

Proposed District Plan Change 56

**Enabling Intensification in Residential and
Commercial Areas**

VOLUME 2 of 2

Section 32 Evaluation and Attachments

Publicly Notified:

18 August 2022

Submissions Close:

20 September 2022



1 Contents

1	Contents	3
2	Introduction.....	5
2.1	Structure of this document	5
2.2	Summary of Proposed District Plan Change 56	6
3	What is an Intensification Planning Instrument?	8
3.1	Medium Density Residential Standards	8
3.2	Policies 3, 4 and 5 of the National Policy Statement on Urban Development	9
3.2.1	Policies 3 and 5 of the NPS-UD – Building height and density requirements.....	9
3.2.2	Policy 4 of the NPS-UD – Qualifying matters.....	9
3.3	Qualifying matters	10
3.4	Financial contributions, Papakāinga housing and Related provisions.....	11
3.4.1	Financial contributions	11
3.4.2	Papakāinga	11
3.4.3	Related provisions.....	11
3.5	Intensification Streamlined Planning Process.....	12
4	Statutory and Policy Context.....	13
5	Resource Management Issues	14
5.1	Development capacity	14
5.2	Potential impacts of development	15
5.3	Benefits of development.....	15
5.4	Impacts on existing amenity values	15
5.5	Sensitive sites	15
5.6	Natural hazard risk	16
5.7	Increased demand for infrastructure and community services	16
6	Development of Proposed District Plan Change 56.....	17
6.1	Background	17
6.2	Technical inputs	17
6.3	Engagement.....	19
6.3.1	Engagement with Mana Whenua	19
6.3.2	Engagement with the community and other stakeholders	20
7	Section 32 Evaluation	22
7.1	Scale and significance of the proposed plan change.....	23
7.2	Evaluation of General Approach	23
7.2.1	Incorporating the density standards of the MDRS	24
7.2.2	Applying Policy 3 of the NPS-UD	27

7.2.3	Qualifying matters	32
7.3	Evaluation of Objectives, Policies and Rules.....	37
7.3.2	Chapter 1 Introduction and scope of the plan	37
7.3.3	Chapter 3 Definitions.....	44
7.3.4	Chapter 4F: Medium Density Residential Activity Area	46
7.3.5	Chapter 4G: High Density Residential Activity Area	58
7.3.6	Chapter 5A: Central Commercial Activity Area	75
7.3.7	Chapter 5B: Petone Commercial Activity Area	81
7.3.8	Chapter 5E: Suburban Mixed Use Activity Area	87
7.3.9	Chapter 6A: General Business Activity Area	91
7.3.10	Chapter 9A: Community Health Activity Area.....	94
7.3.11	Chapter 10A: Community Iwi Activity Area.....	96
7.3.12	Chapter 11: Subdivision.....	98
7.3.13	Chapter 12: Financial Contributions	103
7.3.14	Chapter 14F Heritage Buildings and Structures	105
7.3.15	Chapter 14H: Natural Hazards	107
7.3.16	Chapter 14M: Wind.....	121
8	Conclusion.....	124
9	Appendices.....	125

2 Introduction

- (1) In December 2021, Parliament passed the *Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021* (the Housing Supply Act). The Housing Supply Act seeks to accelerate the supply of housing in urban areas where demand for housing is high, including the Wellington urban area, by amending the Resource Management Act 1991 (RMA) and National Policy Statement on Urban Development 2020 (NPS-UD).
- (2) As a result of these amendments, territorial authorities are now required to:
 - Prepare an Intensification Planning Instrument (IPI) - a specific district plan change to enable greater building heights and density, primarily in residential and commercial areas; and
 - Process the IPI through an Intensification Streamlined Planning Process - a new plan change process that is more streamlined and condensed than the standard plan change process.
- (3) Proposed District Plan Change 56 is Hutt City Council's IPI.
- (4) The purpose of this document (Volume 2 of the proposed plan change) is:
 - Provide background and context for the proposed plan change, and
 - Present an evaluation of the proposed plan change, in accordance with the requirements of s32 of the RMA.
- (5) The proposed amendments to the text of the District Plan are presented in Volume 1 of the proposed plan change. The proposed amendments to the maps of the District Plan are available at <http://hutt.city/pc56maps>.

