

**BEFORE INDEPENDENT HEARING COMMISSIONERS  
AT LOWER HUTT**

**I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHAKE  
TE AWA KAIRANGI**

<b>IN THE MATTER AND IN THE MATTER</b>	<b>of the Resource Management Act 1991  of the hearing of submissions on Plan Change 56 to the City of Lower Hutt District Plan</b>
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**HEARING TOPIC: Plan Change 56: Enabling Intensification in Residential  
and Commercial Areas**

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**STATEMENT OF PRIMARY EVIDENCE OF KAREN TRACY WILLIAMS  
ON BEHALF OF KĀINGA ORA – HOMES AND COMMUNITIES**

**(PLANNING)**

**29 MARCH 2023**

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## 1. EXECUTIVE SUMMARY

1.1 My full name is Karen Tracy Williams. I am a Principal Planner at The Property Group, based in Wellington. I have been engaged by Kāinga Ora – Homes and Communities (**Kāinga Ora**) to provide evidence in support of its primary and further submissions to Hutt City Council's (**Council**) Proposed Plan Change 56 (**PC56**) to the City of Lower Hutt Operative District Plan (**District Plan**).

1.2 My evidence will address the following matters:

- (a) I generally support the spatial extent of the High Density Residential Activity Area (**HDRAA**) and recommend the introduction of a height variation control to the HDRAA within 400m of the City Centre and Petone Commercial Area 2 to enable building heights of 36m (ten storeys);
- (b) I recommend amendments to the Height in Relation to Boundary (**HIRB**) standard in the HDRAA to provide design flexibility near road boundaries to enable residential intensification and a variety of housing forms and typologies, to give effect to the intensification outcomes directed by the NPS-UD and consistent with the planned urban built environment of the HDRAA;
- (c) I recommend the introduction of a height variation control to the Medium Density Residential Activity Area (**MDRAA**) to enable building heights of 18m around identified Suburban Commercial Centres, with a more flexible HIRB standard in these locations;
- (d) Amendments to the HDRAA and MDRAA overviews, objectives and policies to clarify the planned outcomes and better distinguish between the zones;
- (e) I recommend greater utilisation of non-notification clauses, to reduce risk and increase certainty for residential developments and Controlled Activity subdivision;

- (f) I recommend amendments to the guiding policies and matters of discretion within the relevant rules in the residential zones to achieve quality urban built environments. I also recommend refinements to the matters of discretion within the MDRAA and HDRAA in relation to the rules governing density standards;
- (g) I recommend that the flood hazard maps be removed from the District Plan. Flood hazard information is dynamic and therefore it cannot be accurately mapped as an overlay in the planning maps. It is my view that flood hazard mapping that sits outside the Plan is a useful and legitimate planning tool for plan users as to whether a site is subject to flood hazards. I recommend new definitions to help identify flooding hazards within the Plan and associated consequential changes within Chapters 1 and 14H;
- (h) I recommend that the Residential Heritage Precinct HA-09 be reduced spatially and renamed. I support the Kāinga Ora submission that heritage precincts be recognised through an overlay as heritage areas and that provisions and rules to manage and protect the heritage values would be more appropriately located within a District Wide heritage chapter.

1.3 A copy of my proposed amendments and changes sought to the provisions is included in **Appendix A** of my evidence. I can confirm that the version of relief in my evidence represents the full “updated” set of relief requested by Kāinga Ora in relation to PC56.

1.4 I have prepared a section 32AA assessment as set out in **Appendix B** of my evidence.

## 2. INTRODUCTION

2.1 My name is Karen Tracy Williams, and I am a Principal Planner at The Property Group Limited, based in Wellington.

- 2.2 I have a Master of Resource and Environmental Planning from Massey University, and a Bachelor of Arts from the University of Otago. I have 15 years' experience in working with resource management and planning matters under the RMA. I am an Intermediate member of the New Zealand Planning Institute.
- 2.3 I have worked for local government and in private consultancy. My experience includes the preparation and processing of applications for resource consent and the preparation of, and submissions to, District Plans. I have also prepared evidence for, and appeared in, the Environment Court.
- 2.4 I am providing planning evidence on behalf of Kāinga Ora in respect of submissions made on PC56. I was directly involved in the preparation of primary and further submissions by Kāinga Ora in relation to PC56, and was also involved in these processes as part of the ISPP plan changes for Porirua City Council.
- 2.5 In preparing this evidence I have read the following documents:
- (a) National Policy Statement on Urban Development 2020 (**NPS-UD**);
  - (b) Proposed Plan Change 56 (**PC56**);
  - (c) The Kāinga Ora submissions (both primary and further submissions) in relation to PC56;
  - (d) Section 32 reports and supporting evidence;
  - (e) Section 42A report and recommended amendments.

### **Code of Conduct**

- 2.6 Although this is a Council hearing, I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving evidence. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I

have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

### **Scope of Evidence**

2.7 My evidence will address the following matters:

- (a) I recommend changes to the scale of intensification enabled in the HDRAA and MDRAA, including amendments to density standards such as height and HIRB, to achieve greater intensification, consistent with the submissions by Kāinga Ora across the region;
- (b) I recommend amending rezoning parts of the HDRAA to MDRAA, as it relates to the residential environment adjacent to the centres of Wainuiomata, Eastbourne, and Stokes Valley, to enable intensification in accordance with Policy 3(d) of the NPS-UD;
- (c) I recommend amendments to the relevant policies and matters of discretion to support quality design outcomes in the residential zones;
- (d) I recommend increased use of notification preclusions as they relate to residential density standards and controlled activity subdivision;
- (e) I recommend a new rule to provide for non-residential/commercial activities on the ground floor of apartment buildings in the HDRAA;
- (f) I support the removal of flood hazard maps from the District Plan, with consequential changes;
- (g) I discuss the planning framework associated with the proposed Residential Heritage Precincts, with a specific focus on the area known as the Petone State Flats Heritage Area HA-09.

- 2.8 I have recommended wording changes to the objectives, policies, rules and standards as set out in **Appendix A** of my evidence, where I support changes sought in the submissions by Kāinga Ora that have not been endorsed by the section 42A reporting planners.
- 2.9 I have prepared a section 32AA assessment as set out in **Appendix B** of my evidence to address the recommended changes.
- 2.10 My evidence should be read together with the following statements of evidence, and where appropriate and relevant, my evidence will refer to:
- (a) Dave Pearson – Heritage;
  - (b) Nicholas Rae – Urban Design; and
  - (c) Gurv Singh - Corporate.
- 2.11 In preparing my evidence, I have reviewed the section 42A report. I note that the relevant statutory documents have been identified and outlined within the section 42A reports and I agree with the identification of those matters.

### **3. AREAS OF AGREEMENT WITH S42A REPORT**

- 3.1 Having reviewed the section 42A report and recommendations, I generally support the following recommendations by the reporting planners on various submissions by Kāinga Ora on PC56, and therefore this evidence does not specifically address the following matters:
- (a) The spatial extent of the HDRAA as notified in PC56, except as it relates to the residential environment adjacent to Wainuiomata, Eastbourne, and Stokes Valley where I recommend zoning to MDRAA with additional height variations within a walkable catchment, consistent with Kāinga Ora zoning principles to achieve national and regional consistency;

- (b) The section 42A recommendations in regard to the following provisions:
  - (i) Amendment to Objective 4G 2.5 and deletion of Objective 4G 2.8
  - (ii) Deletion of Policies 4G 3.8 and 4G 3.16 and amendment to Policy 4G 3.13
  - (iii) Amendment to Objective 5A 1.2.3 and Policy 5A 1.2.3
  - (iv) Amendments to Objective 5B 1.2.3
  - (v) New Objective 5E 2.2A and new Policy 5E 3.5A
  - (vi) Amendments to Objective 5E 2.4 and Policies 5E 3.5 and 5E 3.7
- (c) Amendment to notification preclusion clauses as they relate to 4F 4.2.6, 4F 4.2.11, 4G 4.2.8, 4G 4.2.13, 5B 2.1.2(a), 5E 4.1.4, 5E 4.1.5, and 5E 4.2.4 in response to submissions by Kāinga Ora.
- (d) The section 42A recommendation(s) to reject the submissions by KiwiRail seeking a 5m setback from the rail corridor.

3.2 The remainder of this evidence addresses key matters of particular interest to Kāinga Ora that remain of concern.

#### 4. **OVERVIEW OF STATUTORY CONTEXT AND KĀINGA ORA ZONING PRINCIPLES**

4.1 As outlined in its original submission, Kāinga Ora sought to ensure that the plan provisions aligned with national planning directions to provide for well-functioning environments that meet the needs of current and future generations.

4.2 The submissions by Kāinga Ora sought amendments to PC56 to ensure that development and intensification opportunities are

appropriately enabled in locations which are close to public transport and/or employment opportunities and retail and community services. In this way, well-functioning environments are formed to provide for the whole communities social, economic and cultural well-being.

- 4.3 Key focus areas of the Kāinga Ora submission are the approach proposed by Council to the spatial extents of, and building heights proposed within, walkable catchments; the proposed amendments to zone provisions in the urban environment to meaningfully enable intensification; and the integration of design principles and outcomes into the guiding provisions to achieve a quality, liveable urban environment. The submission interrogates whether the constraints imposed by the proposed framework are appropriate in delivering a level of development capacity envisaged by, and consistent with, the NPS-UD.

*Statutory Context*

- 4.4 I interpret the broad policy intent of the NPS-UD as to enable growth by requiring local authorities to provide development capacity to meet the diverse demands of communities, preclude overly restrictive rules, and encourage a quality urban built form. In short, I consider the overarching objective of the NPS-UD is to ensure 'well-functioning urban environments'.
- 4.5 The intensification policies (Policy 3 and 4) of the NPS-UD seek to improve land flexibility in existing urban boundaries through enabling and providing for higher-density development in appropriate locations.
- 4.6 In my opinion enabling planning provisions for targeted (that is, within defined walkable catchments around centres and rapid transit stops) residential development and intensification is a critical component in achieving the compact urban form outcomes envisaged in the NPS-UD. I consider this constitutes a fundamental shift in spatial planning within New Zealand by way of reorientating away from greenfield development / urban expansion towards the redevelopment of brownfield areas within existing and established urban locations that are focused around centres and transport corridors.



4.7 This paradigm shift is transformative in nature and will require a step change in how people perceive intensification and infill development. On this matter, I draw attention to Policy 6(b) of the NPS-UD, which specifically recognises that notable changes to perceived character and amenity of existing urban environments resulting from the greater enablement of development envisaged by the NPS-UD will occur:

*a) May detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*

*b) Are not, of themselves, an adverse effect.*

4.8 I acknowledge that PC56 represents a notable 'shift' with respect to the permitted baseline and consenting environment for residential development. In addition, I acknowledge that the resulting changes to the existing levels of residential amenity will cause concern. However, the NPS-UD, in combination with the Resource Management Act, as amended by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**Amendment Act**), sets very clear and directive legislative requirements around both the application of the MDRS and the requirement of territorial authorities to give effect to the requirements of the NPS-UD.

4.9 I consider that acceptance of the relief sought in the Kāinga Ora submissions, including where recommended for refinement within my evidence, will:

a) Consolidate residential growth and development opportunities within appropriate locations throughout existing urban areas;

b) Enable greater opportunities for communities to access amenities, goods and services and employment opportunities within their local neighbourhoods – improving accessibility to active travel modes; and

- c) Provide a rule framework that minimises consenting risks and uncertainty for appropriate development while still providing for quality design outcomes through a framework that encourages innovation.

## 5. ENABLING HIGH DENSITY OUTCOMES

### *Spatial extent of High Density Residential Activity Area*

- 5.1 In my opinion, there is a high degree of commonality between the approach taken by Kāinga Ora in identifying walkable catchments in response to Policy 3(c) to that taken by the Council. Kāinga Ora supports the Council's application of a 1200m walkable catchment from the city centre, and 800m walkable catchments from Petone Commercial Activity Area and rapid transit stops.
- 5.2 I note that while the submission<sup>1</sup> of Kāinga Ora sought additional coverage of the HDRAA, particularly around an expanded Naenae centre, this position has been subsequently refined and, for the most part, extensions to the notified extent of the HDRAA are no longer being pursued. For completeness, I note also that the expansion of the commercial centre at Naenae is similarly not being pursued by Kāinga Ora. I support the refined position of Kāinga Ora in regard to these matters, and relatedly support the Council's s42A recommendations on these submissions.
- 5.3 The evidence of Mr Rae outlines the principles and methodology he has used to determine the appropriate extent of the walkable catchments. In this regard, Mr Rae outlines where some discreet changes to the HDRAA zoning extent are recommended, which I support.
- 5.4 I therefore support the HDRAA zoning extent as revised and recommended by Mr Rae in the maps attached to his evidence.
- 5.5 Overall, in my opinion the spatial extent of the HDRAA provides a future proofing of these areas to cater for not only the current needs of

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<sup>1</sup> 206.46

communities but needs of future generations by laying the foundations for well-functioning urban environments (NPS-UD Objective 1, Policies 1, 2 and 3), with intensification being focused in areas directed by NPS-UD Objective 3 and Policy 3.

*Enabling additional height in the HDRAA*

- 5.6 The NPS-UD requires the Council to enable development of *at least* 6 storey buildings around City Centre and Metropolitan Centres. This is not a maximum, but a minimum, and the NPS-UD anticipates that additional building height may be appropriate.
- 5.7 I note that Kāinga Ora sought increased heights to enable greater intensification around the city centre and other key centres. Those changes were also sought to be reflected in the corresponding chapter overviews, objectives and policies, to strengthen the policy framework so that built-form and intensity outcomes can be assessed against the ‘planned character’ of the zone. In this regard, the Kāinga Ora submissions sought changes to the height standards in the HDRAA<sup>2</sup> including:
- (a) 43 metres within 400m of the city centre;
  - (b) 29 metres between 400-800m of the city centre;
  - (c) 36 metres within 400m of the Petone Commercial Activity Area;
  - (d) 29 metres within 400m of the Naenae and Waterloo centres;  
and
  - (e) Support for the notified permitted height of 22 metres elsewhere within the HDRAA<sup>3</sup>
- 5.8 However, this position has since been refined. When viewed at the regional level, Kāinga Ora considers that the city centre and Petone Commercial Areas 1 & 2 within Hutt City are the equivalent of Metropolitan Centre Zones. This is consistent with the position taken

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<sup>2</sup> 206.14, 206.22, 206.46, 206.121, 206.123, 206.128, 206.178, 206.171

<sup>3</sup> Kāinga Ora submissions opposed the 14m maximum height in the HDRAA as it applied around Eastbourne, Wainuiomata, and Stokes Valley.

by Kāinga Ora in its submission on Plan Change 1 to the Regional Policy Statement. Accordingly, the level of increased heights within the HDRAA sought by Kāinga Ora, over and above 6 storeys, has been scaled back from that sought within the submission to reflect what is being pursued within walkable catchments of other Metropolitan Centre Zones elsewhere the region (including but not limited to within Porirua City and Paraparaumu).

- 5.9 I support this refined and consistent approach. In doing so, I note that Journey to Work data shows that the city centre and Petone draw from a similar geographic catchment across the region as respective employment bases, and the journey to work (walking) data around both centres is also relatively comparable (see **Appendix C**). The scale of intensification supported in my evidence, and that of Mr Rae, is therefore based on the principle of both of these key centres in Hutt City being akin to Metropolitan Centre Zones within the broader Wellington region.
- 5.10 In this regard, I support an increase in the height limit to the HDRAA to 36m (10 storeys) within a moderate 400m walkable catchment of the City Centre and Petone Commercial Centre.
- 5.11 In my opinion, it is appropriate that building heights transition from the unlimited heights within the city centre and Petone Commercial Area 2 to an intermediate height of 36m, before integrating with the 22m recommended elsewhere throughout the HDRAA. Enabling building heights of approximately 10 storeys within a 400m catchment of these key commercial centres provides for a clear 'stepping down' in the scale and intensity of the planned urban built form from the centre out to the residential environment. This is considered an appropriate response to the urban form in the evidence of Mr Rae.
- 5.12 In my opinion, enabling additional height within an identified area around the city centre and Petone Commercial Centre provides for a level of development that responds to the significance of these centres at a scale that is supportive of the centre, and responds to current and future degrees of accessibility. I consider that this is an

appropriate means to address the intensification direction of the NPSUD and objectives of PC56, having regard to the range of factors including urban form, accessibility, demand and benefits to the vibrancy and vitality of these regionally significant centres. In making this recommendation, I have sought to avoid increased heights in areas subject to high coastal hazard risk, such as along The Esplanade.

- 5.13 I consider the amendments to the Introduction, Objective (4G 2.4), Policies (4G 3.3), and Rule (4G 4.2.3) within the HDRAA chapter are appropriate in order to effectively enable the outcomes directed by the NPS-UD rather than meeting the minimum level of intensification required. These are set out in **Appendix A** of my evidence, with the key changes discussed briefly below.
- 5.14 In terms of Objective 4G 2.3, Kāinga Ora sought amendment to provide clarity that buildings in excess of 6 storeys are an anticipated outcome of the High Density Residential Activity Area, particularly around the city centre and Petone.<sup>4</sup> The s42A report notes that the requested change is not appropriate, as it would amend a mandatory objective from the RMA that supports the MDRS. I agree with this reasoning and note that the relief can instead be accommodated in amendments to objective 4G 2.4, which I discuss below.
- 5.15 From my review of the section 32 report, I understand that the purpose of Objective 4G 2.4 is to describe the planned urban built character for the High Density Residential Activity Area. The submission by Kāinga Ora generally supported this provision but sought changes to articulate the anticipated urban built environment more clearly.<sup>5</sup> Noting the recommendation on 4G 2.3 above, I support the principle of the relief sought by Kāinga Ora; however, I also consider further modification to the objective is appropriate to more clearly articulate the planned urban built environment within this zone. The section 32 report notes that the objective is intentionally focused on the planned character (as opposed to the existing character) given

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<sup>4</sup> 206.131

<sup>5</sup> 206.132

the degree of change anticipated to occur within the zone because of the mandatory MDRS and the need to enable greater building heights and densities in accordance with Policy 3 of the NPS-UD. I consider my recommended revisions more clearly achieve this purpose, with a clearer focus on the outcomes directed by the NPS-UD. While I acknowledge my changes remove specific reference to provision of amenity levels with regard to more intensive development, I consider the balance of objectives provide adequate coverage of this issue. I have also recommended changes to Policy 4G 3.3 to give effect to this objective.

- 5.16 I have prepared a section 32AA assessment as set out in **Appendix B** of my evidence.

*Height in Relation to Boundary Controls in the HDRAA*

- 6.17 In submissions<sup>6</sup> Kāinga Ora seeks a more enabling height in relation to boundary (**HIRB**) standard of 19m + 60° within the first 22m of the site to incentivise and provide for intensification in the HDRAA. This would provide greater opportunity to achieve an enabled height of 6 storeys, consistent with the direction of the NPS-UD and the planned urban built form within the HDRAA. The more enabling HIRB would encourage building form to be located at the front of the site, leaving more space and “openness” at the rear of the site. A second element of the HIRB sought by Kāinga Ora provides an 8m + 60° control for all other boundaries where they are located further than 22m from the site frontage. In addition, the control sought by Kāinga Ora includes a HIRB of 4m + 60°, consistent with the MDRS, to manage interface effects with the MDRAA and on adjacent sites that contain heritage buildings or sites of significance to Māori.
- 5.17 I support the above amendments sought by Kāinga Ora<sup>7</sup>, insofar as it relates to application within the HDRAA where the result will be 4 or more units, as I consider greater flexibility to the standard MDRS

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<sup>6</sup> 206.175

<sup>7</sup> Although I have recommended that the standard apply to the first 21.5m of the site, rather than 22m as sought in the submission. This revision is to achieve consistency in how this has been applied elsewhere in the region.

HIRB is required to enable a development outcome that is consistent with a high-density residential environment.

