitted, subject to other development standards on the design of a development, including boundary setbacks and outdoor living space.</p> <p>Buildings with more than three storeys require resource consent.</p>	<p>Development provided for:</p> <p>Three-storey buildings are permitted, subject to other development standards on the design of a development, including boundary setbacks and outdoor living space.</p> <p>Buildings with more than three storeys require resource consent, but with policies and other provisions that ensure that resource consent can be obtained for six-storey buildings in the zone.</p>	<p>The District Plan must permit buildings of at least three storeys and at least three residential units per site in these areas.</p> <p>In addition, the District Plan must enable buildings of at least six storeys in walkable catchment areas, and for residential areas adjacent to suburban centres, must enable building heights and density of urban form commensurate with the level of commercial activities and community services.</p>
General Residential Activity Area		
Current District Plan	Proposed changes	Reasons for change
Location:	Location:	The only change to the location of the General Residential Activity Area is that some properties

<p>Applies to all residential areas unless one of the other residential zones that seek a specific development outcome (Medium Density Residential, Special Residential, Historic Residential, Hill Residential and Landscape Protection Residential Activity Areas) is more appropriate.</p>	<p>Applies to all residential areas unless one of the other residential zones that seek a specific development outcome (Medium Density Residential, Hill Residential and Landscape Protection Residential Activity Areas) is more appropriate.</p> <p>This includes some areas currently in the Special Residential Activity Area.</p>	<p>previously in the Special Residential Activity Area would now be in this zone. This is because the District Plan is required to permit the same level of development in the areas currently in the Special Residential Activity Area as what is enabled in the General Residential Activity Area.</p>
<p>Development provided for:</p> <p>Two-storey buildings and two residential units per site are permitted, subject to other development standards on the design of a development, including boundary setbacks and outdoor living space.</p> <p>Buildings with more than two storeys require resource consent.</p>	<p>Development provided for:</p> <p>Three-storey buildings and three residential units per site are permitted, subject to other development standards on the design of a development, including boundary setbacks and outdoor living space.</p> <p>Buildings with more than three storeys require resource consent.</p>	<p>The District Plan must permit buildings of at least three-storeys and at least three residential units per site in these areas.</p>
<p>Residential development standards</p> <p><i>The following is a summary of the proposed development standards.</i></p> <p><i>If a development meets these standards, it would be permitted (no resource consent required). Otherwise, resource consent would be required.</i></p> <p><i>Appendix 1 includes a table that compares these standards with the current standards of the District Plan.</i></p>		
<p>Development standard</p>		<p>Explanation</p>
<p>Maximum units per site</p>	<p>General Residential: Activity Area: Three units per site</p> <p>Medium Density Residential Activity Area: No maximum unit per site standard</p>	<p>The District Plan must incorporate a development standard of three units per site for relevant zones. However, it can include a more lenient standard or omit the standard.</p> <p>The more lenient approach for the Medium Density Residential Activity Area (no maximum unit per site standard) is the current District Plan approach for this zone.</p>

Maximum building height	11m + 1m roof allowance	The District Plan must incorporate this development standard for relevant zones. However, it can include a more lenient standard or omit the standard.
Maximum height in relation to boundary (recession plane standard)	4m + 60° This standard does not apply to road boundaries, internal boundaries or site boundaries where there is a common wall between two buildings.	The District Plan must incorporate this development standard for relevant zones. However, it can include a more lenient standard or omit the standard.
Minimum boundary setbacks (yard standard)	Front boundaries: 1.5m Side and rear boundaries: 1m This standard does apply to site boundaries where there is a common wall between two buildings.	The District Plan must incorporate this development standard for relevant zones. However, it can include a more lenient standard or omit the standard.
Building coverage (site coverage)	General Residential Activity Area: 50% of the site Medium Density Residential Activity Area: 60% of the site	The District Plan must incorporate a building coverage standard of 50% for relevant zones. However, it can include a more lenient standard or omit the standard. The more lenient standard for the Medium Density Residential Activity Area (60% of the site) is the current District Plan standard for this zone.
Minimum outdoor living space	Units at ground level: 20m ² per unit. If outdoor living space is provided at ground level, it must have a minimum dimension of 3m. If it is provided above ground level (such as balconies or roof terraces) it must have a minimum dimension of 1.8m. Units above ground level: 8m ² with a minimum dimension of 1.8m. Outdoor living space can be grouped cumulatively in one communally accessible location.	The District Plan must incorporate this development standard for relevant zones. However, it can include a more lenient standard or omit the standard.