2.1 Structure of this document

- (6) This document includes:
 - An introduction to the proposed plan change, including the statutory requirements for an IPI,
 - A discussion on relevant resource management issues,
 - The statutory and policy context for the proposed plan change,
 - A summary of the development process for the proposed plan change, and
 - An evaluation of the proposed plan change under s32 of the RMA.
- (7) The appendices to this document are listed in the following table.

Table 1. List of appendices	
Appendix	Topic
Appendix 1	The requirements of the Medium Density Residential Standards
Appendix 2	The statutory and policy context of the plan change
Appendix 3	Summary of feedback from Council's engagement prior to notification
Appendix 4	How the terms of the NPS-UD and MDRS have been interpreted and applied to Lower Hutt and the operative District Plan

Appendix 5	More detailed assessment of qualifying matters to meet the requirements of s77J, s77K, s77P, and s77Q of the RMA
Appendix 6	An assessment of whether residential character can be considered a qualifying matter under Policy 4 of the NPS-UD

2.2 Summary of Proposed District Plan Change 56

(8) The following table is a summary of the proposed plan change.

Table 2. Summary of Proposed District Plan Change 56
Residential zones
<ul style="list-style-type: none"> • A new High Density Residential Activity Area (HDRAA) which applies to walkable catchment areas around the Central Commercial Area, the Petone Commercial Area and all train stations. • An amended Medium Density Residential Activity Area (MDRAA) applies to all other relevant residential areas. • The current General Residential, Special Residential and Historic Residential Activity Areas are deleted. • The existing MDRAA chapter of the operative District Plan would be retained, with updates to: <ul style="list-style-type: none"> ○ Incorporate the Medium Density Residential Standards (MDRS), and ○ Ensure objectives and policies reflect the level of development enabled in the zone. • For the HDRAA, a new chapter would be added. This chapter is based on the current MDRAA chapter of the District Plan, with updates to: <ul style="list-style-type: none"> ○ Incorporate the MDRS. ○ Give effect to the requirements of the NPS-UD to enable development of at least six storeys within a walkable catchment of city centre zones, metropolitan zones, and rapid transit stops. ○ Give effect to Policy 3(d) of the NPS-UD to enable building heights and density of urban form commensurate with the level of commercial activity and community services within and adjacent to neighbourhood centre zones, local centre zones and town centre zones (or equivalent). This policy has been applied to enable building heights of up to six storeys adjacent to the Avalon and Moera suburban centres and up to four storeys around the Wainuiomata, Stokes Valley and Eastbourne suburban centres. ○ Ensure objectives and policies reflect the level of development enabled in the zone. • The current Special Residential and Historic Residential Activity Area chapters would be deleted as properties in these zones would be rezoned to either HDRAA or MDRAA. Properties in the Historic Residential Activity Area would be identified as precincts in the HDRAA (see Qualifying matters below).
Commercial zones
<ul style="list-style-type: none"> • For the Central Commercial Activity Area: <ul style="list-style-type: none"> ○ Resource consent required for new builds and additions to existing buildings (existing District Plan approach). ○ No maximum building height standards. ○ Objectives, policies and design guidance updated to reflect level of development enabled.

- For the Petone Commercial Activity Area:
 - Resource consent required for all new buildings and additions to existing buildings (existing District Plan approach).
 - Height standards vary by location, but taller buildings are generally provided for.
 - Objectives, policies and design guidance updated to reflect level of development enabled.
- For the Suburban Mixed Use Activity Area:
 - Taller buildings provided for (height standards vary by location, from four to six storeys).
 - Objectives and policies updated to reflect level of development enabled.
- The Suburban Commercial and Special Commercial Activity Area chapters of the District Plan would be deleted as all properties in these zones would be rezoned to the SMUAA.