- 5.18 In my opinion, the MDRS alternative that is preferred by Council will have a restrictive effect in terms of the overall density and height achievable on a site and I do not consider this to be an effective means to 'enable' high density development. In my opinion, this is not an efficient form of land use in a zone that is located in areas with good access to key public transport routes, local service amenities and centres.
- 5.19 In this regard, I consider that HIRB controls traditionally manage a range of residential amenity considerations, including the level of solar access received by neighbouring properties in respect to a development. The HIRB can also increase the separation distance between buildings and neighbouring properties, helping to reduce privacy impacts from adjacent overlooking properties. The space provided by the HIRB can also contribute to a sense of openness. In my opinion, this is in itself an important component required for a medium density environment, for example to avoid an oppressive sense of enclosure to outdoor living space. However, I consider that this sense of "openness" is less important and should have less weight in locations where a greater level of intensification is specifically anticipated, such as in the HDRAA. In my opinion, this is consistent with the direction provided for under Policy 6(b) of the NPS-UD.
- 5.20 I consider that an effective way to manage sun access in a high-density context is to ensure a building coverage control applies, which encourages gaps between buildings through which the sunlight can penetrate. In this regard, I note that building coverage standard in the HDRAA is 50%, meaning that a building cannot be constructed across the entirety of the site, and development will also be subject to meeting other density standards such as landscaping, open space, outlook controls and setback. In my opinion, the building coverage standard works in concert with the HIRB by ensuring that an appreciable notable degree of openness remains within the site. The

approach sought by Kāinga Ora would incentivise the building of density at the front of the site next to the street, and to promote greater open space at the rear, to ensure some certainty around shared amenity and sunlight access within the block.

5.21 Mr Rae's testing of the 19m + 60° within the first 22m shows that this alternative standard would better enable the delivery of development of at least six storeys and encourage building bulk and outlook to the front of the site / street frontage, which assists in achieving a high-density urban built form. Therefore, in my opinion, the alternative approach sought in the submissions by Kāinga Ora would encourage an urban streetscape in keeping with the more intensive built form outcomes anticipated in the HDRAA.

5.22 In my opinion, providing appropriate regulatory incentivisation in the form of enabling planning provisions for substantive development, is critical in achieving compact urban form outcomes that capitalise on the favourable location that existing urban areas have to established public transport, service amenities, employment and education opportunities. This also reduces the perception of 'risk' within the development community and in my experience can provide a greater level of confidence in approaching both infill and multi-unit style development.

5.23 I therefore consider that the proposed revisions to the standards are the most effective and efficient option for achieving the overarching issue being: how to give effect to Policy 3 of the NPS-UD while achieving quality built environment outcomes, including addressing issues relating to:

- (a) Enabling more intensive development where it achieves the planned urban built environment within the HDRAA; and
- (b) Providing for the amenity of residents on-site, and for people on adjoining sites and on the street; and
- (c) Ensuring development recognises and provides for values associated with cultural and historic heritage.



5.24 I have made changes to Rule 4G2.3.4 in **Appendix A** and prepared a section 32AA assessment as set out in **Appendix B** of my evidence.

## **6. ADDITIONAL INTENSIFICATION IN THE MDRAA**

### *Amended zone framework enabling intensification under Policy 3(d)*

- 6.1 With regard to implementing Policy 3(d) of the NPS-UD, the Council's section 32 analysis recommends enabling greater levels of intensification around the centres of Avalon, Moera, Wainuiomata, Eastbourne and Stokes Valley and applying the HDRAA to the residential environment adjacent to these centres. However, the HDRAA surrounding Eastbourne, Wainuiomata, and Stokes Valley was limited to a maximum height of 14m under the notified version of PC56.
- 6.2 Kāinga Ora submissions opposed the 14m height restriction within the HDRAA, and instead sought the application of the MDRAA in these locations, with an 18m height variation control to enable intensification around the centres.<sup>8</sup> Kāinga Ora also sought the application of the MDRAA with 18m height variation control around other centres that it considered to be akin to Local Centre Zones. However, in the absence of a centres hierarchy review, and in light of the upcoming plan review, Kāinga Ora has refined this position. My evidence is therefore confined to the application of NPS-UD Policy 3(d) surrounding the centres of Eastbourne, Wainuiomata, and Stokes Valley only.
- 6.3 The Council's section 42A reporting officer has rejected the submissions of Kāinga Ora in this regard, and recommends retaining the HDRAA in these locations while also recommending an increase in the height limit to remain consistent with the rest of the zone – i.e. enabling intensification of at least 6 storeys in these locations (22m). The spatial application of the HDRAA is less than the spatial application sought by Kāinga Ora within a rezoned MDRAA with a related 18m height variation control.

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<sup>8</sup> 206.14, 206.22, 206.47, 206.48, 206.53, 206.57, 206.62, and 206.86

- 6.4 While Kāinga Ora is not opposed to high density zoning around these centres *per se*, it does not align with the zoning principles that Kāinga Ora has sought (both nationally and regionally) around centres that would be classified as being a Local Centre Zone under the National Planning Standards.<sup>9</sup>
- 6.5 Kāinga Ora sought changes to the provisions<sup>10</sup> to clarify that the MDRAA planned urban built form would not only include three storey development but also more intensive development of up to 5 storeys on locations with high accessibility to public transport, commercial activities and community services.
- 6.6 Ultimately, I support the submissions of Kāinga Ora, particularly as it relates to these identified centres outside of the main valley network. In this regard, I agree and consider that the application of the MDRAA around the centres of Eastbourne, Wainuiomata, and Stokes Valley, with an enabled height of 18m within 400m of the centre, is a more appropriate response to enable residential intensification that is commensurate with the level of commercial and community services in these locations. I also note that this approach (i.e. tiered heights in the MDRAA) is consistent with the approach Kāinga Ora has taken in seeking to enable intensification around lower order centres across the region.
- 6.7 I therefore support the medium-density zoning extents and associated 18m height variation control around the centres of Eastbourne, Wainuiomata, and Stokes Valley sought in the submissions by Kāinga Ora, as also discussed in the evidence of Mr Rae and shown in the maps attached to his evidence.
- 6.8 For completeness, I acknowledge that I have not recommended similar changes around the centres of Avalon and Moera, as in my opinion these centres, and the adjacent residential environment, form logical extensions to the walkable catchments across the valley floor. I

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<sup>9</sup> If Council determines that these centres are in fact Town Centre Zones, then Kāinga Ora would support the HDRAA in these locations, but would seek an expansion to the spatial extent of the HDRAA to match the HVA area shown within maps in Mr Rae's evidence.

<sup>10</sup> 206.14 - Policy 1 (1.10.1A), 206.22 – Policy 1 (1.10.3), 206.60 (Obj 4F 2.3A), 206.62 (new MDRAA Obj), 206.65 (Policy 4F 3.2).

do, however, note that in principle I would also support the MDRAA and 18m height variation being applied in these locations where situated outside of the walkable catchments otherwise required by Policy 3(c) of the NPS-UD. I note however that the area around Moera is subject to high coastal hazards, so if the Panel were to determine that MDRAA is suitable in these locations, I recommend that the spatial extent of any intensification area within the MDRAA be refined to account for this.

*Height in Relation to Boundary*

- 6.9 Kāinga Ora submissions sought amendments to Rule 4F 4.2.3 to increase the starting point for HIRB from 4 to 6 metres to reflect the increase in height sought above and to ensure development is suitably enabled.<sup>11</sup> Mr Rae's evidence indicates that this change will result in minimal impacts on adjoining properties particularly when considering the planned urban built form anticipated by the MDRS. It will, however, assist in enabling intensification in these identified locations. I support this advice.
- 6.10 Having regard to the above matters, I have proposed a number of amendments to the MDRAA chapter within **Appendix A** to my evidence.
- 6.11 I have prepared a section 32AA assessment as set out in **Appendix B** of my evidence.

**7. DESIGN OUTCOMES**

- 7.1 Kāinga Ora made a number of submissions that have sought to clarify the role and status of the design guides<sup>12</sup>. These submissions are consistent with the approach Kāinga Ora takes to this issue both nationally and regionally.

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<sup>11</sup> 206.91

<sup>12</sup> 206.09 to 206.012, 206.236 to 206.239, 206.060, 206.265 to 206.268, 206.284, 206.286, 206.289, 206.292

- 7.2 Kāinga Ora agrees that high quality design is important to successfully achieve a well-functioning urban environment, and to support walkable living environments.
- 7.3 The Council's s42A report notes that the Medium Density Design Guide sits outside of the plan and is used in support of assessing proposals in the role of general guidance. Conversely, commercial design guides sit within the Plan, although the s42A report acknowledges that these guides are "complex, unclear, ineffectual, and dated". The s42A reporting planner acknowledges that the design guidance would benefit from comprehensive revision or replacement, and in this regard notes that the Council is conducting a comprehensive review of the zone chapters and design guides as part of the upcoming full plan review, and therefore no changes are proposed to the general content of the design guides, or consideration of the role and function they play as regards whether they sit within, or outside of the Plan. It appears that this is the primary reason for which submissions by Kāinga Ora on this broader topic are rejected by the Council.
- 7.4 I acknowledge that the Council intends to undertake a more fulsome review of the content, role, and function of its design guidance as part of its broader plan review process. However, in my opinion, the outcomes required to achieve a high-quality urban environment should be clearly expressed directly within the provisions of the Plan as part of this IPI process, particularly where there is currently an absence of clear guidance within the Plan. I consider this to be specifically relevant to the residential chapters and the framework supporting intensification of a site (i.e. development comprising more than 3 units), as in my opinion, this is the area where guidance within the plan is particularly lacking and the greatest transition in urban built form is being enabled. In my opinion the most efficient way to clearly convey expected design outcomes is through a revised policy framework, which can then be reconciled with the planned urban form of the zone.

- 7.5 In this regard, I have recommended that key design outcomes be articulated directly by policies in the residential chapters in **Appendix A** of my evidence, as informed by Mr Rae. I have also proposed a small amendment to the matters of discretion proposed by Kāinga Ora in its submission, which in my opinion better articulate the desired outcomes for the development of four or more residential units per site, in reference to both the internal relationship between residential units internal to a site and the overall developments relationship to the surrounding environment. These are identical across the MDRAA and HDRAA.
- 7.6 In my opinion, this is a more efficient and effective way to achieve quality outcomes and a well-functioning urban environment than that proposed within PC56. I have prepared a section 32AA assessment as set out in **Appendix B** of my evidence.

## **8. RULES AND MATTERS OF DISCRETION**

- 8.1 As noted above, within the MDRAA and HDRAA chapters, the submissions of Kāinga Ora sought changes to promote design quality through a mixture of new policy direction, and alternative matters of discretion. Those changes are included in **Appendix A** to my evidence.
- 8.2 In addition, Kāinga Ora sought amendments to the matters of discretion within the residential bulk and location rules in the MDRAA and HDRAA chapters.<sup>13</sup> Specifically, Kāinga Ora sought the removal of reference to “Design Elements” throughout the matters of discretion. I support the changes sought by Kāinga Ora.
- 8.3 While I acknowledge that the wording within the matters of discretion is largely a legacy of the existing Operative District Plan, I nevertheless consider it relevant to alter and update these in light of the change to the urban built form that is enabled in these residential zones. In my opinion, matters of discretion should be well focused and

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<sup>13</sup> 206.81, 206.88, 206.93, 206.97, 206.103, 206.106, 206.107, 206.109, 206.111, 206.165, 206.166, 206.168, 206.173, 206.177, 206.181, 206.186, 206.187, 206.190, 206.193, 206.195, 206.197.

relevant to the effects that may be generated by non-compliance with a relevant rule/standard. I therefore consider that the inclusion of irrelevant references to a list of “design elements”, often which have no obvious connection to the standard under consideration, is unnecessary, adds complexity and is confusing. I therefore support the amendments sought in the submissions by Kāinga Ora.

- 8.4 In general, I consider that the matters of discretion within the rules managing bulk and location effects within PC56 would benefit from being streamlined and clarified to better focus the assessment of potential effects. In this regard, I have recommended further refinements to the matters of discretion, beyond what was specifically sought in the submissions by Kāinga Ora, which I consider results in a more legible, and therefore effective and efficient rule framework.
- 8.5 In addition to the above, the submissions<sup>14</sup> by Kāinga Ora also sought removal of reference being made to the (non-statutory) Medium Density Design Guide to inform the resource consent assessment and decision making process. The Medium Density Design Guide is referred to as a development guide in the rule framework within both the MDRAA and HDRAA. It is referenced throughout the rules, both in regard to development proposals exceeding 3 units, as well as within the majority of the density standards and associated rules (in many instances, linking back to the “design elements” discussed above).
- 8.6 In my opinion, it is inappropriate to continue to reference this outdated guide in the proposed rule framework for non-compliance with the density standards, as it does not account for or reflect the enabling requirements of the NPS-UD and the MDRS. As acknowledged by the Council, the design guide has not been refreshed as part of PC56 or redeveloped to guide decision making around urban intensification within a high density residential environment.
- 8.7 As a result, this Design Guide fails to take account of the planned urban built environment of the MDRAA and HDRAA and is correspondingly limited in providing appropriate and clearly articulated

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<sup>14</sup> 206.81, 206.84, 206.89,206.94, 206.98, 206.101, 206.106, 206.107, 206.109, 206.111, 206.166, 206.168, 206.173, 206.178, 206.182, 206.187, 206.190, 206.193, 206.195, 206.197.

design objectives to guide quality outcomes. While I generally consider that non-statutory design guides can be a highly effective tool in helping to assess development proposals, in this case I do not consider the existing Medium Density Design Guide to be fit-for-purpose. I therefore support the submissions of Kāinga Ora seeking removal of reference to this design guide within the matters of discretion across the relevant rules.

8.8 The changes recommended above have been provided in **Appendix A**.

8.9 I have prepared a section 32AA assessment as set out in **Appendix B** of my evidence.

## 9. NOTIFICATION PRECLUSIONS

9.1 The submissions by Kāinga Ora sought a number of amendments to the notification clauses within the commercial zones<sup>15</sup> and residential zones<sup>16</sup>. I note the changes recommended in the s42A report as they relate to outlook space and outdoor living and support these recommendations.

9.2 Below I discuss changes sought by Kāinga Ora to the non-notification clauses as they apply within the residential zone framework, where changes have not been recommended in the s42A report and where I support changes to address the submissions of Kāinga Ora. The area where I support the submission and recommend change relates to the preclusion of *limited notification* where there is non-compliance with the following development standards and rules:

(a) Windows to street – Rules 4F 4.2.12 and Rule 4G 2.14

(b) Landscaped area – Rule 4F 4.2.13 and Rule 4G 4.2.15

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<sup>15</sup> 206.250 - Rule 5B 2.1.2(a) – site abutting residential activity areas (where compliance is achieved with maximum height); 206.257 – Rule 5B 2.2.1.1(i) (Outdoor living areas); 206.285 – Rule 5E 4.1.4 (residential activities at ground floor); 206.287 – Rule 5E 4.1.5 (care facilities, residential facilities, boarding houses); 206.293 – Rule 5E 4.2.4 (outdoor living space).

<sup>16</sup> 206.102 – Rule 4F 4.2.5 (permeable surface); 206.104/206.188 – Rule 4F 4.2.6 and 4G 4.2.8 (Outdoor Living Space); 206.108/206.194 – Rule 4F 4.2.11 and 4G 4.2.13 (outlook space); 206.110/206.196 – Rules 4F 4.2.12 and 4G 2.14 (windows to street); 206.112/206.198 – Rule 4F 4.2.13 and Rule 4G 4.2.15 (landscaped area); 206.183 – Rule 4G 4.2.5 in relation to front yard setback.

(c) Front yard setback in the HDRAA – Rule 4G 4.2.5

- 9.3 The relevant rules within PC56 includes a general notification preclusion statement for public notification for non-compliance with the residential density standards, consistent with Clause 5 to Schedule 3A of the RMA. However, in my opinion, it is also appropriate to extend the preclusion to limited notification in relation to non-compliance with standards that manage onsite amenity outcomes or streetscape controls.
- 9.4 The assessment for any breach to these standards is specific to onsite amenity considerations, or how a proposal achieves a positive interface with the street and enhances opportunities for passive surveillance. In my opinion, building activities which breach these standards will not have an adverse effect on adjoining sites that would warrant notification and the rule framework should streamline the notification preclusion accordingly.
- 9.5 When looking more holistically, residential development proposals often trigger consent in relation to a range of matters (for example the number of units, open space, earthworks, and accessway infringements). Where a proposal breaches *any* rule that does not include a non-notification clause, then the *whole* proposal is subjected to an assessment of affected parties. This assessment is not confined to matters that do not benefit from a notification preclusion. Without the extension of the notification preclusion, a cursory non-compliance with landscaping or windows to the street standards would have the effect of removing any notification preclusion that may have otherwise applied for the purpose of limited notification – such as that which applies under Rules 4F 4.2.1A and Rule 4G 4.2.1 (development of 4 or more units).
- 9.6 I therefore recommend amendments to these rules, and consider that without these amendments, simple non-compliances would have the effect of nullifying notification preclusions for consents that should otherwise appropriately benefit from this tool.



- 9.7 Putting this into context, I agree that the notification preclusion tool requires careful use to ensure parties are not inappropriately disadvantaged. However, in my opinion the current framework for the use of this tool in the residential chapter does not strike the right balance between ensuring effects are appropriately considered upon potentially affected parties, while meaningfully enabling development and streamlining the resource consent process. I agree that any infringements to development controls that manage off-site effects upon neighbours (e.g. height, building coverage, height in relation to boundary, and side/rear setbacks) should be subject to the normal assessment of affected parties. Conversely, where infringements relate to development controls managing design outcomes or onsite amenity, it is my opinion that these should be precluded from limited notification.
- 9.8 In addition to the above, Kāinga Ora also sought the inclusion of a non-notification clause precluding notification as it relates to subdivision as a Controlled Activity (Rule 11.2.2)<sup>17</sup>, which has not been supported in the section 42A report. I agree with the relief sought by Kāinga Ora and consider that this is consistent with the outcome of Clause 5(3) of Schedule 3A the Act. In this regard, I note that while s95A(5)(b) provides for preclusion of Controlled Activity resource consents (both land use and subdivision), s95B(6)(b) does not automatically preclude notification for Controlled Activity subdivision consents. I therefore consider that a notification preclusion clause is appropriate as it relates to Controlled Activity subdivision in the Medium Density and High Density Residential Areas.
- 9.9 In my opinion, additional and considered utilisation of this tool, as discussed above, would provide certainty and efficiency of decision making.
- 9.10 The changes recommended above have been provided in **Appendix A**.

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<sup>17</sup> 206.299

9.11 I have prepared a section 32AA assessment as set out in **Appendix B** of my evidence.

**10. COMMERCIAL ACTIVITIES IN THE HDRAA AT THE GROUND FLOOR OF APARTMENT BUILDINGS**

10.1 The submission by Kāinga Ora sought a new Restricted Discretionary Activity (**RDA**) rule within the HDRAA, to provide an enabling consent pathway for commercial activities located at the ground floor of apartment buildings. I support this submission. I note that the Council's section 42A reporting officer considers this matter sits beyond the scope of the Plan Change. I disagree, as I consider the relief sought will help to achieve a well-functioning urban environment.

10.2 The HDRAA planned urban built environment is anticipated to transition to one that has an intensive urban character. As outlined in the evidence of Mr Rae, providing for a broad range of small-scale commercial offerings at the ground level of apartments within the anticipated HDRAA urban context could result in the following benefits:

- (a) Commercial activity at the ground floor of apartments is an optimal way to avoid the privacy and amenity issues associated with residential at ground floor;
- (b) Commercial activities, scattered throughout the urban residential environment, can provide meeting locations for residents and others in the neighbourhood and can assist with live work opportunities and the supply of daily needs; and
- (c) Activity at the street, as facilitated by small commercial tenancies, improves safety and surveillance, which improves walkability.

10.3 In short, it is clear to me that the outcomes sought by the submission of Kāinga Ora could result in a positive and vibrant urban living

environment, which supports a walkable neighbourhood and provides for the health and wellbeing of the community.