<p>Minimum outlook space</p>	<p>Principal living rooms: Minimum 4m depth and 4m width. All other habitable rooms: Minimum 1m depth and 1m width.</p>	<p>Outlook space is an outdoor area that can be viewed from a window and is unobstructed by buildings or outdoor living space or outlook space of another unit.</p> <p>The District Plan must incorporate this development standard for relevant zones. However, it can include a more lenient standard or omit the standard.</p>
<p>Minimum landscaped Area</p>	<p>20% of the site.</p>	<p>The District Plan must incorporate this development standard for relevant zones. However, it can include a more lenient standard or omit the standard.</p>
<p>Minimum permeable surface area</p>	<p>30% of the site.</p>	<p>This is the current District Plan standard for the General Residential and Medium Density Residential Activity Areas.</p>
<p>Minimum rainwater retention tank</p>	<p>Roofed buildings (excluding accessory buildings) must have a rainwater retention tank, with the size of the tank relating to the roof area of the relevant building:</p> <ul style="list-style-type: none"> • Roof area of 100m² or less - 2,000 litre capacity. • Roof area of 100m² to 200m² - 3,000 litre capacity • Roof area of more than 200m² - 5,000 litre capacity. 	<p>This is the current District Plan standard for the General Residential and Medium Density Residential Activity Areas.</p>
<p>Accessory buildings</p>	<p>Permitted where relevant permitted activity standards are met.</p>	<p>This is the current District Plan standard for the General Residential and Medium Density Residential Activity Areas.</p>
<p>Screening and storage</p>	<p>All outdoor storage and servicing areas must be screened so that they are not visible from a road or public space.</p>	<p>This is the current District Plan standard for the Medium Density Residential Activity Areas, but would be extended to the General Residential Activity Area given the increase in development that would be permitted in the zone.</p>

Demolition	Permitted. <i>For buildings identified in the Heritage and Significant Natural, Cultural and Archaeological Resources chapters, resource consent may be required through the rules of those chapters.</i>	This is the current District Plan standard for the General Residential and Medium Density Residential Activity Areas.	
Other matters			
Current District Plan		Proposed changes	Reasons for change
Design assessments	In the General Residential and Medium Density Residential Activity Areas, design assessment is required as part of resource consent applications for breaches of development standards.	No change. Design assessments continue to be required, although this is in the context of three-storey buildings being permitted without resource consent (so no design assessment is required) and six-storey buildings needing to be enabled.	N/A
Wind assessments	No controls	Impacts on the wind environment will be a matter of discretion for buildings of more than three storeys.	Assessments of the wind effects of taller buildings will maintain pedestrian comfort and safety despite greater building heights being provided for.
Heritage controls	Impacts on historic heritage values in the Historic Residential Activity Area are managed through rules that manage new built development in the zone. Specific heritage buildings are listed in the Heritage chapter. Resource consent is required for most alteration and demolition of the listed buildings.	Heritage areas (including areas currently in the Historic Residential Activity Area) would be identified through Historic Residential Precincts that will manage the impacts of building heights and density on the heritage values in the areas identified. No changes to the Heritage chapter.	The District Plan can limit building heights and densities to address the impacts of the building heights and densities on historic heritage values.
Natural hazard controls	Natural hazard areas for flood hazard and fault rupture	Natural hazard areas would be identified through natural hazard precincts and overlays that will manage the	The District Plan can limit building heights and densities to address natural hazard risk.