Qualifying matters

Building heights and density are modified to accommodate the following qualifying matters:

- Natural hazard risk associated with fault rupture, flooding, tsunami and coastal hazards (accounting for climate change and sea level rise).
- Historic heritage, including for Jackson Street, areas currently in the Historic Residential Activity Area (Patrick Street and Riddlers Crescent), and five additional residential areas identified through the recent heritage review).
- Sites of significance to Māori, including the Significant Cultural Sites identified in the operative District Plan and sites adjoining Marae, urupā and kokiri centres.
- The National Grid (nationally significant infrastructure).
- Public open space.

Other

- Height limits updated for parts of non-residential zones that are within walkable catchment areas. This includes:
 - The General Business Activity Area – height limits increased from 12m to 22m for parts of the zone within the walkable catchment areas,
 - The Community Health Activity Area – height limits increased throughout the zone from a mix of 8m and 20m to 22m, and
 - The Community Iwi Activity Area – this zone incorporates the height limits of the other zones by reference. The current height limits for sites in residential areas vary from 8m to 11m. This would increase to 11m to 22m.
- Subdivision chapter updated to incorporate the MDRS.
- Financial contributions chapter updated to ensure contributions are based on the number of residential units created and can be required for permitted activities.
- New Wind chapter added to provide objectives and policies that support the consideration of wind effects for new developments.
- Definitions chapter updated to include definitions that support other amendments.
- Minor amendments to some chapters to ensure they refer to updated zone and precinct names.

3 What is an Intensification Planning Instrument?

- (9) An IPI is a change to a district plan that *must*:
- Incorporate the Medium Density Residential Standards (a set of development standards specified in Schedule 3A of the RMA) into the District Plan for every relevant residential zone, and
 - In the case of tier 1 territorial authorities (which includes Hutt City Council) give effect to policies 3 and 4 of the NPS-UD.
- (10) In addition, an IPI *may* amend or include the following:
- Provisions relating to financial contributions,
 - Provisions to enable papakāinga housing, and
 - Related provisions that support or are consequential on the MDRS or Policies 3 and 4 of the NPS-UD.
- (11) An IPI must be processed through an Intensification Streamlined Planning Process (ISPP), as set in Schedule 1 of the RMA.
- (12) The following sections provide more detail on each of the requirements of an IPI and the ISPP.

3.1 Medium Density Residential Standards

- (13) The Medium Density Residential Standards (MDRS) is a set of density standards that must be applied to relevant residential zones, with complimentary objectives and policies. The MDRS also includes requirements for subdivisions and notification of resource consent applications.
- (14) The density standards of the MDRS are summarised in the following table. The full standards are included in Appendix 1 of this report.

Table 3. Summary of density standards of the Medium Density Residential Standards		
Number of residential units per site	Maximum	3 units
Building height	Maximum	11m + 1m for pitched roof
Height in relation to boundary	Maximum	4m + 60° recession plane
Setbacks	Minimum	Front yard: 1.5m Side yard: 1m Rear yard: 1m
Building coverage	Maximum	50% of the net site area
Outdoor living space (per unit)	Minimum	Ground floor: 20m ² , 3m dimension Above ground floor: 8m ² , 1.8m dimension

Outlook space (per unit)	Minimum	Principal living room: 4m depth, 4m width All other habitable rooms: 1m depth, 1m width
Windows to street	Minimum	20% glazing of the street-facing façade
Landscaped area	Minimum	20% of the developed site with grass or plants

- (15) Territorial authorities can modify the MDRS requirements to be more enabling of development by either omitting a standard or including more lenient rules that regulate the same effect as a standard.
- (16) Territorial authorities may make the MDRS less enabling of development in relation to an area within a relevant residential zone to address a ‘qualifying matter’ listed in the RMA, but only *to the extent necessary* to accommodate the qualifying matter. Qualifying matters are discussed below.