- 10.4 I consider that an additional rule, with an RDA threshold, which provides clear direction as to the scale of activity and setting in which it can operate, is appropriate in the HDRAA, recognising the benefits such activities can bring.
- 10.5 The proposed RDA rule clearly outlines operating limits, and in doing so it provides direction as to the scale of activity that is appropriate in this context. It also retains the ability for Council to assess the impact of the activity upon the community in which it is proposed to be located through the consent process. This response continues to recognise the benefits of appropriate non-residential activities in the HDRAA that support place making.
- 10.6 In my opinion, the proposed RDA rule provides a more appropriate consent pathway for appropriately scaled commercial activities in the HDRAA urban environment compared to automatically defaulting to a higher activity status.
- 10.7 This rule is set out in **Appendix A** of my evidence.
- 10.8 I have prepared a section 32AA assessment as set out in **Appendix B** of my evidence.

## 11. FLOOD HAZARD MAPS

- 11.1 The submission of Kāinga Ora acknowledges and supports the risk-based approach to natural hazards. It also seeks an approach to flood hazard mapping to utilise non-statutory mapping that sits outside the District Plan for flood hazards to guide plan users, with consequential changes to the Plan to reflect this change. This is reflected throughout the submission of Kāinga Ora on the Natural Hazard provisions of PC56.<sup>18</sup>

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<sup>18</sup> 206.27 to 206.39 and 206.308 to 206.337

- 11.2 I support the submission of Kāinga Ora to include flood hazard mapping in a GIS viewer that sits outside the Plan. In my view separate maps of this nature are a useful tool where there is insufficient certainty and consistency over time to provide this information in a mapped District Plan overlay. The use of GIS maps outside the District Plan serves as information or guidance in the context of certain rules in a plan.

*Dynamic Nature of Flood Hazard Information*

- 11.3 Having maps sitting outside of the Plan for information purposes is appropriate in the context of flood hazard information as this information is dynamic and subject to change over time. Changes may be due to improved understanding of the natural hazard, to interventions that change the location of natural hazard, or to changing real world conditions including climate change. Therefore, it is difficult to map flood hazards within the planning maps in a way where the information will stay accurate and relevant over time.
- 11.4 I acknowledge the evidence of Mr Osborne for the Council is that the flood hazard areas have been identified through comprehensive modelling, data collection, and community engagement. While I acknowledge that the modelling is based on best information and expertise, it can also be subject to inaccuracies or errors that either overestimate or underestimate the actual flood hazard risk on a particular site or location. Ground levels are also prone to change, for example through land development site works. Other physical features, such as culverts or other water conveying vectors can be inaccurately plotted or upgraded, diminishing the accuracy of the hazard profiling.
- 11.5 It is also my understanding that wider flood protection works associated with the RiverLink Programme will considerably alter the existing flood hazard profile in this area, providing a more resilient and safer environment to existing businesses and residents.
- 11.6 I also note that parts of the city, at the time of PC56 being notified, were not yet modelled. In this regard, Mr Osborne's evidence notes

that there are catchments within Hutt City where modelling is yet to be completed by Wellington Water including: Eastern Bays, the western hills from Tirohanga north, and Wainuiomata (including South Wainuiomata and Black Creek).<sup>19</sup>

- 11.7 In my opinion, the above matters demonstrate the often incomplete and dynamic nature of flooding information, which despite all efforts, can contain inaccuracies and/or rapidly be out-of-date.
- 11.8 I agree with the evidence of Mr Singh that requiring changes to flood hazard information to reflect changes in the environment or where more refined information becomes available through a Schedule 1 process is not an efficient planning process.
- 11.9 A GIS viewer outside the Plan can assist plan users in determining whether a site may be subject to a particular flooding hazard. This GIS viewer can be updated as new information becomes available outside of a formal plan change process will make it a more reliable starting point for further assessments over time, than a spatial layer within the Plan that is unable to be easily updated in response to changing information around flood hazard profiles.
- 11.10 Further, I support the submission of Kāinga Ora that new definitions be incorporated into the Plan, to reflect the rules in relation to Flood Hazard – Stream Corridor, Flood Hazard – Overland Flow, and Flood Hazard – Inundation Area. This will ensure that proposals upon land that is subject to these hazards will be subject to the relevant rule framework, ensuring risks associated with flood hazards will be appropriately managed. The flood maps will provide the basis for this determination but will not be the exclusive determining factor. This is similar to how flood hazards are managed in the AUP and endorsed in the Panel's 2022 decision on Tauranga City's Plan Change 27 (Flooding from Intense Rainfall).

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<sup>19</sup> Paragraphs 19 and 20 of Alistair Osborne's Primary Evidence.

- 11.11 In my opinion, this alternative approach provides greater flexibility, while appropriately ensuring that natural hazard risks are adequately understood and managed.

*Public Participation*

- 11.12 In my opinion, public engagement can and should remain an integral method in enhancing the accuracy of the flood hazard profile and spatial extent, despite this engagement sitting outside the formal Schedule 1 process. Indeed, the evidence of Mr Osborne discusses the public engagement that is undertaken as part of the flood hazard modelling process generally. This is also outlined as a requisite step in the Flood Hazard Modelling Standard (Cardno NZ): Greater Wellington Regional Council (2021).

- 11.13 Ultimately, relocating the flooding maps outside to of the Plan would allow for a more agile response to updates and reflecting new information, but would not preclude the Council from engaging with owners of affected properties.

*Statutory Framework*

- 11.14 Objective 8 and Policy 1 of the NPS-UD direct that well-functioning urban environments are resilient to the likely current and future effects of climate change. In my opinion, locating flood hazard maps outside of the District Plan provides a more agile approach to ensuring flood risks are adequately understood and appropriately managed through risk-based land use controls. I therefore do not consider there to be conflict with the direction within the NPS-UD.
- 11.15 Beyond this, the relevant statutory framework for the Natural Hazards chapter has been addressed in the Council's s32 Report. This section of my evidence focuses only on whether the relief sought in the submission of Kāinga Ora is aligned with the direction set down in the Wellington Regional Policy Statement ("RPS"). The RPS advocates a precautionary and risk-based approach to the management of natural hazard risk. It seeks to avoid inappropriate subdivision and development in areas of high risk from natural hazards and to promote

the resilience of communities to the impact of natural hazards and climate changes.

- 11.16 In the context of Kāinga Ora submissions seeking that the flooding natural hazard overlays be removed from the Plan I consider Objective 21 and Policies 29 and 51 of the RPS to be of the most relevance to that issue.
- 11.17 Objective 21 requires that communities are more resilient to natural hazards, including the impacts of climate change, and people are better prepared for the consequences of natural hazard events. Policy 29 seeks to avoid inappropriate subdivision and development in areas at high risk from natural hazards. Policy 29 requires District Plans to identify areas at high risk from natural hazards and include policies and rules to avoid inappropriate subdivision and development in those areas. Policy 29 does not require that high hazard areas are mapped in District Plans but rather that the provisions in District Plans within the Wellington region will identify high hazard areas. In the context of natural hazards in Plan Change 56, this relates to Stream Corridors and the Wellington Fault. It is my understanding that stream corridors consist of a buffer of five metres either side of the centre of the stream, where flood water exceeds 1m in depth and the velocity is faster than 2m per second.
- 11.18 In my opinion, the submission of Kāinga Ora to remove flood hazard overlays from the Plan does not conflict with the directive of Objective 21 and Policy 29 of the RPS. PC56 accords with the aforementioned RPS provisions through the identification of high-hazard areas at the beginning of the Natural Hazard Chapter, and includes an appropriate risk-based management regime, ensuring inappropriate development in these areas will be avoided.
- 11.19 Notwithstanding my conclusions reached above, I consider that a further mechanism that could provide assurance that the plan continues to appropriately recognise the direction set down by Objective 21 and Policy 29 of the RPS to identify high risk natural

hazards would be through the creation of a new definition for “High Hazard Area”.

- 11.20 For completeness, I note that Policy 51 of the RPS seeks, in summary, that the risks and consequences of natural hazards be minimised. In my opinion, the risk-based framework taken throughout the Natural Hazards chapter will do so.
- 11.21 Based on the above, it is my overall opinion that removing flood hazard overlays from the Plan would not conflict with any requirements set down by the RPS in terms of managing the risks of natural hazards.
- 11.22 Overall, I generally support the Natural Hazards chapter and consider the amendments I have recommended will provide greater flexibility to the identification of flooding hazards, while maintaining an appropriate risk-based planning response to natural hazards.
- 11.23 It is my opinion that to achieve the RPS direction at Policy 29 to identify high risk natural hazards in the Plan a new definition for “High Hazard Area” should be included in the Plan. As identified earlier, I also recommend that additional definitions be included in the Plan to clearly articulate what constitutes flooding hazards of “Stream Corridor”, “Overland Flow”, and “Inundation Area”, as referenced in the Plan provisions.
- 11.24 I have recommended amendments to the provisions and rules to reflect the recommended change in the overarching definition(s) and relief sought by Kāinga Ora to have non-statutory flood hazard maps outside of the Plan. These changes are outlined in the recommended changes to the provisions set out in **Appendix A** of my evidence.
- 11.25 I have prepared a section 32AA assessment as set out in **Appendix B** of my evidence.



## 12. RESIDENTIAL HERITAGE PRECINCTS

12.1 The submissions<sup>20</sup> of Kāinga Ora support historic heritage areas being recognised as a qualifying matter, but seek the following changes with regard to the proposed Residential Heritage Precincts:

- (a) Change to the boundary of the proposed 'Petone State Flats Heritage Area' HA-09 to exclude landholdings/buildings (at 2-6 East Street, and 80 and 81-89 (odds) Adelaide Street) that retain little heritage value due to modifications and are considered not to contribute to the proposed Residential Heritage Precinct;
- (b) Change the title of HA-09 from 'Petone State Flats Heritage Area' to 'Petone State Housing Heritage Area', to reflect the various typologies in the proposed heritage area, including standalone, duplex, and apartment typologies;
- (c) Incorporate the Residential Heritage Precincts into the District Plan a heritage area overlay, not a precinct. Provisions and rules for the heritage areas should be relocated to the District-wide heritage chapter with appropriate controls to manage effects on the identified heritage values, rather than being located within the residential chapters.

12.2 The evidence of Mr Pearson outlines the principles and values that have been used to determine the revised extent of the Petone State Flats Heritage Area. I concur with Mr Pearson's recommendation that the extent of HA-09 should be refined to exclude buildings that retain little heritage value due to modifications.

12.3 With regard to the renaming of the proposed Residential Heritage Precinct known as the 'Petone State Flats Heritage Area', I note that the s42A reporting officer has rejected the relief sought, and has concluded that the change would not make a material difference to the plan and its implementation<sup>21</sup>. The heritage assessment provided on

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<sup>20</sup> 206.113 to 206.118, 206.199 to 206.205 and 206.26

<sup>21</sup> S42A report, paragraph 1028

behalf of Council<sup>22</sup>, notes that the author, Ms Chessa Stevens, does not have any objection to the renaming, but notes that it should include the word 'heritage' for consistency with other areas. In my view, the use of 'flats' is inaccurate, as the purpose of the precinct is to protect the buildings in which flats are located, not the flats themselves. Further, as mentioned above, there are a number of typologies within the proposed heritage area. I am of the opinion that renaming the area to the '*Petone State Housing Heritage Area*' is appropriate, as recommended by Mr Pearson, as it more accurately reflects what is being protected within the heritage area.

- 12.4 I also support the Kāinga Ora submission that seeks the protection of heritage areas through the use of a heritage area overlay, rather than a precinct. In my opinion, provisions to manage and protect the heritage values of the heritage areas should also be managed through a District-wide Heritage chapter, rather than precinct-based controls within a residential chapter. This is consistent with the National Planning Standards, which state "*The identification of historic heritage and provisions to protect and manage it must be located in the Historic Heritage chapter of a District Plan*"<sup>23</sup>.
- 12.5 The National Planning Standards also state that "*An overlay spatially identifies distinctive values, risks or other factors which require management in a different manner from underlying zone provisions*"<sup>24</sup>. While I recognise that the National Planning Standards indicate that a precinct approach is appropriate for place-based provisions that modify the outcomes anticipated in the underlying zone, in my view this is less appropriate where heritage values are being managed. In my opinion, a precinct approach is appropriate for the management of a specific character of an area, whereas the Residential Heritage Precincts have explicitly been created to manage heritage values<sup>25</sup>. I therefore consider the district wide heritage chapter to be the more appropriate location for such controls and provisions. I do note, however, that a full plan review is impending, and therefore I

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<sup>22</sup> S42A report, Appendix 5

<sup>23</sup> National Planning Standards, pg 33, paragraph 15

<sup>24</sup> National Planning Standards, pg 50

<sup>25</sup> Section 32 Evaluation, page 34

recognise that such changes are likely to be carried through in that process.

### **13. CONCLUSIONS**

- 13.1 The national direction contained in the NPS-UD requires the Council to provide for well-functioning urban environments which are able to develop and change over time. This national direction seeks to specifically acknowledge that urban environments need to provide sufficient opportunities for the development of housing and business land to meet demand and provide for a range of dwelling types across different locations that will meet the needs of people and communities as well as future generations.
- 13.2 In my opinion, the underlying principles that have informed the proposed changes set out in the Kāinga Ora submissions for PC56 (and other council IPIs within the Wellington region), will better align the policies with the NPS-UD and the purpose and principles of the RMA as amended by the Amendment Act.
- 13.3 In conclusion, I am of the opinion that the amendments sought by Kāinga Ora (as outlined and refined in this evidence) are appropriate and will assist in striking the balance controlling the effects of development and enabling opportunities to facilitate the outcomes of the District Plan and PC56.
- 13.4 With specific reference to flood hazard maps, subject to the removal of the flood hazard maps from the Plan, I support the proposed Natural Hazards chapter and consider the amendments I have recommended will provide greater flexibility to the identification of flooding hazards, while maintaining an appropriate risk-based planning response to natural hazards.
- 13.5 I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of the Plan and other relevant statutory documents including the NPS-UD.

A handwritten signature in blue ink, appearing to read 'K. Williams', with a horizontal line extending to the right.

**Karen Tracy Williams**

**29 March 2023**

## Appendix A – Recommended Changes

Black Text – Original wording of Proposed District Plan / Variation 1

Red Text – Officer's recommended changes, as set out in Section 42a report.

Blue Text - Additional changes proposed by Kāinga Ora. Consequential amendments may be required to numbering.

### 1.10 Area Wide Issues

[...]

#### **New Policy 1**

##### **Policy 1**

Provide for building height and density of urban form that enables:

- (a) as much development capacity as possible within the Central Commercial Activity Area and Petone Commercial Activity Area 2,
- (b) building heights of at least 6 storeys:
  - (i) within the Petone Commercial Activity Area 1,
  - (i) within a walkable catchment of the Central Commercial and Petone Commercial Activity Areas, with greater intensification enabled in identified Height Variation Control areas,
  - (ii) within a walkable catchment of rapid transit stops,
  - (iii) within and adjacent to the suburban centres of Avalon, Eastbourne, and Moera, Stokes Valley and Wainuiomata, and
  - ~~(iv) adjacent to the suburban centres of Avalon and Moera-~~
- (c) building heights of 5 storeys in the Medium Density Residential Activity Area adjacent to the suburban centres of Eastbourne, Stokes Valley, and Wainuiomata, and
- (d) building heights of at least 3 storeys in the remainder of the urban environment, excluding Recreation, Hill Residential and Landscape Protection Residential Activity Areas.

[...]

#### 1.10.11 Lessening Natural Hazards

[...]

##### **Amend Explanation and Reasons – Flood Hazard**

###### **Flood Hazard**

The Hutt River, Wainuiomata River and local streams have the potential to overflow their banks during long continuous periods of rainfall. Three flood hazards overlays have been identified to inform areas at risk to flooding. These are Stream Corridor, Overland Flowpath and Inundation Areas.

- The Inundation Area Overlay identifies is the modelled extent of inundation expected in a 1:100 year flood event. In these areas it may be necessary to mitigate the impacts of flooding. These are considered to be low flood hazard areas.
- The Overland Flowpath Overlay identifies is the modelled path followed by rainwater during a 1:100 year storm event. In these areas it is necessary to manage development to ensure overland flowpaths are not impeded. These are considered to be medium flood hazard areas.
- The Stream Corridor Overlay identifies is the modelled extent of rivers and streams during a 1:100 year storm event. It is necessary to avoid development in these areas due to the risks associated with the velocity and volume of water flow during the storm event. These are considered to be high flood hazard areas.

The identified flood hazard areas overlays applied incorporate the anticipated effects of climate change such as sea level rise and increased rainfall intensity.

Note: The Council holds publicly available information showing the modelled extent of flooding affecting specific properties in its GIS viewer. The maps are non-statutory and can be reviewed to take account of any property specific information.

In areas where the risk of flooding is medium to high the scale of density and development is limited, being set aside as rural and open space.

## Chapter 3

## Definitions

[...]

### **Inundation Area**

Area of ponding that is greater than 50mm in depth in 1% AEP flood event (assuming 20% increase in rainfall under climate change) and which has low velocity flows.

*Note: The Council holds publicly available information showing the modelled extent of flooding affecting specific properties in its GIS viewer. The maps are non-statutory and can be reviewed to take account of any property specific information.*

### **Overland Flowpath**

Area of land that conveys stormwater when the pipe or stream network capacity is exceeded or blocked in a 1% AEP flood event (assuming 20% increase in rainfall under climate change).

*Note: The Council holds publicly available information showing the modelled extent of flooding affecting specific properties in its GIS viewer. The maps are non-statutory and can be reviewed to take account of any property specific information.*

### **Stream Corridor**

Corridor consisting of a buffer of five metres either side of the centre of the stream, where in a 1% AEP flood event (assuming 20% increase in rainfall under climate change) the water depth exceeds 1m and the water velocity is greater than 2m per second.

*Note: The Council holds publicly available information showing the modelled extent of flooding affecting specific properties in its GIS viewer. The maps are non-statutory and can be reviewed to take account of any property specific information.*

### **High Hazard Area**

Land within any of the following Natural and Coastal Hazard Areas:

- a) Tsunami Hazard – 1:100 year scenario inundation extent; or
- b) Coastal Hazard – existing coastal inundation extent with a 1:100 year storm;
- c) Stream Corridor (1:100 year inundation event + 1m sea level rise); or
- d) Wellington Fault Rupture (within 20m of known fault)

*Note: The Council holds publicly available information showing the modelled extent of flooding affecting specific properties in its GIS viewer. The maps are non-statutory and can be reviewed to take account of any property specific information.*

[...]

## Chapter 4

## Residential

[...]

### **(f) Medium Density Residential Activity Area**

~~This area provides opportunity for a variety of medium residential developments such as detached dwellings, terraced housing and low-rise apartments. It is mostly located around selected suburban centres and close to transport hubs and acts as a transitional area between higher density mixed-use areas and low to medium density residential activity areas.~~

The Medium Density Residential Activity Area covers a significant portion of Lower Hutt's residential areas, including areas in the Hutt Valley floor, Western Hills, Stokes Valley, Wainuiomata and Eastern Bays. The Medium Density Residential Activity Area typically covers areas that have a lower level of access to commercial centres, community facilities and rapid transit services than areas in the High Density Residential Activity Area.

However, building heights and densities are expected to change over time. A mix of low to medium density residential development is permitted in the Medium Density Residential Activity Area. This includes stand-alone, ~~and multi-unit developments (such as~~ semi-detached, ~~and~~ terrace housing, ~~and low-rise apartments)~~ of three storeys. ~~Some areas within the Medium Density Residential Activity Area have also been identified as being suitable to accommodate a more intensive form of residential development, subject to scale and design. These areas are adjacent to the centres at Wainuiomata, Eastbourne, and Stokes Valley and are supported by a well-functioning urban environment. Resource consent is required for higher density development that does not meet the development standards for the zone.~~

### **(g) High Density Residential Activity Area**

The High Density Residential Activity Area covers residential areas with good access to a range of commercial activities, community facilities and public transport. This includes areas surrounding train stations, the Lower Hutt city centre, Petone metropolitan centre and suburban centres.