	hazard are identified in the District Plan through natural hazard precincts and overlays, with specific rules that manage new built development in these areas.	increase natural hazard risk associated with building heights and density in the identified area. New natural hazard areas would be identified, particularly flood and tsunami hazard areas	
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Commercial/Mixed use zones

Zones

Current District Plan	Proposed changes	Reasons for change
<p>Five Commercial Activity Areas, some further subdivided into precincts, for a total of eleven zones:</p> <ul style="list-style-type: none"> • Central Commercial <ul style="list-style-type: none"> ○ Core ○ Riverfront (Core) ○ Riverfront (Commercial) ○ Commercial ○ Residential Transition • Petone Commercial <ul style="list-style-type: none"> ○ Jackson Street ○ Petone Mixed Use • Special Commercial <ul style="list-style-type: none"> ○ Station Village ○ Boulcott Village • Suburban Commercial • Suburban Mixed Use 	<p>No change to the pattern of zones or the land uses anticipated within each zone.</p>	<p>N/A</p>

Commercial development standards

Current District Plan	Proposed changes	Reasons for change
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Dwellings per site	Not directly limited. Indirectly limited by requirements for outdoor living spaces and controls on the bulk and location of buildings.	No change.	N/A
Business density on sites	Resource consent assessment required for businesses over size thresholds (varying by area), and for smaller businesses in Petone Mixed Use area.	No change to rules but objectives and policies will have more explicit references to the National Policy Statement on Urban Development requirement to provide development capacity.	Required by National Policy Statement on Urban Development
Maximum height	<ul style="list-style-type: none"> • Central Commercial <ul style="list-style-type: none"> ○ Core: 18m to 30m depending on area ○ Riverfront (Core): 30m ○ Riverfront (Commercial): 18m ○ Commercial: 12m ○ Residential Transition: 12m • Petone Commercial <ul style="list-style-type: none"> ○ Jackson Street Area: 10m ○ Petone Mixed Use: 20m in most areas, but 12m or 14m in some transitional areas • Special Commercial <ul style="list-style-type: none"> ○ Station Village: 12m ○ Boulcott Village: 8m 	<ul style="list-style-type: none"> • Central Commercial <ul style="list-style-type: none"> ○ Core, Riverfront (Core), Riverfront (Commercial): no specific height limit, but heights will be indirectly limited through other means, e.g. building code requirements for daylight, district plan controls to protect sunlight access to public spaces and surrounding residential zones, plus commercial and practical limitations coming from regional plan 5m depth limit for foundations. ○ Commercial: 22m ○ Residential Transition: 22m • Petone Commercial <ul style="list-style-type: none"> ○ Jackson Street Area: 10 metres within heritage area proper, 22 metres elsewhere with resource consent required for buildings above 10 metres to assess impact on heritage values of Jackson Street precinct. This may limit building heights to much less than 22 metres in practice in many situations. ○ Petone Mixed Use: 22m 	<p>National Policy Statement on Urban Development requires:</p> <ul style="list-style-type: none"> • Building heights and density to allow “as much development capacity as possible” in the city centre. The city centre equates to the Core, Riverfront (Core), and Riverfront (Commercial) precincts of the current District Plan. • Building heights of at least 6 storeys in metropolitan centres and within walkable catchments of the city centre, metropolitan centres, and rapid transit. • Building heights commensurate with the level of community and commercial services in other suburban centres. <p>The only exception to these height limits is where a “qualifying matter” applies. The only relevant qualifying matter is historic heritage, which applies to a number of listed buildings throughout the district and to the Jackson Street heritage precinct.</p>

	<ul style="list-style-type: none"> ○ Suburban Commercial: 8m ○ Suburban Mixed Use: 12 metres 	<ul style="list-style-type: none"> ● Special Commercial, Suburban Commercial, Suburban Mixed Use: 22m within walkable catchments and in other key centres with strong accessibility and demand (likely to be Wainuiomata, Stokes Valley, Waterloo, Moera). 12m in other areas. 	
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Other matters