3.2 Policies 3, 4 and 5 of the National Policy Statement on Urban Development

- (17) Policies 3, 4 and 5 of the NPS-UD set building heights and density requirements for regional policy statements and district plans.

3.2.1 Policies 3 and 5 of the NPS-UD – Building height and density requirements

- (18) Policy 3 sets building height and densities that must be enabled by regional policy statements and district plans for tier 1 urban environments. Lower Hutt is in the Wellington tier 1 urban environment.
- (19) Under Policy 3, regional policy statements and district plans must enable the following:
- **For city centre zones:** Building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification.
 - **For metropolitan centre zones:** Building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least six storeys.
 - **For at least a walkable catchment of existing and planned rapid transit stops, the edge of city centre zones, the edge of metropolitan centre zones:** Building heights of at least six storeys.
 - **For areas within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones:** Building heights and density of urban form commensurate with the level of commercial activities and community services.
- (20) The zones referred to in the policy are from the National Planning Standards. For district plans that do not yet implement the National Planning Standards (such as the City of Lower Hutt District Plan), this is a reference to the nearest equivalent zone.
- (21) Policy 5 sets building height and density requirements for regional policy statements and district plans that apply to tier 2 and 3 urban environments. As Lower Hutt is in the Wellington tier 1 urban environment, Policy 5 does not apply to the City of Lower Hutt District Plan.

3.2.2 Policy 4 of the NPS-UD – Qualifying matters

- (22) While Policy 3 of the NPS-UD sets building heights and densities that regional policy

statements and district plans of tier 1 urban environments must enable, policy 4 enables regional policy statements and district plans to modify these building height and density requirements *to the extent necessary* to accommodate a **qualifying matter**.

(23) Qualifying matters are discussed below.

3.3 Qualifying matters

(24) A district plan can modify the requirements of the MDRS and Policy 3 of the NPS-UD *to the extent necessary* to accommodate a qualifying matter. Qualifying matters are set by s77I of the RMA.

(25) The following table summarises these qualifying matters.

Table 4. Summary of qualifying matters for an IPI
<p>The following matters of national importance that decision makers are required to recognise and provide for under section 6 of the RMA:</p> <ul style="list-style-type: none"> (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development. (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development. (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers. (e) The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. (f) The protection of historic heritage from inappropriate subdivision, use, and development. (g) The protection of protected customary rights. (h) The management of significant risks from natural hazards.
A matter required in order to give effect to a national policy statement (other than the NPS-UD) or the New Zealand Coastal Policy Statement 2010.
A matter required to give effect to Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River.
A matter required to give effect to the Hauraki Gulf Marine Park Act 2000 or the Waitakere Ranges Heritage Area Act 2008.
A matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure.
Open space provided for public use, but only in relation to land that is open space.
The need to give effect to a designation or heritage order, but only in relation to land that is subject to the designation or heritage order.
A matter necessary to implement, or to ensure consistency with, iwi participation legislation.

The requirement in the NPS-UD to provide sufficient business land suitable for low density uses to meet expected demand.

Any other matter that makes higher density development, as provided for by the MDRS or Policy 3 of the NPS-UD, inappropriate in an area, but only if s77L of the RMA (regarding an evaluation report) is satisfied.

3.4 Financial contributions, Papakāinga housing and Related provisions

- (26) In addition to the intensification requirements outlined above, an IPI may also amend or include the following provisions:
- Provisions relating to financial contributions,
 - Provisions to enable papakāinga housing, and
 - Related provisions that support or are consequential on the Medium Density Residential Standards or policies 3 and 4 of the NPS-UD.