Opportunities for a variety of medium and high density residential developments such as detached dwellings, terraced housing and low-rise apartments are provided for in this Activity Area. ~~Higher density development is enabled in the High Density Residential Activity Area by permitting multi-unit developments of up to three-storey buildings and enabling taller buildings through a resource consent process.~~ The High Density Residential Activity Area anticipates a built urban environment of at least six storeys, with greater intensification enabled in identified areas surrounding the Lower Hutt city centre and Petone commercial areas.

## 4F Medium Density Residential Activity Area

### 4F 2 Objectives

[...]

#### **Objective 4F 2.3A**

Recognise that the neighbourhood's planned urban built character is defined through the flexibility of individual developments to take ~~any low to a~~ a medium density form of up to three storeys.

[...]

#### **NEW OBJECTIVE 4F 2.3AA**

A greater intensity of built form of up to 5 storeys is provided for around identified centres that are supported by a well-functioning urban environment.

### 4F 3 Policies

#### **NEW POLICY 4F 3.2E**

Provide for residential intensification of a site where it achieves positive urban design outcomes and living environments, taking into consideration the following design principles, development type, and the planned urban built environment of the zone:

1. Ensure the building location, form and appearance is comprehensively designed with the landscape and is compatible with the planned urban built character of the zone.
2. Achieve a positive frontage that engages and interacts with the street with a focus on human activity and scale.
3. Achieve visual interest and aesthetic coherence using architectural and landscape design techniques.
4. Minimise the impact of driveways, manoeuvring and parking areas on the quality of the site and street, while ensuring safety.
5. Integrate building form and open space design to achieve high amenity, safe and functional outcomes for residents in both private and communal spaces, while respectful of neighbouring sites.
6. Achieve reasonable sunlight, daylight, and outlook for all residential units and associated outdoor spaces where possible, while minimising overlooking of neighbouring living and private outdoor spaces.
7. Provide reasonable internal visual privacy for all units through well considered location of elements, rather than relying on window coverings.
8. Achieve quality, legible, safe and efficient circulation.
9. Provide for servicing that is suitably generous, convenient, and visually discreet.

[...]

#### **NEW POLICY 4F 3.2F**

Provide for additional height and density identified areas that are adjacent to the centres in Wainuiomata, Eastbourne, and Stokes Valley, which are well serviced by commercial activities and community services

[...]



## 4F 4.2 Development Standards

### Rule 4F 4.2.1AA Number of Residential Units per Site

(a) Up to three residential units per site are a <b>permitted activity</b> .
(b) Four or more residential units per site are a <b>restricted discretionary activity</b> . <b>Discretion is restricted to:</b> <ul style="list-style-type: none"><li>(i) <u>The planned urban built character for the Medium Density Residential Activity Area.</u></li><li>(ii) <u>The matters in Policies 4F 3.2B, 4F 3.2E, and 4F 3.8.</u></li><li><del>(iii) <u>The on-site amenity for future occupants of the development.</u></del></li><li>(iii) <u>The extent to which the development, building design, siting and external appearance achieves an urban design outcome that:</u><ul style="list-style-type: none"><li>a. <u>Contributes to attractive and safe streets and public open spaces, and provides safe pedestrian access to buildings from the street;</u></li><li>b. <u>Achieves quality onsite living environments</u></li></ul></li><li>(iv) <u>The capacity of the network infrastructure for water supply, wastewater, stormwater and land transport to service the proposed development.</u></li><li>(v) <u>Any positive effects, including positive effects of increasing housing capacity and variety.</u></li><li>(vi) <u>The effects on the safety and efficiency of the transport network (including pedestrians, cyclists, and vehicles).</u></li><li><del>(vii) <u>The following design elements:</u></del><ul style="list-style-type: none"><li><del>1. <u>Building height</u></del></li><li><del>2. <u>Recession planes and setbacks</u></del></li><li><del>3. <u>Indoor and outdoor living spaces</u></del></li><li><del>4. <u>Open space and boundary treatments</u></del></li><li><del>5. <u>Entrances, carparking and garages</u></del></li><li><del>6. <u>Onsite stormwater management</u></del></li><li><del>7. <u>End / side wall treatment</u></del></li><li><del>8. <u>Building materials</u></del></li><li>9. <u>Bike parking, storage, and service areas Provision for access to active modes including bike and mobility vehicle parking, storage, and service areas</u></li><li><del>10. <u>Privacy and safety</u></del></li><li><del>11. <u>Landscaping</u></del></li></ul></li></ul> <p><u>When considering the design outcomes of the development matters in (vii), the Council will be principally guided by its Medium Density Design Guide.</u></p> <p>Public and limited notification is precluded for resource consent applications under Rule 4F 4.2.1AA(b).</p>

### Rule 4F 4.2.1 Site Coverage Building Coverage

(a) Construction or alteration of a building is a <b>permitted</b> activity if: <ul style="list-style-type: none"><li>(i) The <del>site coverage</del> <u>building coverage</u> does not exceed <del>60%</del> <u>50%</u>.</li></ul>
--

(b) Construction or alteration of a building that exceeds ~~60% site coverage~~ 50% building coverage is a **restricted discretionary** activity.

**Discretion is restricted to:**

(iaa) The planned urban built character for the Medium Density Residential Activity Area.

(i) The effects on the privacy of adjoining sites. Dominance, privacy and shading effects on adjoining sites.

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

Note: When addressing or assessing potential effects in relation to matters (i) and (ii) above, applicants and the Council can be informed by the relevant outcomes identified in the *Medium Density Design Guide*.

Public notification is precluded for resource consent applications under Rule 4F 4.2.1(b).

Links to:

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

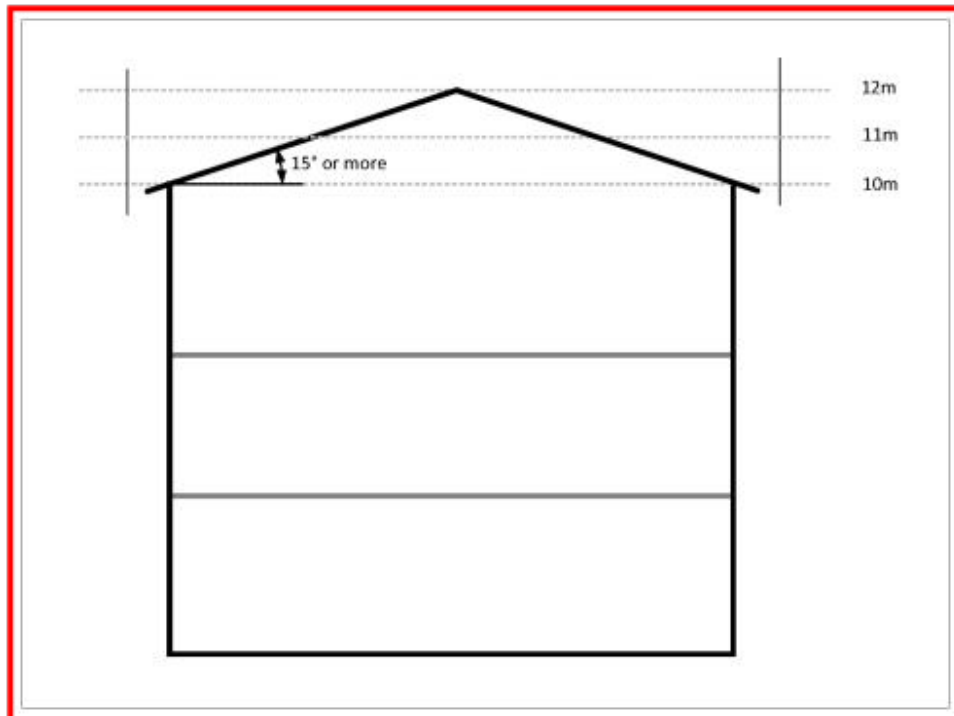
Policies 4F 3.2, ~~4F 3.2A~~, ~~4F 3.2B~~, 4F 3.3, ~~4F 3.4~~, ~~4F 3.5~~, 4F 3.6, 4F 3.8

### Rule 4F 4.2.2 Building Height

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

(i) The building does not exceed a maximum height of ~~40m~~ 11m except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1m where the entire roof slopes 15 degrees or more.

(ii) The building is within a specific 18m height control overlay shown on the District Plan map and does not exceed the maximum height shown for that overlay.



~~(b) Construction or alteration of a building that exceeds the maximum height of 10m is a **restricted discretionary activity**.~~

(b) Construction or alteration of a building that does not comply with Rule 4F 4.2.2(a) is a **restricted discretionary activity**.

**Discretion is restricted to:**

- (iaa) The planned urban built character for the Medium Density Residential Activity Area.
- (i) ~~The effects on the privacy of adjoining sites.~~ Dominance, privacy and shading effects on adjoining sites.
- (ii) ~~The effects on shading of adjoining sites including the impacts of shading on their primary internal and external living areas throughout the year.~~ Streetscape and visual amenity effects.
- ~~(iii) The effects on the amenity of the surrounding residential area and adjoining streetscape.~~
- (iia) The effects of shading and additional building bulk on any public open space or recreational grounds and their ability to provide outdoor amenity to users.
- (iiib) Any design features or articulation to reduce the bulk of the building when viewed from neighbouring properties.
- (iv) ~~The following mixed use and medium density residential development design elements:~~
  - 1. ~~Building height~~
  - 2. ~~Recession planes and setbacks~~
  - 3. ~~Indoor and outdoor living spaces~~
  - 4. ~~Open space and boundary treatments~~
  - 5. ~~Entrances, carparking and garages~~
  - 6. ~~Onsite stormwater management~~
  - 7. ~~End / side wall treatment~~
  - 8. ~~Building materials~~
  - 9. ~~Bike parking, storage and service areas~~
  - 10. ~~Privacy and safety~~
  - 11. ~~Landscaping~~

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

Public notification is precluded for resource consent applications under Rule 4F 4.2.2(b).

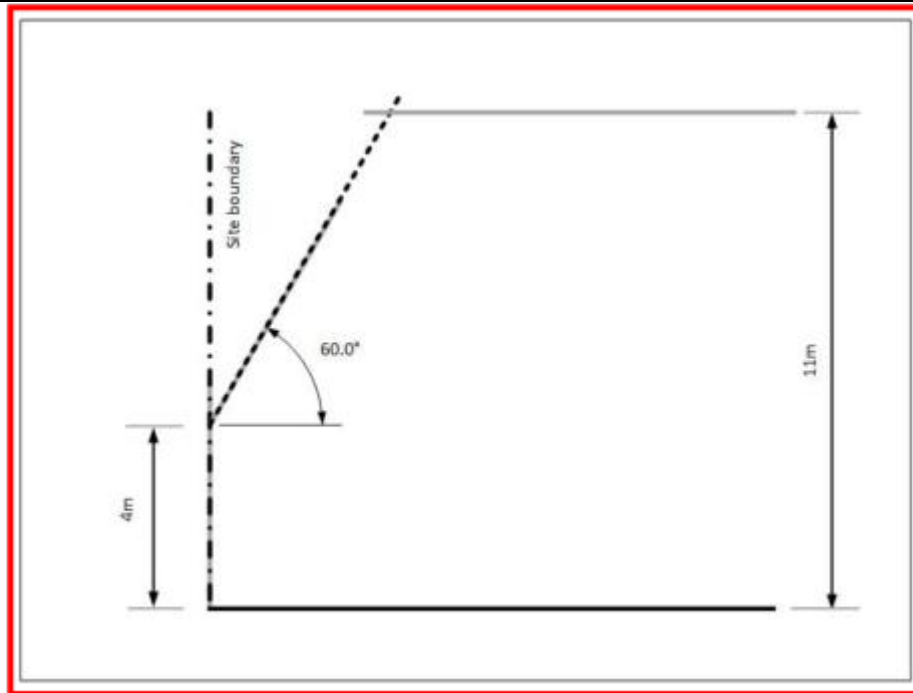
Links to:

Objectives 4F 2.2, 4F 2.3, [4F 2.3AA](#), 4F 2.4, 4F 2.5

Policies 4F 3.2, [4F 3.2A](#), [4F 3.2B](#), [4F 2.3F](#), 4F 3.3, [4F 3.4](#), [4F 3.5](#), 4F 3.6, 4F 3.8

**Rule 4F 4.2.3 Recession Planes Height in Relation to Boundary**

- (a) Construction or alteration of a building is a **permitted activity** if the following ~~recession plane height in relation to boundary~~ requirements are being met:
  - (i) ~~3.5m +45° 4m +60°~~ from all side and rear boundaries; or
  - (ii) Within areas subject to an 18m height variation control overlay:
    - a. 6m + 60° along the first 21.5m of the side boundary as measured from the road frontage; and
    - b. 4m + 60° at any boundary further than 21.5m from the road frontage and along any common boundary with a site within the MDRAA that is located outside of the height variation control overlay.
- ~~(ii) For sites adjoining other Residential Activity Areas the recession plane requirements of the adjoining Residential Activity Area shall be complied with at the shared boundary.~~



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

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

Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the height in relation to boundary applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way.

This standard does not apply to:

- (a) A boundary with a road,
- (b) Existing or proposed internal boundaries within a site, and
- (c) Site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.
- (d) Boundaries adjoining a commercial or business zone,
- (e) Chimney structures not exceeding 1.1m in width on any elevation and provided these do not exceed the height in relation to boundary by more than 1m, and
- (f) Antennas, aerials, satellite dishes (less than 1m in diameter), flues, and architectural features (e.g., finials, spires) provided these do not exceed the height in relation to boundary by more than 3m measured vertically

- (b) Construction or alteration of a building that does not meet the ~~recession plane~~ height in relation to boundary requirements is a **restricted discretionary activity**.

**Discretion is restricted to:**

- (iaa) The planned urban built character for the Medium Density Residential Activity Area.
- (i) The effects on the privacy of adjoining sites. Dominance, privacy and shading effects on adjoining sites.
- (ii) The effects on shading of adjoining sites, including the impacts of shading on their primary internal and external living areas.

~~(iii) The effects on the amenity of the surrounding residential area and adjoining streetscape. Streetscape and visual amenity effects.~~

~~(iv) The impacts of shading and additional building bulk on any public open space or recreational grounds and their ability to provide outdoor amenity to users.~~

~~(v) The following design elements:~~

~~1. Building height~~

~~2. Recession Planes~~

~~3. End / side wall treatment~~

~~4. Privacy and safety~~

~~Note: When addressing or assessing potential effects in relation to matters (i), (ii) and (iii) (i) to (v) above, applicants and the Council can be informed by the relevant outcomes identified in the Medium Density Design Guide.~~

Public notification is precluded for resource consent applications under Rule 4F 4.2.3(b).

Links to:

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

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

## **AMENDMENT 81 - Amend 4F 4.2.4 Yards**

### **Rule 4F 4.2.4 Yards Setbacks**

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

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

~~Front yards: 2m~~

~~Side yards: 1m~~

~~Rear yards: 1m~~

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

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

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

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

(i) Buildings are set back from the relevant boundary by the minimum depth listed below

Front yard: 1.5m

Side yard: 1m

Rear yard: 1m

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

This standard does not apply to site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.

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

<p>(b) Construction or alteration of a building that does not meet the <del>yard setback</del> requirements is a <b>restricted discretionary activity</b>.</p> <p><b>Discretion is restricted to:</b></p> <p><del>(iaa) The planned urban built character for the Medium Density Residential Activity Area.</del></p> <p>(i) <del>The effects on the privacy of adjoining sites. Dominance, privacy and shading effects on adjoining sites.</del></p> <p>(ii) <del>The effects on the amenity of the surrounding residential area, the streetscape and adjoining public space. Streetscape and visual amenity effects.</del></p> <p><del>(iii) The effect from any building bulk and its proximity to the main internal and external living areas of adjoining residential properties.</del></p> <p><del>(iv) The following design elements:</del></p> <ol style="list-style-type: none"> <li><del>1. Building height</del></li> <li><del>2. Recession Planes</del></li> <li><del>3. End / side wall treatment</del></li> <li><del>4. Privacy and safety</del></li> </ol> <p><del>Note: When addressing or assessing potential effects in relation to matters (i) and (ii) (iaa) to (iv) above, applicants and the Council can be informed by the relevant outcomes identified in the Medium Density Design Guide.</del></p> <p><u>Public notification is precluded for resource consent applications under Rule 4F 4.2.4(b).</u></p>
<p>Links to:</p> <p>Objectives 4F 2.2, 4F 2.3, 4F 2.4, 4F 2.5</p> <p>Policies 4F 3.2, 4F 3.3, <del>4F 3.4, 4F 3.5</del>, 4F 3.6, 4F 3.8</p>

[...]

**Rule 4F 4.2.5 Permeable Surface**

<p>(a) Construction or alteration of a building, or new impermeable surfaces, is a <b>permitted</b> activity, if:</p> <p>(i) A minimum of 30% of the site area is a permeable surface.</p>
<p>(b) Construction or alteration of a building, or new impermeable surfaces, that do not meet the above permitted permeable surface requirements is a <b>restricted discretionary activity</b>.</p> <p><b>Discretion is restricted to:</b></p> <p>(i) The effects on the stormwater system.</p> <p>(ii) The potential for increased surface ponding and flooding.</p> <p>(iii) The mitigation of additional stormwater runoff through means such as onsite stormwater retention.</p> <p>(iv) <del>The following mixed use and medium density residential development design elements:</del></p> <ol style="list-style-type: none"> <li><del>1. Building height</del></li> <li><del>2. Recession planes and setbacks</del></li> <li><del>3. Indoor and outdoor living spaces</del></li> <li><del>4. Open space and boundary treatments</del></li> <li><del>5. Entrances, carparking and garages</del></li> <li><del>6. Onsite stormwater management</del></li> <li><del>7. End / side wall treatment</del></li> </ol>

- 8. ~~Building materials~~
- 9. ~~Bike parking, storage and service areas~~
- 10. ~~Privacy and safety~~
- 11. ~~Landscaping~~

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

Public and limited notification is precluded for resource consent applications under Rule 4F 4.2.5(b).