Current District Plan	Proposed change	Reasons for change
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Design assessments	<ul style="list-style-type: none"> ● Central Commercial: resource consent required for new buildings, including assessment against design guide. ● Petone Commercial: resource consent required for new buildings, including assessment against design guide. ● Special Commercial: resource consent required for new buildings. No design guide. ● Suburban Commercial, Suburban Mixed Use: new buildings permitted where they meet specific design controls, e.g. relating to verandahs, display windows, position in relation to street, location of parking, recession planes, yards, screening of storage areas. Resource consent required where 	<p>No changes for when a assessment is required. Various changes to the wording and examples in the design guides where height limits have significantly changed, or where areas border residential areas where height limits will change significantly, particularly in the Central Commercial area. Reworded assessment criteria for Station Village to reflect latest heritage assessments. Reworded assessment criteria for Boulcott Village to reflect the changed surrounding residential context.</p>	<p>Resource consent assessments require updated guidance to reflect changes in building height in the relevant area. A full reworking of design assessments is likely out of scope of the IPI and can be more coherently reviewed as part of the full district plan review.</p>
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	conditions not met, or for certain types of land use (e.g. service stations). The existing Medium Density Design Guide which sits outside the plan applies in principle, but is only relevant to residential aspects of development.		
Wind assessments	Buildings over 12 metres in some parts of the Central Commercial and Petone Commercial areas require wind assessment.	Wind assessments expanded to apply wherever height limits are raised. Details of the situations where wind assessments will be needed to be confirmed based on expert advice but are likely to apply over a certain height threshold (e.g. Wellington City intends to apply 12m/22m varying by area and building design).	Assessments of the wind effects of taller buildings will maintain pedestrian comfort and safety despite greater building heights being provided for.
Heritage controls	Demolition controls and resource consent assessments for new buildings on sites with listed heritage buildings, and within and near the Jackson Street heritage area.	No change to provisions. Jackson Street heritage area boundaries updated to match assessments done as part of full District Plan Review.	Limited scope to change this within IPI but controls can reflect our latest heritage information.
Interface with residential areas	Mixture of stepped height limits, yard setbacks, and recession planes.	Consistently apply residential recession plane and setback standards symmetrically at boundaries between commercial and residential areas.	As the character of residential areas bordering commercial areas is likely to change significantly, this transition will need to update to reflect that new character. In general, height limits are now likely to be similar for buildings on both sides of the boundaries and so recession planes and setbacks are the most practical tool to protect residential amenity. This also reflects the approach taken in Plan Change 43.

Comparison of Medium Density Residential Standards and permitted activity standards of the current District Plan

Provision	Medium Density Residential Standards	Medium Density Residential Activity Area	General Residential Activity Area	Special Residential Activity Area	Historic Residential Activity Area
Dwellings per site	3	No limit	2	1 (per net site area)	1 (per net site area)
Building height	11m + roof height allowance of up to 1m	10m + roof height allowance of up to 1m	8m Max overall height (for sloped sections): 13m	8m Max overall height (for sloped sections): 13m	The existing height of the principal building on site
Recession plane/Height in relation to boundary	4m + 60°	3.5m + 45°	2.5m + 45°	2.5m + 45°	2.75m + 37°
Setbacks	Front: 1.5m Side & Rear: 1m	Front: 2m Side & Rear: 1m	Front: 3m Side & Rear: 1m	Front: 3m Side & Rear: 1m	Patrick St, The Esplanade, Adelaide St, Jackson St: Front: 6m South: 1m North: 2m Rear: 3m Riddlers Cres: Front: 3m Side: 1.5m Rear: 3m
Site coverage/Building coverage	50%	60%	40%	30%	35%
Permeable surface	-	30%	30%	30%	-
Building length	-	-	-	20m + 20°	15m
Outdoor living space	Ground floor: 20m ² + 3m dimension Upper floor: 8m ² + 1.8m dimension	Ground floor: 20m ² + 3m dimension Upper floor: 10m ² + 2m dimension	Ground Floor: 50m ² + 4m dimension Upper floor: 10m ² + 2m dimension	-	-
Outlook space	Principal living room: 4m x 4m All other habitable rooms: 1m x 1m	-	-	-	-
Windows to Street	Street facing façade: 20 % glazed (minimum)	-	-	-	-
Landscaped area	20%	-	-	-	-