3.4.1 Financial contributions

- (27) District plans can include rules that require financial contributions for any class of activity excluding prohibited activities.
- (28) However, a territorial authority is only able to require a financial contribution if it is for a purpose specified in a district plan. The level of the contribution also needs to be determined in the manner described in the plan.
- (29) Prior to the Housing Supply Act coming into force, financial contributions could only be required for activities that require resource consent. However, the Housing Supply Act amended the RMA to enable territorial authorities to require financial contributions for permitted activities.

3.4.2 Papakāinga

- (30) Papakāinga are housing and community developments on mana whenua land that reflect their cultural customs and values. In addition to housing and residential activities, papakāinga can include a range of other complementary activities, including social, cultural, economic and recreation activities.

3.4.3 Related provisions

- (31) An IPI can include related provisions including objectives, policies, rules, standards, and zones, that support or are consequential on the MDRS or Policies 3, 4 and 5 of the NPS-UD.
- (32) Related provisions are not defined in the RMA. However, the Act clarifies that related provisions include provisions that relate to any of the following, without limitation:
- District-wide matters,
 - Earthworks,
 - Fencing,
 - Infrastructure,
 - Qualifying matters,
 - Storm water management (including permeability and hydraulic neutrality), and
 - Subdivision of land.

3.5 Intensification Streamlined Planning Process

- (33) IPIs must be processed through the Intensification Streamlined Planning Process (ISPP), as described in Schedule 1, Part 6, of the RMA. A guide to the ISPP is available on the Ministry for the Environment website at:
- <https://environment.govt.nz/publications/intensification-streamlined-planning-process/>
- (34) This process is a more streamlined, condensed version of the standard plan change process.
- (35) The key steps of the ISPP are:
- Public notification of the IPI,
 - A submission period, where people can make a submission on the proposals of the IPI,
 - A Summary of Decisions Requested by Submitters is publicly notified
 - A further submission period, where people can make further submissions on the decisions requested in submissions,
 - A public hearing is held with an Independent Hearings Panel (IHP), where submitters and further submitters can speak in support of their submission/further submission,
 - The IHP makes recommendations to Council on the IPI,
 - Council makes its decisions on the recommendations of the IHP.
 - Any recommendations that are not adopted by Council are referred to the Minister for the Environment. The Minister can decide to accept the IHP's recommendation or make alternative decisions.
- (36) There is no right of appeal to the Environment Court on the decisions from the Council or Minister for the Environment.
- (37) While the Housing Supply Act does not specify a timeframe for the ISPP, the Minister for the Environment has the power to specify the timing for the process. For Hutt City Council, the Minister has specified that decisions on the IHP's recommendations must be notified by 20 August 2023.

4 Statutory and Policy Context

- (38) There is a significant national, regional and local policy framework that provides the statutory and policy context for the District Plan. It consists of:
- The requirements of the Resource Management Act
 - The National Planning Standards
 - National Policy Statements and the New Zealand Coastal Policy Statement
 - National Environmental Standards
 - The Regional Policy Statement for the Wellington Region
 - The operative and proposed Wellington Regional Plans
 - Iwi management plans
 - Other management plans and strategies
 - District plans of adjacent territorial authorities
 - Other legislation
 - Other plans, policies, and strategies
- (39) In general, where the application of this statutory and policy context is most relevant, it is discussed in section 7 of this document, the Section 32 Evaluation.
- (40) A discussion of each of these and how they been applied to the plan change in a more general sense is included in Appendix 2.

5 Resource Management Issues

- (41) The overarching resource management issue for the proposed plan change is the need to provide for residential and commercial development to support the Lower Hutt community, now and into the future.
- (42) The following sections address the following aspects of providing for residential and commercial development:
- The existing housing and business development capacity of Lower Hutt, and
 - The potential impacts of development.