Links to:

Objectives 4F 2.6

Policies 4F 3.2, 4F 3.3, 4F 3.4, 4F 3.5, 4F 3.9, 4F 3.10

### Rule 4F 4.2.6 Outdoor Living Space

- (a) Construction or alteration of a building is a **permitted activity** if:
- (i) ~~Each dwelling has an outdoor living space that:~~
    - 1. ~~Has a minimum area of 20m<sup>2</sup>.~~
    - 2. ~~Has a minimum dimension of 3m.~~
    - 3. ~~Has direct access from and is adjoining to the dwelling to which it relates.~~
    - 4. ~~Is not occupied by any buildings, parking areas, or accessways.~~
  - (ii) ~~For a dwelling located entirely above ground floor the outdoor living space requirement can be satisfied by providing a balcony or roof terrace with a minimum area of 10m<sup>2</sup> with a minimum dimension of 2m.~~
  - (iii) Each residential unit at ground floor level has an outdoor living space that is at least 20m<sup>2</sup> and comprises ground floor, balcony, patio, or roof terrace space that:
    - 1. Where located at ground level, has no dimension less than 3m;
    - 2. Where provided in the form of a balcony, patio, or roof terrace, is at least 8m<sup>2</sup> and has a minimum dimension of 1.8m;
    - 3. Is accessible from the residential unit; and
    - 4. May be:
      - i. Grouped cumulatively by area in one communally accessible location, or
      - ii. Located directly adjacent to the unit; and
    - 5. Is free of buildings, parking spaces, and servicing and manoeuvring areas.
  - (iv) Each residential unit located above ground floor level must have an outdoor living space in the form of a balcony, patio, or roof terrace that:
    - 1. Is at least 8m and has a minimum dimension of 1.8m; and
    - 2. Is accessible from the residential unit; and
    - 3. May be:
      - i. Grouped cumulatively by area in one communally accessible location, in which case it may be located at ground level; or
      - ii. Located directly adjacent to the unit.
- (b) Construction or alteration of a building that does not meet the outdoor living space requirements is a **restricted discretionary activity**.
- Discretion is restricted to:**

<p><u>(iaa) The planned urban built character for the Medium Density Residential Activity Area.</u></p> <p>(i) The effects on the amenity for residents of the site, including access to sunlight and open space and accessibility of the outdoor living space proposed.</p> <p><u>(ia) The design, layout, access for residents, functionality, and on-going maintenance (including legal instruments) of any communal space provided on site to provide outdoor living.</u></p> <p><u>(ib) Any positive effects that not meeting the standard has on the retention of vegetation or other site features that add to the amenity of the site and surrounding residential area.</u></p> <p><u>(ic) The usability and functionality of the proposed outdoor living area for future occupants.</u></p> <p>(ii) The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.</p> <p><del>(iii) The following mixed use and medium density residential development design elements:</del></p> <ol style="list-style-type: none"> <li><del>1. Building height</del></li> <li><del>2. Recession planes and setbacks</del></li> <li><del>3. Indoor and outdoor living spaces</del></li> <li><del>4. Open space and boundary treatments</del></li> <li><del>5. Entrances, carparking and garages</del></li> <li><del>6. On-site stormwater management</del></li> <li><del>7. End / side wall treatment</del></li> <li><del>8. Building materials</del></li> <li><del>9. Bike parking, storage and service areas</del></li> <li><del>10. Privacy and safety</del></li> <li><del>11. Landscaping</del></li> </ol> <p><del>When considering the matters in (iii), the Council will be principally guided by its Medium Density Design Guide.</del></p> <p><u>Public and limited notification is precluded for resource consent applications under Rule 4F 4.2.6(b).</u></p>
<p>Links to:</p> <p>Objectives 4F 2.4, 4F 2.5</p> <p>Policies 4F 3.2, <u>4F 3.2C</u>, <del>4F 3.5, 4F 3.7, 4F 3.8</del></p>

[...]

#### Rule 4F 4.2.8 Screening and Storage

<p>(a) Construction or alteration of a building is a <b>permitted activity</b> if:</p> <p>(i) All outdoor storage and servicing areas are screened so that they are not visible from a road or public space.</p>
<p>(b) Construction or alteration of a building that does not meet the screening and storage requirements is a <b>restricted discretionary activity</b>.</p> <p><b>Discretion is restricted to:</b></p> <p>(i) The effects on the amenity of adjoining sites.</p> <p>(ii) The effects on the amenity of the surrounding residential area, the streetscape and adjoining public space.</p>



(iii) ~~The following mixed use and medium density residential development design elements:~~

1. ~~Building height~~
2. ~~Recession planes and setbacks~~
3. ~~Indoor and outdoor living spaces~~
4. ~~Open space and boundary treatments~~
5. ~~Entrances, carparking and garages~~
6. ~~On-site stormwater management~~
7. ~~End / side wall treatment~~
8. ~~Building materials~~
9. ~~Bike parking, storage and service areas~~
10. ~~Privacy and safety~~
11. ~~Landscaping~~

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

Links to:

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

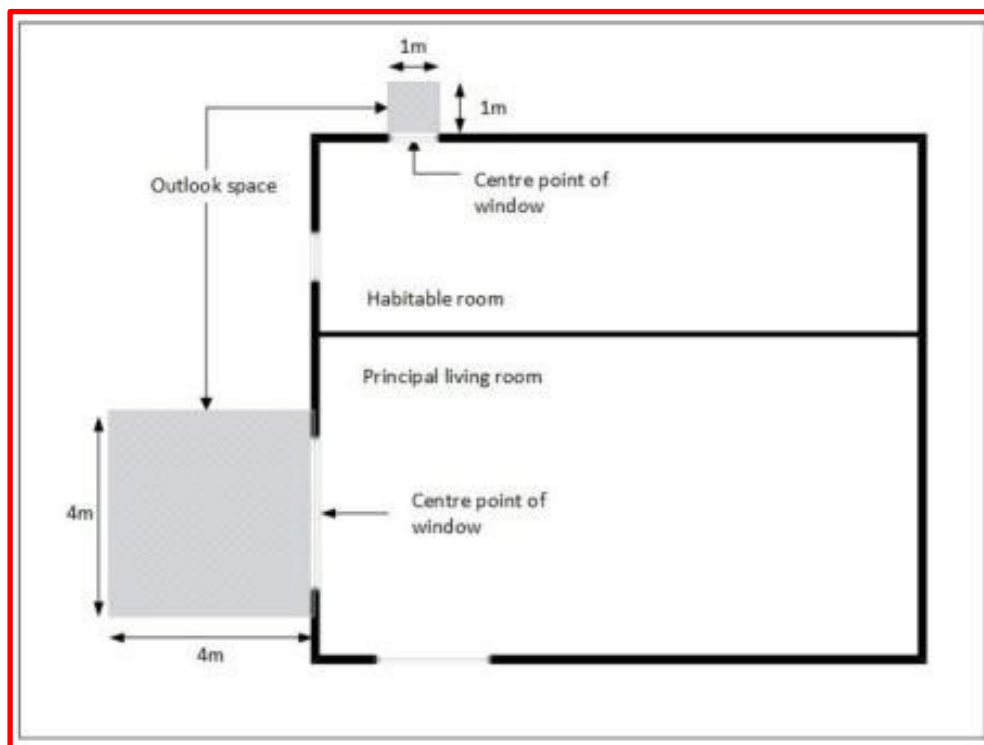
Policies 4F 3.2, 4F 3.3, 4F 3.4, 4F 3.5, 4F 3.8

[...]

#### **Rule 4F 4.2.11 Outlook Space (per unit)**

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

- (i) Outlook space is provided for each residential unit as specified in this rule.
- (ii) Outlook space is provided from habitable room windows as shown in the diagram below:



<p>(ii) <u>The minimum dimensions for a required outlook space are:</u></p> <p>(a) <u>A principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and</u></p> <p>(b) <u>All other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width.</u></p> <p>(iii) <u>The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.</u></p> <p>(iv) <u>Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.</u></p> <p>(v) <u>Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building.</u></p> <p>(vi) <u>Outlook spaces may be under or over a balcony.</u></p> <p>(vii) <u>Outlook spaces required from different rooms within the same building may overlap.</u></p> <p>(viii) <u>Outlook spaces must:</u></p> <p>(a) <u>Be clear and unobstructed by buildings; and</u></p> <p>(b) <u>Not extend over an outlook space or outdoor living space required by another dwelling.</u></p>
<p>(b) <u>Construction or alteration of a building that does not comply with one or more of the standards listed above is a restricted discretionary activity.</u></p> <p><b><u>Discretion is restricted to:</u></b></p> <p>(i) <u>The planned urban built character for the Medium Density Residential Activity Area.</u></p> <p>(ii) <u>The matters in Policy 4F 3.2D.</u></p> <p>(iii) <u>The effects on internal privacy of future occupants resulting from a reduced outlook.</u></p> <p>(iv) <u>The effects on the level of sunlight to internal living areas from a reduced outlook.</u></p> <p>(v) <u>Any mitigation factors such as view or landscaping that compensates for a reduced outlook.</u></p> <p><u><a href="#">When considering the matters in (ii), the Council will be principally guided by its Medium Density Design Guide.</a></u></p> <p><u>Public and limited notification is precluded for resource consent applications under Rule 4F 4.2.11(b).</u></p>

**Rule 4F 4.2.12 Windows to Street**

<p>(a) <u>Construction or alteration of a building is a permitted activity if:</u></p> <p>(i) <u>Residential units facing the street have a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors.</u></p>
<p>(b) <u>Construction or alteration of a building that does not comply with the above standard is a restricted discretionary activity.</u></p> <p><b><u>Discretion is restricted to:</u></b></p> <p>(i) <u>The planned urban built character for the Medium Density Residential Activity Area.</u></p> <p>(ii) <u>The matters in Policy 4F 3.8.</u></p> <p>(iii) <u>The following design elements:</u></p> <p><u>1. <a href="#">Open space and boundary treatments.</a></u></p> <p><u>2. <a href="#">Entrances, carparking and garages.</a></u></p>

~~3. End / side wall treatment.~~

~~4. Privacy and safety.~~

~~5. Landscaping.~~

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

~~Public and limited notification is precluded for resource consent applications under Rule 4F 4.2.12(b).~~

#### **Rule 4F 4.2.13 Landscaped Area**

- (a) Construction or alteration of a building is a permitted activity if the following landscaped area standards are met:
- (i) A residential unit at ground floor level has a landscaped area of a minimum of 20% of a developed site with grass or plants, and can include the canopy of trees regardless of the ground treatment below them.
  - (ii) The landscaped area may be located on any part of the development site and does not need to be associated with each residential unit.
- (b) Construction or alteration of a building that does not comply with either of the standards listed above is a **restricted discretionary activity**.
- Discretion is restricted to:**
- (i) The planned urban built character for the Medium Density Residential Activity Area.
  - (ii) The matters in Policy 4F 3.2D.
  - (iii) The accommodation of any visually prominent or established vegetation on the site into the landscaping design and the visual effects from the loss of any existing visually prominent or established vegetation on the local streetscape and visual amenity values of the local area.
  - (iv) The amenity provided by the proposed landscaping to future occupants of the site.
  - (v) The proposed measures and ownership of the landscaping to ensure on-going maintenance.
  - (vi) The timing of the implementation of the landscaping relative to the proposed development
  - (vii) The appropriateness of the proposed species for the local area and their ability to service the local climate.
  - (viii) The appropriateness of the species to be planted for the spaces that have been allowed ~~and~~.
  - (ix) ~~The following design elements:~~
    - ~~1. Building height~~
    - ~~2. Recession planes and setbacks~~
    - ~~3. Indoor and outdoor living spaces~~
    - ~~4. Open space and boundary treatments~~
    - ~~5. Entrances, carparking and garages~~
    - ~~6. On-site stormwater management~~
    - ~~7. End / side wall treatment~~
    - ~~8. Building materials~~
    - ~~9. Bike parking, storage and service areas~~

~~10. Privacy and safety~~

11. Landscaping

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

Public ~~and limited~~ notification is precluded for resource consent applications under Rule 4F 4.2.13(b).

## 4G High Density Residential Activity Area

### 4G 1 Introduction / Zone Statement

The High Density Residential Activity Area covers residential areas with a higher level of access to commercial activities and community facilities. This includes areas surrounding train stations, the Lower Hutt city centre and Petone metropolitan centre as well as some suburban centres.

While areas in the High Density Residential Activity Area are predominantly residential in nature, non-residential activities are provided for within the Activity Area where they are compatible with residential activities.

The planned urban built character for the High Density Residential Activity Area is high density residential development, including detached ~~dwelling residential units~~, terraced housing and apartments. ~~The urban built character of an area will arise from the flexibility provided for by the Plan for individual developments to take any low to high density form. This supports increasing the capacity and choice of housing within neighbourhoods.~~ It is anticipated that the appearance of neighbourhoods in the High Density Residential Activity Area will change over time, including through increased opportunities for terraced housing and apartments.

Built development is provided for in the High Density Residential Activity Area through a range of permitted activities and development standards that permit three ~~dwelling residential units~~ per site and buildings of ~~up to at least~~ six storeys. ~~in most of the Activity Area and four storeys for areas in Eastbourne, Stokes Valley and Wainuiomata.~~ Some areas have been identified as being suited to a more intensive built form through increased building heights than the standard zone height. These areas are located within a walkable catchment of the City Centre and Petone Commercial Activity Area. They are identified on the planning maps as Height Variation Controls.

~~Standards for built development may be modified and/or limited by qualifying matters.~~ Development standards also address:

- i. the impacts of built development on adjoining sites and the streetscape,
- ii. stormwater management, and
- iii. provision of open space for residents.

If a proposed development does not meet the development standards, resource consent is required in order to:

- i. achieve a high quality built environment;
- ii. manage the effects of development on neighbouring sites;
- iii. achieve high quality living environments; and
- iv. achieve attractive and safe streets and public spaces.

For developments requiring resource consent, these will be assessed against the policy framework set out by the relevant residential and overlay chapters. The resource consent process enables the design and layout of development to be assessed, recognising that quality design is increasingly important as the scale and density of development increases. Council provides design guidance for residential developments through design guides that sit outside the plan.

The planned urban built character of the High Density Residential Activity Area includes buildings of at least six storeys in most of the Activity Area ~~and at least four storeys in Eastbourne, Stokes Valley and Wainuiomata.~~ ~~As buildings of this scale are likely to breach one or more development standard, resource consent is likely to be required.~~ However, noting that buildings of at least six storeys must be enabled within the walkable catchments of Lower Hutt city centre, Petone metropolitan centre and the city's train stations.

~~Precincts and scheduled sites are listed under 4G 5 at the end of the chapter. This includes precincts that include provisions that address the potential impacts of development within historic heritage areas.~~

## **4G 2 Objectives**

[...]

### **Objective 4G 2.4**

~~Recognise that the neighbourhood's~~ The form, appearance and amenity of neighbourhoods within the High Density Residential Zone Activity Area will change over time to reflect a more intensive urban built form. The High Density Residential Activity Area planned urban built character is defined through the flexibility of individual developments to take:

- i. ~~Any low to medium density form of up to three storeys, or~~
- ii. ~~A more intensive scale, form and typology of development compared with the Medium Density Residential Activity Area, with A form buildings of up to at least six storeys being enabled,~~
- iii. ~~Greater intensification in proximity to the city's key commercial areas. that achieves, for that development, the best practicable amenity outcomes for adjoining sites, or~~
- iv. ~~A taller form if compatible with the amenity levels associated with high density residential development of six storeys.~~

[...]

## **4G 3 Policies**

[...]

### **Policy 4G 3.3**

~~Enable buildings of up to at least six storeys, and buildings of more than six storeys where compatible with the amenity levels associated with high density six-storey residential development, with greater height and density enabled around the city's key commercial areas.~~

[...]

### **Policy 4G 3.8**

Manage the effects of built development on adjoining sites and the street by controlling height, ~~height in relation to boundary, setbacks, and building coverage~~ **height in relation to boundary, setbacks, and building coverage** ~~bulk and form~~ of built development to ensure adequate provision of privacy and access to sunlight is made to neighbouring residential properties internal and external living areas, and the impact of building bulk is mitigated or remedied through design responses.

### **Policy 4G 3.9**

~~Require the design of built development of up to three storeys to~~ **maintain a reasonable level of** ~~make adequate provision for privacy and sunlight access for adjoining sites.~~

### **Policy 4G 3.10**

~~Manage the design of built development of more than three storeys and up to six storeys to achieve the best practicable outcomes for privacy, sunlight, and appearance including by:~~

- i. ~~Encouraging buildings on front sites to be located close to the street,~~
- ii. ~~Encouraging buildings to be planned to be compatible with possible future developments on neighbouring sites based on the planned urban building character, including through the position of walls likely to be future common walls, accessways, communal open space and parking areas,~~
- iii. ~~Encouraging the orientation of key windows and outdoor living spaces in units to face toward the street and rear of the site, rather than the sides.~~

- iv. Encouraging windows to be designed to minimise overlooking or looking into windows or outdoor living spaces of other close residential units.
- v. Encouraging outdoor living spaces to achieve a good level of privacy by being screened from windows or outdoor living spaces of other close residential units.
- vi. Encouraging outdoor living spaces to be located to achieve a good level of privacy and access to sunlight while minimising impacts on privacy and access to sunlight of other close residential units, and
- vii. Encouraging the appearance of end wall and boundary treatments to take into account their proposed context, and the possible future context given the flexible options available on adjoining sites.

Provide for residential intensification of a site where it achieves positive urban design outcomes and living environments, taking into consideration the following design principles, development type, and the planned urban built environment of the High Density Residential Activity Area:

1. Ensure the building location, form and appearance is comprehensively designed with the landscape and is compatible with the planned urban built character of the High Density Residential Activity Area.
2. Achieve a positive frontage that engages and interacts with the street with a focus on human activity and scale.
3. Achieve visual interest and aesthetic coherence using architectural and landscape design techniques.
4. Minimise the impact of driveways, manoeuvring and parking areas on the quality of the site and street, while ensuring safety.
5. Integrate building form and open space design to achieve high amenity, safe and functional outcomes for residents in both private and communal spaces, while respectful of neighbouring sites.
6. Achieve reasonable sunlight, daylight, and outlook for all residential units and associated outdoor spaces where possible, while minimising overlooking of neighbouring living and private outdoor spaces.
7. Provide reasonable internal visual privacy for all units through well considered location of elements, rather than relying on window coverings.
8. Achieve quality, legible, safe and efficient circulation.
9. Provide for servicing that is suitably generous, convenient, and visually discreet.

[...]

## **4G 4.1 Rules - Activities**

### **New Rule 4G 4.1.XX - Commercial Activity**

(a) Commercial activities are **Restricted Discretionary activities** where:

- (i) The commercial activity is limited to the ground floor tenancy of an apartment building;
- (ii) The total gross floor area of the commercial activity/activities does not exceed 200m<sup>2</sup>;
- (iii) The commercial activity does not include the repair, alteration, restoration or maintenance of motor vehicles.
- (iv) The hours of operation are between:
  - i. 7.00am and 9.00pm Monday to Friday; and
  - ii. 8.00am and 7.00pm Saturday, Sunday and public holidays.

**Discretion is restricted to:**

- (i) The extent to which the intensity and scale of the activity may adversely affect the amenity of the surrounding residential area.

- (ii) Whether the business is compatible with the character of the surrounding neighbourhood, or whether it would be better located in a Centre.
- (iii) The effects on pedestrian safety and the safe and efficient movement of vehicles.
- (iv) The activity contributes positively to the urban environment and achieves attractive and safe streets.
- (v) Cumulative effects.

(b) Activity status: Discretionary where:

- (i) Compliance is not achieved with 4G 4.1XX-a.i - 4G 4.1XX -a.iv.

Links to:

Objective 4G 2.1 and Policy 4G 3.1

## **4G 4.2 Rules - Development Standards**

### **Rule 4G 4.2.1 Number of Dwellings Residential Units per Site**

(a) Up to three <span style="color: red;">dwellings residential units</span> per site are a permitted activity.
<p>(b) Four or more <span style="color: red;">dwellings residential units</span> per site are a restricted discretionary.</p> <p><b><u>Discretion is restricted to:</u></b></p> <ul style="list-style-type: none"> <li>(i) <u>The planned urban built character for the High Density Residential Activity Area, including the requirements to enable buildings of at least six storeys within the High Density Residential Activity Area.</u></li> <li>(ii) <u>The matters in Policies 4G 3.5, 4G 3.10 and 4G 3.12.</u></li> <li><del>(iii) <u>The matters in Policies 4G 3.10 and 4G 3.11, if the development is four or more storeys.</u></del></li> <li><del>(iv) <u>The on-site amenity for future occupants of the development.</u></del></li> <li>(i) <u>The extent to which the development, building design, siting and external appearance achieves an urban design outcome that:</u> <ul style="list-style-type: none"> <li>a. <u>Contributes to attractive and safe streets and public open spaces, and provides safe pedestrian access to buildings from the street.</u></li> <li>b. <u>Achieves quality onsite living environments</u></li> </ul> </li> <li>(v) <u>The capacity of the network infrastructure for water supply, wastewater, stormwater, and land transport to service the proposed development.</u></li> <li>(vi) <u>Any positive effects, including positive effects of increasing housing capacity and variety.</u></li> <li>(vii) <span style="color: red;"><u>The effects on the safety and efficiency of the transport network (including pedestrians, cyclists, and vehicles).</u></span></li> <li><del>(viii) <u>The following design elements:</u></del> <ul style="list-style-type: none"> <li><del>1. <u>Building height</u></del></li> <li><del>2. <u>Recession planes and setbacks</u></del></li> <li><del>3. <u>Indoor and outdoor living spaces</u></del></li> <li><del>4. <u>Open space and boundary treatments</u></del></li> <li><del>5. <u>Entrances, carparking and garages</u></del></li> <li><del>6. <u>Onsite stormwater management</u></del></li> <li><del>7. <u>End / side wall treatment</u></del></li> </ul> </li> </ul>



~~8. Building materials~~

~~9. Bike parking, storage, and service areas Provision for access to active modes including bike and mobility vehicle parking, storage, and service areas~~

~~10. Privacy and safety~~

~~11. Landscaping~~

Public and limited notification is precluded for resource consent applications under Rule 4G 4.2.1(b).