Background and why are we changing the District Plan now

Council has made changes to the District Plan to provide for more housing and has recently been reviewing the entire District Plan. The government has directed Council to make specific changes to the District Plan to enable more housing this year as set out below.

Plan Change 43 (2017 – 2021)

The purpose of Plan Change 43 was to provide for greater housing capacity and a wider range of options for housing styles and sizes at medium densities within the existing urban area of the city.

The Plan Change introduced two new zones to the District Plan:

- The Suburban Mixed Use Activity Area, which introduced a building height standard of 12 metres (three to four storeys), accommodating shops and cafes on the ground floor, with apartments or offices above.
- The Medium Density Residential Activity Area, which introduced a building height standard of 10 metres (plus one metre for the roofline), while restricting building height closer to the rear and side boundaries to reduce shading effects using recession planes and boundary setbacks.

Outside of these eight areas, in the General Residential Activity Area, Plan Change 43 provided for medium density housing on sites larger than 1400m². There is the potential for terraced and clustered houses, shared parking and outdoor living areas with buildings up to eight metres or two storeys.

District Plan Review (2020 – ongoing)

Over the last two years Council has been working through a full review of the Operative District Plan. This full review has been driven by a number of factors, including to address issues in the city such as how to accommodate more housing, improving the quality of our urban areas and responding to a changing climate. Other drivers include implementing recent national and regional policy direction, such as the National Planning Statement for Urban Development and the Wellington Regional Growth Framework.

A significant amount of work has gone into the District Plan Review, and this work will be used to inform PC56. Work on the District Plan Review will continue in parallel with the PC56 process. Council anticipates notifying a Proposed District Plan for submissions following completion of the PC56 process.

Resource Management (Enabling Housing and Other Matters) Amendment Act (2021)

In October 2021, the Government announced a bill that would allow, in urban areas, up to three homes of up to three storeys to be built on most sites without the need for a resource consent: the Resource Management (Enabling Housing and Other Matters) Amendment Bill. This Bill was subsequently passed into law in December 2021. The government's stated purpose of this legislation is to "rapidly accelerate the supply of housing where the demand for housing is high" and "address some of the issues with housing choice and affordability that Aotearoa New Zealand currently faces"¹.

¹ Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill. Refer Explanatory Note, page 1.

This Act requires the Council to prepare and notify a plan change to its District Plan (this plan change is to be called an Intensification Planning Instrument under the legislation) to cover the following matters:

1. Incorporate the Medium Density Residential Standards (the 'MDRS') into the District Plan;
2. Give effect to Policy 3 of the National Policy Statement on Urban Development 2020 (the 'NPS-UD').

Council has also chosen to include the following matters in the Plan Change:

3. Enable papakainga housing
4. Amending financial contributions.

Plan Change Timeline

This is the expected timeline for Plan Change 56. This timeline is subject to change as it depends on direction from central government about the statutory process following notification of the plan change.

- **April 2022:** Consultation on draft plan change (now)
- **May - July 2022:** Review feedback received and revise and final plan change
- **August 2022:** Public notification of Proposed Plan Change – open for submissions (anticipated to be 20 working day (4 week) submission period)
- **September 2022 – December 2022:** Prepare summary of submissions received, and publicly notify for further submissions
- **January – April 2023:** Hearing held on Proposed Plan Change by independent hearing panel
- **May – June 2023:** Independent hearing panel prepare report have heard evidence presented at the hearing
- **July – August 2023:** Council considers recommendation from independent hearing panel and makes final decision on Plan Change 56