5.1 Development capacity

- (43) Demand for housing and business development is modelled through the Housing and Business Development Capacity Assessment (HBA). The most recent full HBA for the Wellington region was completed in 2019. An additional housing specific update was completed in May 2022.
- (44) For business development capacity, the 2019 HBA concluded that:
- Hutt City is projected to experience an overall decline in demand for business land over the 30 years to 2047. This is due to a significant projected decline in demand for industrial land.
 - However, there is projected to be a moderate increase in demand for land for government, retail, health, education and training.
 - Under a high growth assumption overall demand for business land is projected to increase slightly over the 30 years to 2047.
 - The city has little vacant business land available but infill and redevelopment capacity in existing business land should be sufficient to meet demand even under the higher growth assumption.
- (45) For housing development capacity, the 2022 housing update for the HBA found that:
- Lower Hutt has a theoretical District Plan enabled residential capacity of 120,518 dwellings.
 - Once tested for feasibility, the feasible residential capacity falls to 39,077 dwellings.
 - Applying a realisation test shows that, of that feasible capacity, only 16,847 dwellings will likely be realised over the next 30 years based on today's costs and sales values.
 - The anticipated demand for housing over the next 30 years, including a competitiveness margin, is 24,773 households.
 - Contrasting that realisable supply with the anticipated demand over the same time leads to an anticipated shortfall of 7,926 dwellings over the course of the next 30 years.
 - The city has experienced significant price increases in both house and rental costs.
- (46) Council has not modelled the potential impacts of the proposed plan change on housing and business development capacity. However, as the proposed plan change would significantly change the level of development that is provided for by the District Plan (including as a permitted activity), it is likely that the proposed plan change would increase business and housing development capacity.

5.2 Potential impacts of development

- (47) Residential and commercial development (including built development) has a range of benefits and costs, including for the owners/occupiers of a development site, the adjacent sites and the wider community. The District Plan needs to strike a balance between enabling development to achieve these positive effects (benefits) with managing the potential adverse effects (costs).

5.3 Benefits of development

- (48) Providing for additional residential development capacity, including a wider range of housing types across a greater portion of the city, can lead to an increase in housing variety and options for the community. An increase in residential development capacity can also improve housing affordability by creating greater opportunities for residential development to occur (although there are many factors that influence the cost of housing, including changes in demand for different types of housing and building costs).
- (49) Similarly, providing for additional development in commercial areas can lead to an increase in business opportunities, which in turn can provide for additional commercial and employment opportunities. In addition, the additional commercial activity generated from residential development in and around a commercial centre (including city centres, metropolitan centres and suburban centres) can increase the viability of businesses and community facilities within the centre and can improve the general vibrancy of the centre.
- (50) In addition, development provided through intensification of an existing urban environment (as opposed to development that expands the urban environment, such as greenfield development) can lead to greater efficiencies in the provision of infrastructure and community services. This is in part due to existing infrastructure and community services having some capacity to service the additional development but also due to economies of scale from providing infrastructure and community services to a greater number of people in an area.

5.4 Impacts on existing amenity values

- (51) Impacts on amenity values of existing areas is often of concern for existing communities. The increase in built development, particularly taller buildings closer to property boundaries, can impact the amenity values of adjoining sites by reducing access to sunlight, privacy and views and through visual dominance of the larger buildings.
- (52) In addition, existing residents of an area often value the existing amenity values and character of that area, including the existing level of density, type of housing and provision of outdoor living space, mature trees and landscaping. All these aspects of character can be impacted by new development.
- (53) While a district plan can include policies and rules that manage these effects, as the scale of built development increases, fewer options are available for reducing impacts on adjoining sites and surrounding areas.
- (54) However, Objective 4 of the NPS-UD sets a specific outcome in relation to the change of New Zealand's urban environments. It states:

New Zealand's urban environments. Including their amenity values, will develop over time in response to the diverse and changing needs of people, communities, and future generations.