#### **Rule 4G 4.2.2 Building Coverage**

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

(i) The building coverage does not exceed 50%.

(b) Construction or alteration of a building that exceeds 50% building coverage is a restricted discretionary activity.

**Discretion is restricted to:**

(i) The planned urban built character for the High Density Residential Activity Area, including the requirements to enable buildings of at least six storeys within the High Density Residential Activity Area.

(ii) ~~The effects on the privacy of adjoining sites. Dominance, privacy and shading effects on adjoining sites.~~

(iii) ~~The effects on the amenity of the surrounding residential area, the streetscape and adjoining public space. Streetscape and visual amenity effects.~~

~~Note: When addressing or assessing potential effects in relation to matters (i) and (ii) above, applicants and the Council can be informed by the relevant outcomes identified in the Medium Density Design Guide.~~

Public notification is precluded for resource consent applications under Rule 4G 4.2.2(b).

#### **Rule 4G 4.2.3 Building Height**

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

(i) The building ~~is within a specific height control overlay shown on the District Plan map and does not exceed the maximum height shown for that overlay, or~~

(ii) ~~In any other case, the building~~ does not exceed a maximum height of 22m.

(b) Construction or alteration of a building that does not comply with Rule 4G 4.2.3(a) is a restricted discretionary activity.

**Discretion is restricted to:**

(i) The planned urban built character for the High Density Residential Activity Area, including the requirements to enable buildings of at least six storeys within the High Density Residential Activity Area.

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

(iii) ~~The effects on the privacy of adjoining sites. Dominance, privacy and shading effects on adjoining sites.~~

(iv) ~~The effects on shading of adjoining sites including the impacts of shading on their primary internal and external living areas throughout the year.~~

(v) The impacts of shading and additional building bulk on any public open space or recreational grounds and their ability to provide outdoor amenity to users.

(vi) Any design features or articulation to reduce the bulk of the building when viewed from neighbouring properties.

(vii) The following design elements:

1. Building height
2. End / side wall treatment
3. Building materials
4. Privacy and safety
5. Landscaping

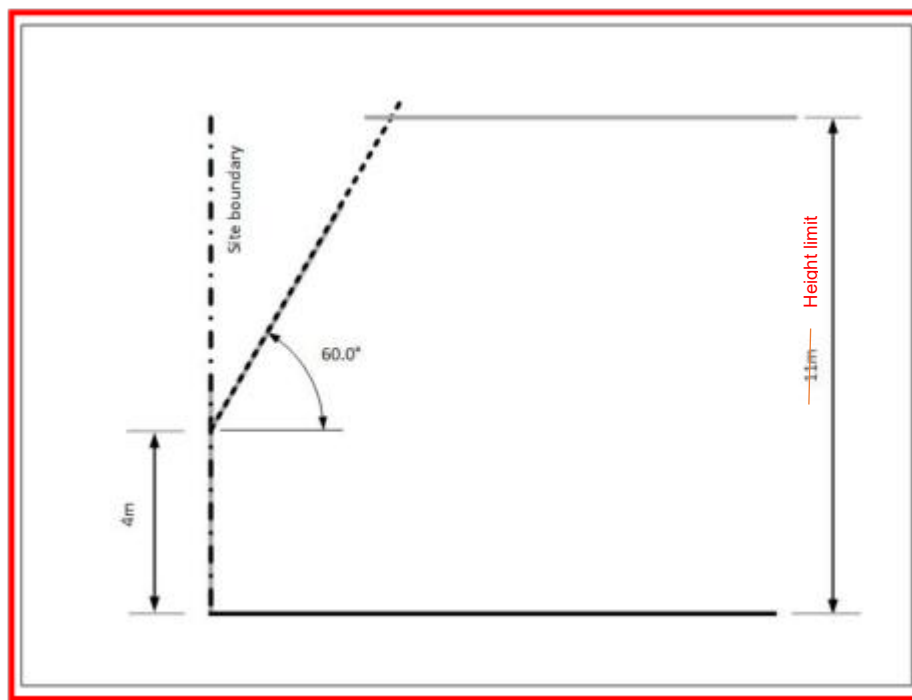
When considering the matters in (vii), the Council will be principally guided by its Medium-Density Design Guide.

Public notification is precluded for resource consent applications under Rule 4G 4.2.3(b).

#### **Rule 4G 4.2.4 Height in Relation to Boundary**

(a) Construction or alteration of a building is a permitted activity if the following maximum height in relation to boundary requirements are being met:

(i) 4m + 60° from all side and rear boundaries where no more than 3 residential units will occupy the site.



(ii) Where four or more units occupy the site:

- i. 19m + 60° along the first 21.5m of the side boundary as measured from the road frontage.
- ii. 8m + 60° along all other boundaries
- iii. Except 4m + 60° applies along any boundary that adjoins a site:
  - a. in any other Residential Zone;
  - b. containing a scheduled historic heritage building or structure or an area scheduled as waahi tapu and other places and areas of significance to Māori;

Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the height in relation to boundary applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way.

This standard does not apply to:

- (a) A boundary with a road,
- (b) Existing or proposed internal boundaries within a site, and
- (c) Site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed,
- (d) Boundaries adjoining a commercial or business zone,
- (e) Chimney structures not exceeding 1.1m in width on any elevation and provided these do not exceed the height in relation to boundary by more than 1m, and
- (f) Antennas, aerials, satellite dishes (less than 1m in diameter), flues, and architectural features (e.g., finials, spires) provided these do not exceed the height in relation to boundary by more than 3m measured vertically

- (b) Construction or alteration of a building that does not meet the maximum height in relation to boundary requirements is a restricted discretionary activity.

**Discretion is restricted to:**

- (i) The planned urban built character for the High Density Residential Activity Area, including the requirements to enable buildings of at least six storeys within the High Density Residential Activity Area.
- (ii) ~~The effects on the privacy of adjoining sites. Dominance, privacy and shading effects on adjoining sites.~~
- (iii) ~~The effects on shading of adjoining sites, including the impacts of shading on their primary internal and external living areas.~~
- (iv) ~~The effects on the amenity of the surrounding residential area and adjoining streetscape Streetscape and visual amenity effects.~~
- (v) ~~The level of additional building bulk and the impact on the amenity of the adjoining residential properties.~~
- (vi) ~~The following design elements:~~
  - 1. ~~Building height~~
  - 2. ~~Recession Planes~~
  - 3. ~~End / side wall treatment~~
  - 4. ~~Privacy and safety~~

Note: When addressing or assessing potential effects in relation to matters (i) and (vi) above, applicants and the Council can be informed by the relevant outcomes identified in the Medium-Density Design Guide.

Public notification is precluded for resource consent applications under Rule 4G 4.2.4(b).

#### **Rule 4G 4.2.5      Setbacks**

- (a) Construction or alteration of a building is a permitted activity if:
  - (i) Buildings are set back from the relevant boundary by the minimum depth listed below
    - Front yard:      1.5m
    - Side yard:        1m
    - Rear yard:        1m

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

This standard does not apply to site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.

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

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

**Discretion is restricted to:**

- (i) The planned urban built character for the High Density Residential Activity Area, including the requirements to enable buildings of at least six storeys within the High Density Residential Activity Area.
- (ii) ~~The effects on the privacy of adjoining sites. Dominance, privacy and shading effects on adjoining sites.~~
- (iii) ~~The effects on the amenity of the surrounding residential area, the streetscape and adjoining public space. Streetscape and visual amenity effects.~~
- (iv) ~~The effect from any building bulk and its proximity to the main internal and external living areas of adjoining residential properties~~
- (v) ~~The effects on the amenity of the surrounding residential area, the streetscape and adjoining public space.~~
- (vi) ~~The following design elements:~~
1. ~~Building height~~
  2. ~~Recession planes~~
  3. ~~End / side wall treatment~~
  4. ~~Privacy and safety~~

Note: When addressing or assessing potential effects in relation to matters (i) and (vi) above, applicants and the Council can be informed by the relevant outcomes identified in the Medium-Density Design Guide.

Public notification is precluded for resource consent applications under Rule 4G 4.2.5(b).

Limited notification is precluded for resource consent applications under Rule 4G 4.2.5(b)(i) where it relates to non-compliance with the front yard setback.

[...]

**Rule 4G 4.2.7 Permeable Surface**

- (a) Construction or alteration of a building, or new impermeable surfaces, is a permitted activity, if:
- (i) A minimum of 30% of the site area is a permeable surface.

- (b) Construction or alteration of a building, or new impermeable surfaces, that do not meet the above permitted permeable surface requirements is a restricted discretionary activity.

**Discretion is restricted to:**

- (i) The effects on the stormwater system.
- (ii) The potential for increased surface ponding and flooding.

(iii) The mitigation of additional stormwater runoff through means such as onsite stormwater retention.

(iv) The following design elements:

1. Onsite stormwater management

2. Landscaping

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

Public and limited notification is precluded for resource consent applications under Rule 4G 4.2.7(b).

#### **Rule 4G 4.2.8 Outdoor Living Space**

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

(i) Each residential unit at ground floor level has an outdoor living space that is at least 20m<sup>2</sup> and comprises ground floor, balcony, patio, or roof terrace space that:

1. Where located at ground level, has no dimension less than 3m;

2. Where provided in the form of a balcony, patio, or roof terrace, is at least 8m<sup>2</sup> and has a minimum dimension of 1.8m;

3. Is accessible from the residential unit; and

4. May be:

i. Grouped cumulatively by area in one communally accessible location, or

ii. Located directly adjacent to the unit; and

5. Is free of buildings, parking spaces, and servicing and manoeuvring areas.

(ii) Each residential unit located above ground floor level must have an outdoor living space in the form of a balcony, patio, or roof terrace that:

1. Is at least 8m and has a minimum dimension of 1.8m; and

2. Is accessible from the residential unit; and

3. May be:

i. Grouped cumulatively by area in one communally accessible location, in which case it may be located at ground level; or

ii. Located directly adjacent to the unit.

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

**Discretion is restricted to:**

(i) The planned urban built character for the High Density Residential Activity Area, including the requirements to enable buildings of at least six storeys within the High Density Residential Activity Area.

(ii) The design, layout, access for residents, functionality, and on-going maintenance (including legal instruments) of any communal space provided on site to provide outdoor living.

(iii) Any positive effects that not meeting the standard has on the retention of vegetation or other site features that add to the amenity of the site and surrounding residential area.

(iv) The effects on the amenity for residents of the site, including access to sunlight and open space and accessibility of the outdoor living space proposed.

(v) The usability and functionality of the proposed outdoor living area for future occupants.

~~(vi) The proximity of the site to communal or public open space that has the potential to offset any lack of private outdoor living space.~~

~~(vii) The following design elements:~~

- ~~1. Indoor and outdoor living spaces~~
- ~~2. Open space and boundary treatments~~
- ~~3. Entrances, carparking and garages~~
- ~~4. Bike parking, storage and service areas~~
- ~~5. Privacy and safety~~
- ~~6. Landscaping~~

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

Public **and limited** notification is precluded for resource consent applications under Rule 4G 4.2.8(b).

[...]

#### **Rule 4G 4.2.10 Screening and Storage**

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

(i) All outdoor storage and servicing areas are screened so that they are not visible from a road or public space.

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

**Discretion is restricted to:**

- (i) The effects on the amenity of adjoining sites.
- (ii) The materials or items to be stored within the storage and servicing areas.
- (iii) The accessibility of the storage and servicing areas for future occupants.
- (iv) The effects on the amenity of the surrounding residential area, the streetscape and adjoining public space.

~~(v) The following mixed use and medium density residential development design elements:~~

- ~~1. Indoor and outdoor living spaces~~
- ~~2. Open space and boundary treatments~~
- ~~3. Entrances, carparking and garages~~
- ~~4. Building materials~~
- ~~5. Bike parking, storage and service areas~~
- ~~6. Landscaping~~

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

[...]

#### **Rule 4G 4.2.14 Windows to Street**

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

(i) **Dwellings Residential units** facing the street have a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors.

(b) Construction or alteration of a building that does not comply with the above standard is a restricted discretionary activity.

**Discretion is restricted to:**

(i) The planned urban built character for the High Density Residential Activity Area, including the requirements to enable buildings of at least six storeys within the High Density Residential Activity Area.

(ii) The matters in Policy 4G 3.12: Streetscape and visual amenity effects

(iii) The following design elements: Passive surveillance and safety

1. Open space and boundary treatments.

2. Entrances, carparking and garages.

3. End / side wall treatment.

4. Privacy and safety.

5. Landscaping.

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

Public and limited notification is precluded for resource consent applications under Rule 4G 4.2.14(b).

**Rule 4G 4.2.15 Landscaped Area**

(a) Construction or alteration of a building is a permitted activity if the following landscaped area standards are met:

(i) A minimum of 20% of a developed site is landscaped with grass or plants. The landscaped area can include the canopy of trees regardless of the ground treatment below them.

(ii) The landscaped area may be located on any part of the development site and does not need to be associated with each residential unit.

(b) Construction or alteration of a building that does not comply with either of the standards listed above is a restricted discretionary activity.

**Discretion is restricted to:**

(i) The planned urban built character for the High Density Residential Activity Area, including the requirements to enable buildings of at least six storeys within the High Density Residential Activity Area.

(ii) The matters in Policy 4G 3.7.

(iii) The accommodation of any visually prominent or established vegetation on the site into the landscaping design and the visual effect from the loss of any existing visually prominent or established vegetation of the local streetscape and visual amenity values of the local area.

(iv) The proposed measures and ownership of the landscaping to ensure on-going maintenance.

(v) The timing of the implementation of the landscaping relative to the proposed development

(vi) The appropriateness of the proposed species for the local area and their ability to service the local climate.

(vii) The appropriateness of the species to be planted for the spaces that have been allowed, ~~and~~.

(viii) The following design elements:

1. Building height

2. Recession planes and setbacks

3. Indoor and outdoor living spaces

4. Open space and boundary treatments

5. Entrances, carparking and garages

6. On-site stormwater management

7. End / side wall treatment

8. Building materials

9. Bike parking, storage and service areas

10. Privacy and safety

11. Landscaping

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

Public and limited notification is precluded for resource consent applications under Rule 4G 4.2.15(b).

#### **4G 5 Precincts and Scheduled Sites**

[...]

*Changes sought as follows:*

1. Amend reference: HA-09 Petone State *Flats Housing Heritage Area*
2. Refine spatial extent of HA-09 to exclude landholdings/buildings that retain little heritage value, as recommended in the evidence of Mr Pearson.



**5B**

## **Petone Commercial Activity Area**

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[...]

**Area 1 Permitted Activity Condition 5B 2.1.1.1(b) Maximum Height of Buildings and Structures**

**(b) Maximum Height of Buildings and Structures:**

(i) 10m within the Jackson Street Heritage Precinct

(ii) 2236m where not within the Jackson Street Heritage Precinct

~~Maximum Height of Buildings and Structures: 10.0m.~~

## 5E

## Suburban Mixed Use Activity Area

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[...]

### Rule 5E 4.1.4 Residential Activities

- (a) Residential Activities are **permitted** activities if:
- (i) The dwelling is **residential units are** located above the ground floor; or
  - (ii) The dwelling is **residential units are** located on the ground floor but **has have** no frontage to public open spaces including streets except for access.
- (b) Residential Activities that do not meet the above permitted activity standards are **restricted discretionary** activities.
- Discretion is restricted to:**
- (i) The effects on the continuity of the design and appearance of the frontage of buildings including display windows and verandahs.
  - (ii) The effects on the amenity of the streetscape and public open space.
  - (iii) The effects on the privacy and amenity of residents of the site.
  - ~~(iv) The following mixed use and medium density residential development design elements:~~
    - ~~1. Building height~~
    - ~~2. Recession planes and setbacks~~
    - ~~3. Indoor and outdoor living spaces~~
    - ~~4. Open space and boundary treatments~~
    - ~~5. Entrances, carparking and garages~~
    - ~~6. On-site stormwater management~~
    - ~~7. End / side wall treatment~~
    - ~~8. Building materials~~
    - ~~9. Bike parking, storage and service areas~~
    - ~~10. Privacy and safety~~
    - ~~11. Landscaping~~
- ~~When considering the matters in (iv), the Council will be principally guided by its Medium-Density Design Guide.~~
- Public and limited notification is precluded for resource consent applications under Rule 5E 4.1.4(b).**

Links to:

Objectives 5E

2.1

Policies 5E 3.1, 5E 3.2

### Rule 5E 4.1.5 Care Facilities, Residential Facilities, Boarding Houses, Hostels and Visitor Accommodation

- (a) Care Facilities, Residential Facilities, Boarding Houses, Hostels and Visitor Accommodation are **permitted** activities if:
- (i) Any habitable rooms are located above ground floor; or
  - (ii) Any habitable rooms located on the ground floor have no frontage to public open spaces including streets.

(b) Care Facilities, Residential Facilities, Boarding Houses, Hostels and Visitor Accommodation that do not meet the above permitted activity standards are **restricted discretionary** activities.

**Discretion is restricted to:**

- (i) The effects on the continuity of the design and appearance of the frontage of buildings including display windows and verandahs.
- (ii) The effects on the amenity of the streetscape and public open space.
- (iii) The effects on the privacy and amenity of residents of the site.

~~(iv) The following mixed use and medium density residential development design elements:~~

- ~~1. Building height~~
- ~~2. Recession planes and setbacks~~
- ~~3. Indoor and outdoor living spaces~~
- ~~4. Open space and boundary treatments~~
- ~~5. Entrances, carparking and garages~~
- ~~6. On site stormwater management~~
- ~~7. End / side wall treatment~~
- ~~8. Building materials~~
- ~~9. Bike parking, storage and service areas~~
- ~~10. Privacy and safety~~
- ~~11. Landscaping~~

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

Public and limited notification is precluded for resource consent applications under Rule 5E 4.1.5(b).

Links to:

Objectives 5E

2.1

Policies 5E 3.1

[...]

## 5E 4.2 Development Standards

### Rule 5E 4.2.1 Building Height

- (a) Construction or alteration of a building is a **permitted activity** if:
- (i) The building is within a specific height control overlay shown on the District Plan map and does not exceed the maximum height shown for that overlay, or
  - (ii) In any other case, the building does not exceed a maximum height of 12m.
- (b) Construction or alteration of a building that exceeds the maximum height of 12m in Rule 5E 4.2.1(a) is a **restricted discretionary** activity.
- Discretion is restricted to:**
- (i) ~~The effects on the amenity of adjoining sites.~~ Dominance, privacy and shading effects on adjoining sites.
  - ~~(ii) The effects on the privacy of adjoining sites.~~
  - ~~(iii) The effects on shading of adjoining sites.~~
  - (iv) The effects on the amenity of adjoining Residential Activity Areas, the streetscape and adjoining public space.
  - ~~(v) The following mixed use and medium density residential development design elements:-~~
    - ~~1. Building height~~
    - ~~2. Recession planes and setbacks~~
    - ~~3. Indoor and outdoor living spaces~~
    - ~~4. Open space and boundary treatments~~
    - ~~5. Entrances, carparking and garages~~
    - ~~6. Onsite stormwater management~~
    - ~~7. End / side wall treatment~~
    - ~~8. Building materials~~
    - ~~9. Bike parking, storage and service areas~~
    - ~~10. Privacy and safety~~
    - ~~11. Landscaping~~

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

Links to:

Objectives 5E 2.2, 5E 2.3

Policies 5E 3.4, 5E 3.5, 5E 3.6, 5E 3.7, 5E 3.8

[...]

## Chapter 11

## Subdivision

[...]

### 11.2.2 Controlled Activities

[...]

#### Non-notification

Public and limited notification of an application for resource consent is precluded in respect of subdivision in the Medium Density and High Density Residential Activity Areas under Rule 11.2.2.

[...]

## **14H Natural Hazards**

### **Introduction**

Lower Hutt is an area comprising a wide variety of physical features including the coast, rivers and streams, steep hills, low lying valleys, an escarpment and a fault. This makes the city susceptible to a wide range of natural hazards, which can result in damage to property and buildings and lead to a loss of human life. Because of this, it is important to identify areas susceptible to natural hazards and to avoid or manage subdivision, use and development, relative to the natural hazard risk posed, to reduce the potential for damage to property, infrastructure and the potential for loss of human life.

The District Plan focuses on the following natural hazards as they are the hazards that present the greatest risk to people, property and infrastructure and their potential effects can be addressed through appropriate land use planning measures:

The Wellington Fault passes through the western side of Lower Hutt's valley floor and has the potential to generate permanent ground deformation in the event of an earthquake. There are also soft soils with a high liquefaction potential.

Flooding and coastal inundation from sea level rise are influenced by climate change. It is predicted that climate change will result in more intense rainfall events, storm events will become more common and the sea level will rise. The flooding and coastal inundation hazard maps incorporate current climate change predictions.

Slope stability is addressed through the earthworks rules within the District Plan. When a development does not comply with the earthworks rules, site stability is one of the matters that will be considered as part of the resource consent process.

Natural hazards such as severe winds, wildfires, and ground shaking from earthquakes are primarily managed by other statutory instruments or processes including the Building Act 2004, Civil Defence Emergency Management Act 2002 and the Local Government Act 1974 and 2002.

<b><u>Natural Hazards Overlay</u></b>	<b><u>Respective Hazard Ranking</u></b>
<u>Wellington Fault Rupture (within 20m of known fault)</u>	<u>High</u>
<u>Stream Corridor (1:100 year inundation event + 1m sea level rise)</u>	
<u>Overland Flowpath (1:100 year inundation event + 1m sea level rise)</u>	<u>Medium</u>
<u>Inundation Area (1:100 year inundation extent + 1m sea level rise)</u>	<u>Low</u>

[...]

### **Overlays**

Natural Hazard Overlays – Means the mapped extent within the District Plan of the following Natural Hazards:

- Fault Rupture Hazards
- Flood Hazards based on a 1% Annual Exceedance Probability Flood including effects of climate change, including:
  - Stream corridor
  - Overland Flow
  - Inundation Areas

Note: The Council holds publicly available information showing the modelled extent of hazard flooding areas affecting specific properties in its GIS viewer. The maps are non-statutory and can be reviewed to

[take account of any property specific information.](#)

[...]

#### **Policy 14H 1.1 Levels of Risk**

Subdivision, use and development reduce or do not increase the risk to people, property and infrastructure by:

1. Limiting the scale of subdivision, use and development on sites within the medium and high Natural Hazard [areas](#) [Overlays](#) and the medium and high hazard areas of the Coastal Hazard Overlays; and
2. Requiring mitigation for subdivision, use and development that addresses the impacts from natural hazards to people, property and infrastructure in the low hazard, medium hazard and high hazard areas within the Natural Hazard [areas](#) and Coastal Hazard Overlays.

[...]

#### **Policy 14H 1.3 Additions to Buildings in an identified Inundation Area [of the Flood Hazard Overlay](#)**

Provide for additions to buildings that are within the identified Inundation Area, where:

1. The impact from the 1% Annual Exceedance Probability flood event is low due to either the:
  - incorporation of mitigation measures;
  - size of the addition in relation to the existing building; or
  - type of activities undertaken within the addition; and
2. The risk to people and property is reduced or not increased from the 1% Annual Exceedance Probability Flood.

*[Note: The Council holds publicly available information showing the modelled extent of hazard flooding areas affecting specific properties in its GIS viewer. The maps are non-statutory and can be reviewed to take account of any property specific information.](#)*

#### **Policy 14H 1.4 Additions to Buildings within [the Overland Flowpaths and Stream Corridors](#) [of the Flood Hazard Overlays](#)**

Only allow additions to buildings that are within the Overland Flowpaths and Stream Corridors, where it can be demonstrated that:

1. The risk from the 1% Annual Exceedance Probability flood event is low due to either the:
  - proposed mitigation measures;
  - size of the addition; or
  - nature of the activities undertaken within the addition; and
2. The risk to people and property is reduced or not increased from the 1% Annual Exceedance Probability Flood; and
3. Overland Flowpaths and Stream Corridors are unimpeded, and unobstructed to allow for the conveyancing of flood waters.

*[Note: The Council holds publicly available information showing the modelled extent of hazard flooding areas affecting specific properties in its GIS viewer. The maps are non-statutory and can be reviewed to take account of any property specific information.](#)*

**Policy 14H 1.5**      **New residential units, commercial activities or retail activities within the identified Inundation Areas of the Flood Hazard Overlays**

Provide for new residential units, commercial activities or retail activities that are within the Inundation Area, provided that mitigation measures are incorporated to ensure the risk to people and property both on the site and on adjacent properties is not increased or is reduced.

*Note: The Council holds publicly available information showing the modelled extent of hazard flooding areas affecting specific properties in its GIS viewer. The maps are non-statutory and can be reviewed to take account of any property specific information.*

**Policy 14H 1.6**      **New residential units, commercial activities or retail activities within the Overland Flowpaths of the Flood Hazard Overlays**

Manage New residential units, commercial activities or retail activities that are within the Overland Flowpaths or any subdivision where the building platform is within the Overland Flowpaths by:

1. Incorporating mitigation measures that reduce or avoid an increase in risk to people and property from the 1% Annual Exceedance Probability Flood;
2. Ensuring that people can safely evacuate from properties during a 1% Annual Exceedance Probability Flood; and
3. Overland Flowpaths are unimpeded, and unobstructed to allow for the conveyancing of flood waters and is not diverted onto adjacent properties.

*Note: The Council holds publicly available information showing the modelled extent of hazard flooding areas affecting specific properties in its GIS viewer. The maps are non-statutory and can be reviewed to take account of any property specific information.*

**Policy 14H 1.7**      **New residential units, commercial activities or retail activities within the Stream Corridors of the Flood Hazard Overlays**

Avoid New residential units, commercial activities or retail activities that are within the Stream Corridors or any subdivision where the building platform where the building platform is within the Stream Corridors unless it can be demonstrated that:

1. The activity, has an operational and functional need to locate within the Stream Corridor and locating outside of the Stream Corridor is not a practicable option;
2. Mitigation measures are incorporated that reduce or avoid an increase in risk to people and property from the 1% Annual Exceedance Probability Flood;
3. People can safely evacuate the property during a 1% Annual Exceedance Probability Flood; and
4. The conveyancing of flood waters through the Stream Corridor is still able to occur unimpeded and is not diverted onto adjacent properties.

*Note: The Council holds publicly available information showing the modelled extent of hazard flooding areas affecting specific properties in its GIS viewer. The maps are non-statutory and can be reviewed to take account of any property specific information.*



[...]

**Rule 14H 2.2** Additions to residential buildings in the Inundation Area, Overland Flow Path or Stream Corridor [Flood Hazard Overlays](#)

<p>1. Additions to residential buildings that are within the Inundation Area, Overland Flow Path or Stream Corridor <a href="#">Flood Hazard Overlays</a> are permitted activities where:</p> <p>a. When located within an Inundation Area <a href="#">of the Flood Hazard Overlay</a>, the finished floor levels of the additions are located above the 1% Flood Annual Exceedance Probability Level, where the finished floor level is to the bottom of the floor joists or the base of the concrete floor slab; and</p> <p>b. The additions are not located within the Overland Flow Path <a href="#">Overlay</a>; and</p> <p>c. The additions are not located within the Stream or River Corridor <a href="#">Overlay</a>.</p>
<p>2. Additions to residential buildings that are within the Inundation Area, Overland Flow Path or Stream Corridor <a href="#">Flood Hazard Overlays</a> are restricted discretionary activities where:</p> <p>a. Compliance with the requirements of 14H 2.42(1)(a) cannot be achieved.</p> <p><b><u>Matters of discretion are restricted to:</u></b></p> <p>1. The matters in 14H 1.3.</p>
<p>3. Additions to residential buildings that are in the Inundation Area, Overland Flow Path or Stream Corridor <a href="#">Flood Hazard Overlays</a> are restricted discretionary activities where:</p> <p>a. Compliance with the requirements of 14H 2.42(1)(b) cannot be achieved</p> <p><b><u>Matters of discretion are restricted to:</u></b></p> <p>1. The matters in 14H 1.4.</p>
<p>4. Additions to residential buildings that are in the Inundation Area, Overland Flow Path or Stream Corridor <a href="#">Flood Hazard Overlays</a> are non-complying activities where:</p> <p>a. Compliance with the requirements of 14H 2.2(1)(c) cannot be achieved.</p>

*[Note: The Council holds publicly available information showing the modelled extent of hazard flooding areas affecting specific properties in its GIS viewer. The maps are non-statutory and can be reviewed to take account of any property specific information.](#)*

**Rule 14H 2.3** New residential units, commercial activities or retail activities in the Inundation Area [of the Flood Hazard Overlay](#)

<p>1. New residential units, commercial activities or retail activities that are within the Inundation Area <a href="#">of the Flood Hazard Overlay</a> are permitted activities where:</p> <p>a. When located within an Inundation Area <a href="#">of the Flood Hazard Overlay</a>, the finished floor levels of the building for the Potentially Hazard Sensitive Activity are located above the 1% Flood Annual Exceedance Probability Level, including an allowance for freeboard, where the finished floor level is to the bottom of the floor joists or the base of the concrete floor slab.</p>
<p>2. New residential units, commercial activities or retail activities that are within the Inundation Area <a href="#">of the Flood Hazard Overlay</a> are restricted discretionary activities where:</p> <p>Compliance with the requirements of 14H 2.3(1)(a) cannot be achieved.</p> <p><b><u>Matters of discretion are restricted to:</u></b></p> <p>1. The impact from the 1% Annual Exceedance Probability flood is low due to either the:</p> <ul style="list-style-type: none"><li>• <a href="#">implementation mitigation measures;</a></li><li>• <a href="#">the shallow depth of the flood waters within the building; or</a></li></ul>

- type of activity undertaken within the building; and
- The risk to people and property is reduced or not increased.

*Note: The Council holds publicly available information showing the modelled extent of hazard flooding areas affecting specific properties in its GIS viewer. The maps are non-statutory and can be reviewed to take account of any property specific information.*

**Rule 14H 2.4      New residential units, commercial activities or retail activities that are within the Overland Flowpaths [of the Flood Hazard Overlay](#)**

1. New residential units, commercial activities or retail activities that are within the Overland Flowpaths [of the Flood Hazard Overlay](#) are restricted discretionary activities.

**Matters of discretion are restricted to:**

1. The matters in 14H 1.6.

*Note: The Council holds publicly available information showing the modelled extent of hazard flooding areas affecting specific properties in its GIS viewer. The maps are non-statutory and can be reviewed to take account of any property specific information.*

**Rule 14H 2.5      New residential units, commercial activities or retail activities that are within the Stream Corridors [of the Flood Hazard Overlay](#)**

1. New residential units, commercial activities or retail activities that are within the Stream Corridors [of the Flood Hazard Overlay](#) are non-complying activities.

*Note: The Council holds publicly available information showing the modelled extent of hazard flooding areas affecting specific properties in its GIS viewer. The maps are non-statutory and can be reviewed to take account of any property specific information.*

[...]

## Appendix B – Section 32AA assessment

Having regard to section 32AA, the following is noted:

**Table 1: Amendments to the HDRAA and MDRAA Objectives and Policies**

Effectiveness and efficiency	<ul style="list-style-type: none"> <li>• The proposed revisions provide clarity around the planned urban built form for each zone, to ensure intensification can be enabled in the manner directed by the NPS-UD.</li> <li>• The proposed revisions strengthen design-based outcomes in the Plan, rather than deferring to an out-of-date design guide.</li> <li>• The issues relevant to development in each zone are clearer and more refined thereby improving the effectiveness in delivering the intended urban built outcomes for the differing residential environments.</li> <li>• Having a residential zone framework that is more clearly expressed enhances the legibility of the underlying planned outcome across the district.</li> <li>• The revisions provide a clearer, and therefore more effective, framework against which development proposals will be considered.</li> <li>• The design-based outcomes are an effective way to ensure the built form provides for a liveable and safe well-functioning urban environment.</li> </ul>
Benefits/costs	<ul style="list-style-type: none"> <li>• The changes are consistent with the direction provided by the NPS-UD, and will clearly signal where the greatest level of intensification is anticipated and directed to within the District.</li> <li>• The revised provisions are more focussed in directing and achieving the planned urban built outcomes relevant to each respective residential environment.</li> <li>• There are no costs associated with the amendment recommended and will improve implementation.</li> </ul>
Risk of acting or not acting	<ul style="list-style-type: none"> <li>• I consider that the appropriateness of adopting the relief sought must be considered in the context of the direction set out in higher order policy documents, in particular the NPS-UD and the National Planning Standards. The NPS-UD directs Council to clearly signal where the greatest level of intensification is anticipated and directed to. I am of the opinion that the relief sought by Kāinga Ora will be more in line with outcomes expressed in the NPS-UD.</li> <li>• The risk of not acting is that intensification or redevelopment opportunities are not taken up or are unnecessarily prevented from occurring due to lack of clarity around the planned urban built form anticipated in each residential environment.</li> </ul>
Decision about more appropriate action	<ul style="list-style-type: none"> <li>• The recommended are therefore considered to be more appropriate in achieving the purpose of the RMA.</li> </ul>

**Table 2: Changes to building heights – in the HDRAA and MDRAA around identified centres**

Effectiveness and efficiency	<ul style="list-style-type: none"> <li>• The recommended amendments to the building heights in proximity to Centres will deliver on the strategic objectives to achieve a range of intensity of built form in proximity to the centre and to facilitate the compact growth of the city.</li> <li>• Concentrating development in areas with the greatest degree of accessibility to services may increase uptake in housing development opportunities.</li> <li>• Concentrating development of 5<sup>1</sup>-10 storeys adjacent to the identified centres means greater market exposure for businesses with an increased populous in close proximity to city centre businesses.</li> <li>• The methodology used to inform the spatial extent of the height variation is consistent with that applied elsewhere in the Wellington region.</li> </ul>
Costs/Benefits	<ul style="list-style-type: none"> <li>• Providing 5-10 storeys in proximity to centre shows a strong response to the significance of the centres as a focal point (both currently and planned) for employment, the centre of public transport connectivity, accessibility to public open space and active transport.</li> <li>• The increases in height will facilitate more housing choice and design flexibility. It will provide greater certainty to investors and developers.</li> <li>• The location of 5-10 storey areas reflects a symbiotic relationship between the adjoining centre and the residential environment. Interface issues between zones are better addressed through a more comparable height differential (representing a proportionally better response to building heights enabled in centres). Also, the extent of the area defined for 5-10 storeys is able to act as a contributor to the viability and vitality of the Centre, rather than competing against opportunities provided within the Centre.</li> <li>• Providing for greater enabled height may increase the uptake of development opportunities.</li> <li>• The additional heights will result in a greater degree of change to the character of the existing residential environment.</li> <li>• An increase in building height is likely to result in reduced sunlight access, privacy, and increased overshadowing and building dominance.</li> <li>• The transitional effects of developing to this form are likely for a longer period as established sites become feasible to be developed and those who do develop do so alongside established (lower density) sites.</li> <li>• Further intensification and increased height opportunities around sites of cultural/heritage significance may impact upon relationship to those sites.</li> <li>• Potential effects of intensification on receiving environment, in particular water quality and supply.</li> </ul>
Risk of acting or not acting	<ul style="list-style-type: none"> <li>• I consider that the appropriateness of adopting the relief sought must be considered in the context of the direction set out in higher order policy documents and in particular the NPS-UD.</li> <li>• The NPS-UD seeks to enable growth by requiring local authorities to provide development capacity to meet the diverse demands of communities, address overly restrictive rules, and encourage quality, liveable urban environments. It also aims to provide for growth that is strategically planned and results in vibrant cities. I am of the opinion that the relief sought by Kāinga Ora will be more in line with outcomes expressed in the NPS-UD.</li> </ul>

<sup>1</sup> MDRAA 5 storeys within 400m of the centres in Wainuiomata, Eastbourne and Stokes Valley, with 6-10 storeys in the HDRAA

	<ul style="list-style-type: none"> <li>The risk of not acting is that intensification or redevelopment opportunities are not taken up or are unnecessarily prevented from occurring. In particular, failing to sufficiently-realise intensification opportunities now will frustrate future intensification initiatives in the long term as populations increase due to the inefficient use of the limited land supply resource.</li> </ul>
Decision about more appropriate action	<ul style="list-style-type: none"> <li>This option is recommended as it provides for a level of development that responds to the significance of the centre in a way that supports a centres hierarchy as higher order centres have higher adjacent heights that are commensurate with the level of commercial and community services in those centres. This is seen to be the most appropriate means to address the intensification direction of the NPS-UD, having regard to the range of factors including urban form, accessibility, demand while having regard to the effect on the centres and surrounds.</li> <li>The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than PC56.</li> </ul>

**Table 3: Amendment to HIRB standard to enable intensification**

Effectiveness and efficiency	<ul style="list-style-type: none"> <li>The recommended amendments to the Height in Relation to Boundary (HIRB) control will more effectively deliver a quality built form that it is of an intensity, scale and design that is consistent with the planned urban built form of the HDRAA (and identified areas within the MDRAA).</li> <li>Limiting application of the greater HIRB to developments involving 4 or more residential units on the site will provide an incentive for developments to provide intensive housing.</li> <li>Adapting the existing design controls enabled by MDRS means that consenting is improved and better responds to associated effects. More lenient HIRB controls will further improve this, with many of the controls acting as an incentive to better realise opportunities for intensification.</li> <li>The presence of a 50% building coverage control will ensure that the residential areas continue to function as good living environments as the urban built form intensifies.</li> <li>The result of modifying the HIRB means the standards are better able to respond to the intensification directions in Policy 3 of the NPS-UD. This improves overall effectiveness of applying associated provisions and the ability to develop to a higher form of residential living.</li> </ul>
Costs/Benefits	<ul style="list-style-type: none"> <li>The recommended amendments enable greater intensity and development to occur within areas of the city where intensification is to be enabled. This will have the benefit of encouraging redevelopment and intensification to support the outcomes expressed in both PC56 and the NPS-UD.</li> <li>Modifications to HIRB density standards will improve the chances of delivery of an intensified urban form in a way that supports improved urban design outcomes (e.g, perimeter block development, greater street interface, greater privacy and amenity of outdoor living areas towards the rear of sites with greater potential for buildings to be brought forward on the site).</li> <li>It will provide greater certainty and incentive to investors and developers.</li> </ul>

	<ul style="list-style-type: none"> <li>Increased intensification will result in a change in amenity values experienced by current neighbouring residents, but in doing so will provide alternative amenities for future generations, as anticipated and directed by the NPS-UD.</li> </ul>
Risk of acting or not acting	<ul style="list-style-type: none"> <li>I consider that the appropriateness of adopting the relief sought must be considered in the context of the direction set out in higher order policy documents and in particular the NPS-UD.</li> <li>The NPS-UD seeks to enable growth by requiring local authorities to provide development capacity to meet the diverse demands of communities, address overly restrictive rules, and encourage quality, liveable urban environments. It also aims to provide for growth that is strategically planned and results in vibrant cities. I am of the opinion that the relief sought by Kāinga Ora will be more in line with outcomes expressed in the NPS-UD.</li> <li>The risk of not acting is that intensification or redevelopment opportunities are not taken up or are unnecessarily prevented from occurring.</li> <li>Acting will enable significant change to be realised in existing residential environments, which may lead to transitory effects as existing areas are redeveloped.</li> </ul>
Decision about more appropriate action	<ul style="list-style-type: none"> <li>The amendments are recommended since more lenient and new related provisions enable a balanced outcome between enablement and quality urban environments that provides for current and future generations. The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than PC56.</li> </ul>

**Table 4: Removal of reference to Medium Density Design Guide and increased reference of design outcomes directly in policies and matters of discretion**

Effectiveness and efficiency	<ul style="list-style-type: none"> <li>The existing design guides are out-of-date and not fit for purpose. Having the design objectives clearly articulated within policies provides a more effective “line of sight” to the critical outcomes.</li> </ul>
Costs/Benefits	<ul style="list-style-type: none"> <li>The recommended amendments will simplify the District Plan to the extent that the rules can clearly focus on the ensuring that outcomes of the chapter are achieved.</li> <li>The recommended policy framework clearly articulates the critical design outcomes, which is more appropriate noting the paradigm shift in the change to the planned urban built form in the residential environment.</li> </ul>
Risk of acting or not acting	<ul style="list-style-type: none"> <li>I consider that the appropriateness of adopting the relief sought must be considered in the context of the direction set out in higher order policy documents and in particular the NPS-UD.</li> <li>The NPS-UD seeks to enable growth by requiring local authorities to provide development capacity to meet the diverse demands of communities, address overly restrictive rules, and encourage quality, liveable urban environments. It also aims to provide for growth that is strategically planned and results in</li> </ul>

	<p>vibrant cities. I am of the opinion that the relief sought by Kāinga Ora will be more in line with outcomes expressed in the NPS-UD.</p> <ul style="list-style-type: none"> <li>• The risk of not acting is that the out-of-date guidance will contribute inefficiency and cost to the process with no potential benefit to the quality of outcome.</li> </ul>
Decision about more appropriate action	<ul style="list-style-type: none"> <li>• The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than PC56.</li> </ul>

**Table 5: Increased use of notification preclusion clauses**

Effectiveness and efficiency	<ul style="list-style-type: none"> <li>• The recommended amendments, to extend the notification preclusion for limited notification in the residential zones in relation to standards that manage onsite amenity and streetscape effects, will streamline the consenting process. Similarly, explicitly providing a notification preclusion for controlled activity subdivision in the residential environment will create efficiencies and certainty in the consent process.</li> <li>• The recommended amendments will reduce consenting timeframes and costs and increase project certainty for Plan users.</li> </ul>
Costs/Benefits	<ul style="list-style-type: none"> <li>• The recommended amendments enable intensity and development to occur without the risk of limited or public notification. This will have the benefit of encouraging redevelopment and intensification to support the outcomes expressed in both PC2 and the NPS-UD.</li> <li>• Notification preclusions reduce potential financial ‘risks’ associated with appeals to notified resource consent processes, and provide a clear consenting pathway for development that is otherwise-consistent with the requirements of the Plan.</li> <li>• The scope of notification preclusions proposed by Kāinga Ora seek to encourage development consistent with the stated purpose and planned character of the Residential Zones.</li> <li>• The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions or those recommended in the S42A Report. However, there will be benefits from more efficient plan administration.</li> </ul>
Risk of acting or not acting	<ul style="list-style-type: none"> <li>• The risk of not acting is that intensification or redevelopment opportunities are not taken up or are unnecessarily prevented from occurring.</li> </ul>
Decision about more appropriate action	<ul style="list-style-type: none"> <li>• The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than PC56 or the proposed changes set out in the section 42A recommendations.</li> </ul>

**Table 6: Small-scale commercial activities in the HDRAA**

Effectiveness and efficiency	<ul style="list-style-type: none"> <li>• The proposed changes will provide an enabling consent pathway for commercial activities in the HDRAA on the ground floor of apartment buildings.</li> <li>• The proposed changes will ensure a reasonable level of amenity is afforded to residents in the surrounding area, enhancing the walkability of the urban residential environment, which will contribute to a well-functioning urban environment.</li> </ul>
Costs/Benefits	<ul style="list-style-type: none"> <li>• The recommended amendments will introduce a new rule, which is simple and effective.</li> <li>• The proposed changes will enhance the vitality and walkability of neighbourhoods, and create greater activation at the street edge, improving the health and safety of people and communities.</li> <li>• The proposed change requires amendment to the existing rule framework, but costs associated with this are negligible.</li> <li>• The proposed changes could impact the amenity of some people.</li> <li>• The proposed changes could draw some commercial activities from Centres, however the scale and rate of such activities is anticipated to be moderate.</li> </ul>
Risk of acting or not acting	<ul style="list-style-type: none"> <li>• I am of the opinion that the relief sought by Kāinga Ora will contribute to achieving a well-functioning urban environment, consistent with Objective 1 of the NPS-UD.</li> <li>• The risk of not acting is that ground floors of apartments are not well activated and do not create a positive interface with the public realm.</li> <li>• Risk of acting is that a proliferation of such activities could undermine the vitality of centres. I do not consider this to be likely.</li> </ul>
Decision about more appropriate action	<ul style="list-style-type: none"> <li>• The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA.</li> </ul>

**Table 9: Flood hazard maps as non-statutory maps outside of the District Plan**

Effectiveness and efficiency	<ul style="list-style-type: none"> <li>• Flood hazard maps outside of the plan can be more responsive to up-to-date information and updated modelling, making it a more effective tool to ensure management of hazards is adequately addressed.</li> <li>• Updates to flood hazard maps outside of a District Plan can be undertaken more efficiently than otherwise would occur through a standard Schedule 1 process.</li> <li>• Flood hazards can be defined in the plan, ensuring a clear link through to the rules.</li> </ul>
Costs/Benefits	<ul style="list-style-type: none"> <li>• Flood hazard maps outside of the Plan can be more responsive to managing effects from flood hazards, and more information becomes available.</li> <li>• Parts of the city are not currently modelled, and therefore the proposed rules within PC56 would not apply to these areas of the city, despite there</li> </ul>



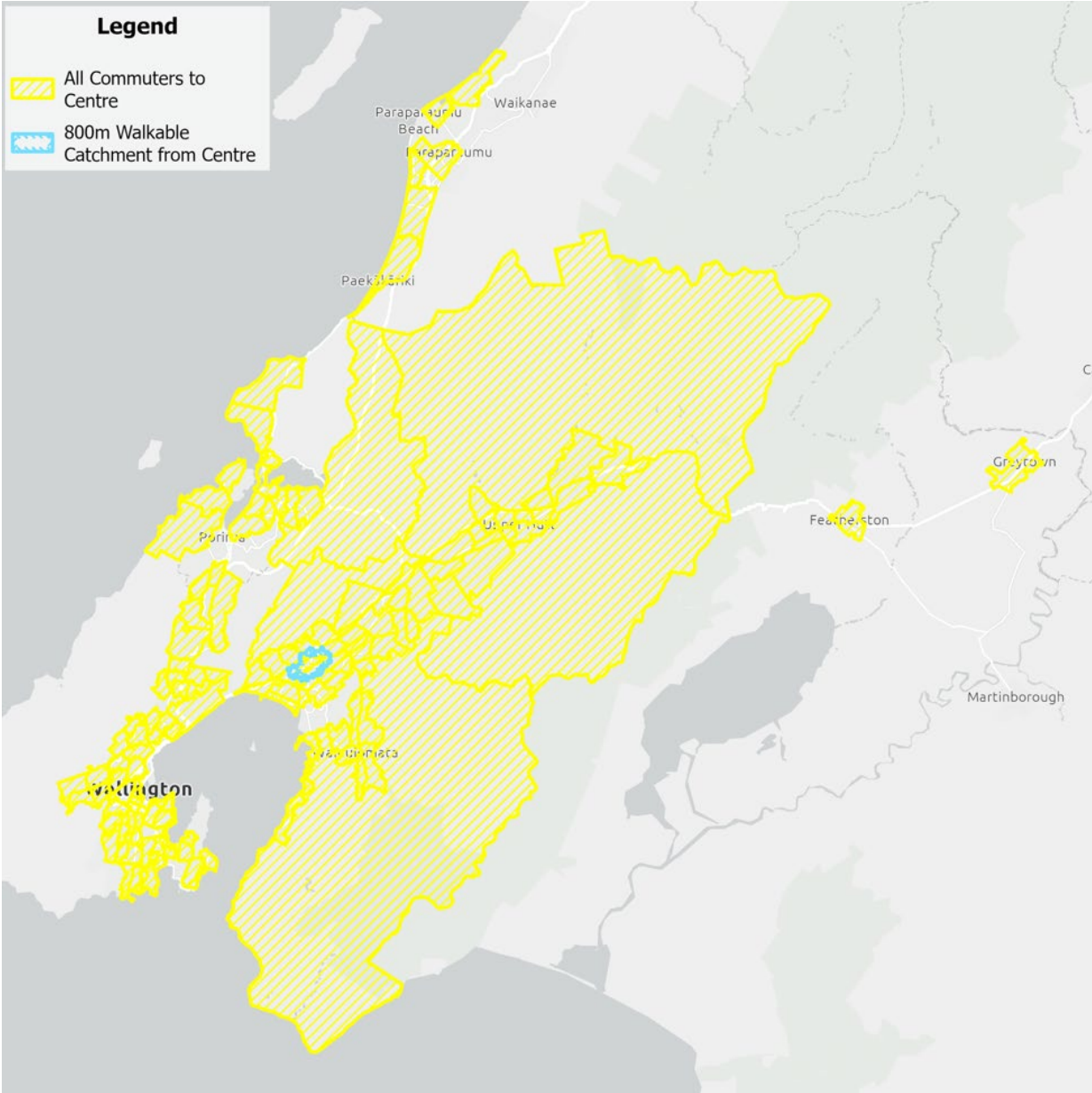
	<p>being a risk to hazards, until such time that hazard maps could be included in the District Plan through a subsequent plan review process.</p> <ul style="list-style-type: none"> <li>• Flood maps can be readily updated to account for improvements to the infrastructure network, where these changes alter the flood hazard profile of an area.</li> <li>• Flood maps can be easily accessible on the Council's GIS mapping viewer.</li> <li>• Landowners can provide technical expert reports and information to help inform the accuracy of the maps.</li> <li>• Updating flood hazard maps outside of a schedule 1 process can create a degree of uncertainty.</li> <li>• The participation process would likely differ, with formal right of submissions and appeal (the latter not available in the current proceedings) being unlikely to form part of the process outside of a schedule 1 process.</li> </ul>
Risk of acting or not acting	<ul style="list-style-type: none"> <li>• The risk of not acting is that flood hazard information is based on incomplete or outdated data that does not accurately reflect the hazard profile of the site.</li> </ul>
Decision about more appropriate action	<ul style="list-style-type: none"> <li>• The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA.</li> </ul>

**Table 10: Changes to Residential Heritage Precinct**

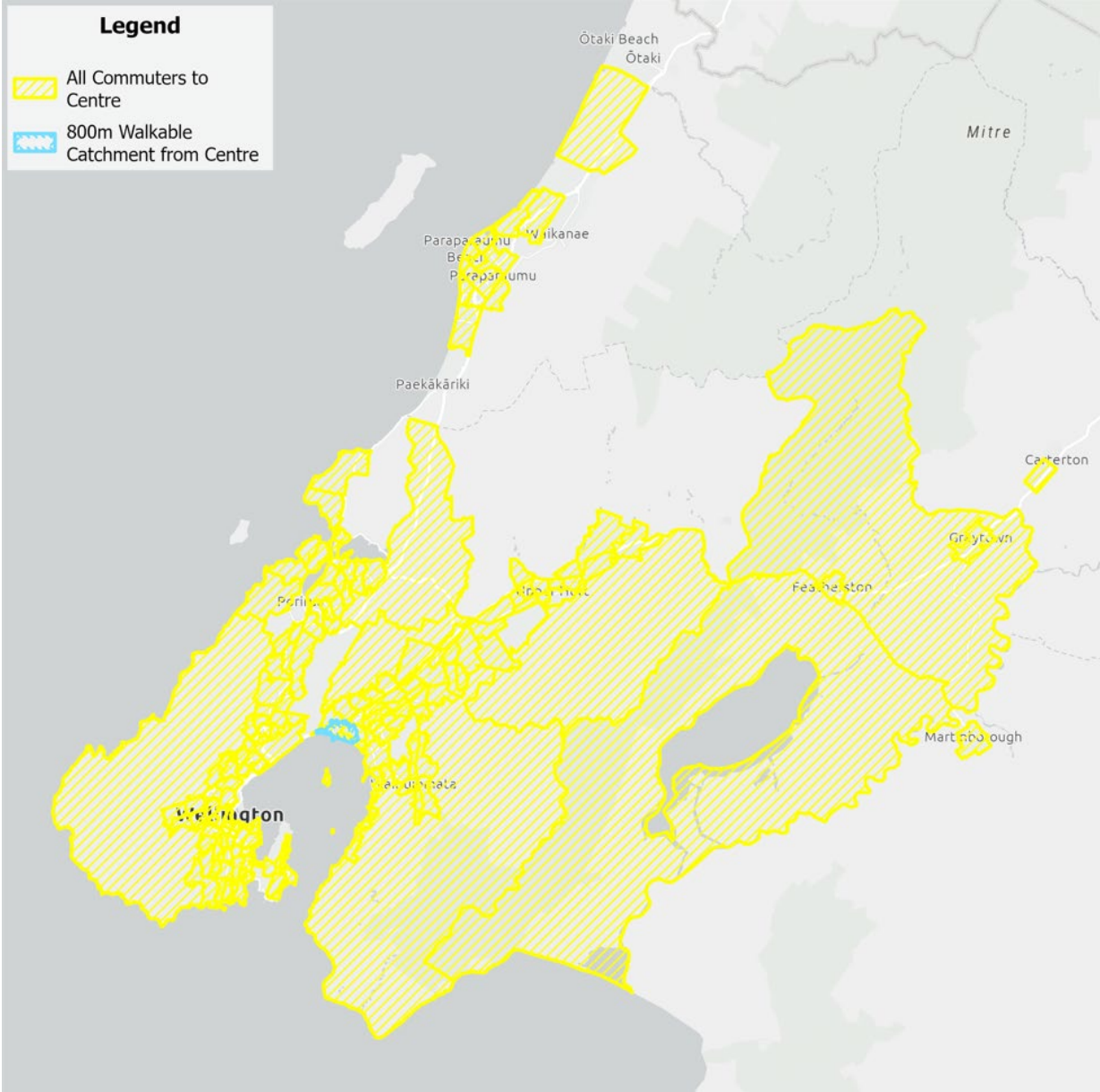
Effectiveness and efficiency	<ul style="list-style-type: none"> <li>• Amending the extent of HA-09 would ensure the integrity of the heritage area is maintained. Changing the name would more appropriately reflect the differing housing stock within the proposed heritage area.</li> <li>• The proposed heritage precincts have been determined by Council as having identified heritage values in accordance with s6(f) of the RMA. The management and protection of these heritage values would be more effective if these areas were identified as an overlay with the relevant provisions and rules located in a district wide heritage chapter. This would be consistent with the National Planning Standards and the plan would be more legible and more readily understood by all users, making implementation more effective and efficient.</li> </ul>
Costs/Benefits	<ul style="list-style-type: none"> <li>• The recommended amendments will simplify the Plan to the extent that the relevant heritage framework is logically located in the plan, and is clear and not unduly complex.</li> <li>• There are no costs associated with the amendment recommended and will improve implementation.</li> </ul>
Risk of acting or not acting	<ul style="list-style-type: none"> <li>• The approach within PC56 is not legible, compared with the proposed alternative, and therefore there is a risk that the management regime relevant to the protection of heritage values is poorly implemented</li> </ul>
Decision about more appropriate action	<ul style="list-style-type: none"> <li>• The changes sought by Kāinga Ora and recommended in the evidence of the Kāinga Ora experts are considered to be more appropriate in achieving the purpose of the RMA.</li> </ul>

# APPENDIX C

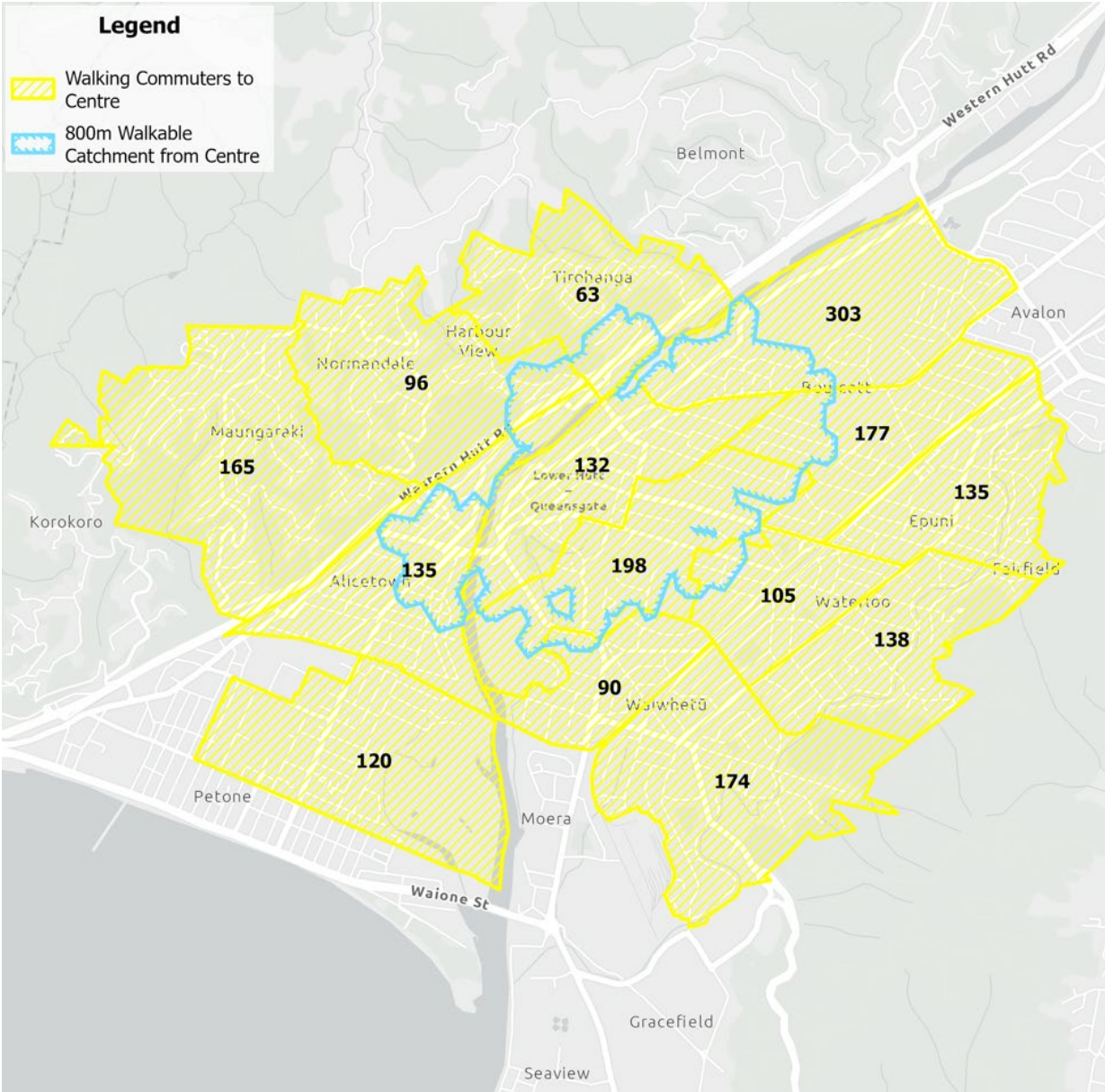
## HUTT CITY CBD – JOURNEY TO WORK DATA – ALL COMMUTERS



**PETONE – JOURNEY TO WORK DATA – ALL COMMUTERS**



**HUTT CITY CBD – JOURNEY TO WORK DATA – WALKING**



PETONE – JOURNEY TO WORK DATA – WALKING