5.5 Sensitive sites

- (55) Some sites have particular values that can be impacted by new development. Impacts can be

a result of the scale of the built development, site development works (particularly earthworks and vegetation clearance) and increase in density and activity in the area. This includes:

- Sites of significance to Māori,
- Historic heritage areas,
- Areas with particular ecological or landscape values, and
- Areas with significant infrastructure.

(56) Impacts on the particular values of these sites and areas can often be managed through the design of new development. However, some forms of development may be inappropriate for some locations, depending on the particular values of the site/area.

5.6 Natural hazard risk

(57) Parts of the urban environment of Lower Hutt are particularly susceptible to a range of natural hazard events, including earthquake, flooding and coastal hazard events. In addition, some of these hazards will be exacerbated by climate change (particularly flooding and coastal hazards). Development in these areas can lead to an increase in risk to the community. This includes risk to the health and safety of the community as well as risk to property and infrastructure. Natural hazard risk for new development can be addressed in the planning of the location and design of development

5.7 Increased demand for infrastructure and community services

(58) As noted above, development in an existing urban environment can often make use of existing capacity in infrastructure and community services. However, the increase in development can impact this capacity and necessitate upgrades and investment in infrastructure and community facilities. This is often of greatest concern for communities regarding three-waters and transport infrastructure, but also extends to other infrastructure and community facilities, including healthcare facilities, schools and parks.

6 Development of Proposed District Plan Change 56

- (59) The following sections summarise the development of the proposed plan change, including:
- The background for the proposed plan change,
 - The process for its development,
 - The evidence base, and
 - Engagement with Mana whenua, the community and other stakeholders.

6.1 Background

- (60) The City of Lower Hutt District Plan was notified as a proposed District Plan in 1995, and first became operative in 2003.
- (61) Since the District Plan became operative, Council has reviewed the Plan through a rolling-review (that is, reviewing the Plan chapter-by-chapter or topic-by-topic, rather than reviewing the Plan as a whole).
- (62) At its 21 May 2019 meeting, Council resolved to undertake a full review of the District Plan (the District Plan Review).
- (63) To date, the District Plan Review has involved:
- Initial scoping of the topics and key issues for the review,
 - Engagement on the key issues,
 - Commissioning of technical reports, and
 - Preparation of chapters for a draft District Plan (ongoing).
- (64) However, following the amendments to the RMA from the Housing Supply Act, Council resolved to proceed with the review of the District Plan through the preparation and processing of an IPI, followed by a full new District Plan.
- (65) The preparation of the IPI has involved:
- February to March 2022 – Preparation of an initial draft of the IPI,
 - April 2022 – Engagement with the community and other stakeholders, primarily through a Summary document of the draft IPI and online feedback form,
 - March 2022 to June 2022 – Engagement with Mana Whenua, and
 - April to June 2022 – Preparation of a final draft IPI.
- (66) At its 5 July 2022 meeting, Council passed resolutions on the final draft IPI and directed officers to notify the proposed IPI.

6.2 Technical inputs

- (67) The following table outlines the technical inputs that have informed the development of (or provide context for) the proposed plan change.

Table 5. Technical inputs for Proposed District Plan Change 56	
Evidence	Description
Wellington Regional Housing and Business	The <i>HBA</i> is an assessment of:

<p>Development Capacity Assessment (HBA)</p>	<ul style="list-style-type: none"> • The demand for housing and business land for the Wellington urban environment, • The development capacity needed to sufficiently meet that demand, and • The development capacity provided for by district plans of the Wellington urban environment. <p>The most recent full HBA was completed in 2019. However, the housing component of the HBA was updated in 2022.</p> <p>The HBA is a requirement for tier 1 and 2 local authorities under the NPS-UD.</p>
<p>Lower Hutt Residential Character Assessment</p>	<p>The <i>Residential Character Assessment</i> is a district-wide assessment of the character of areas in residential zones under the operative District Plan.</p> <p>The Residential Character Assessment was prepared as part of the full review of the District Plan.</p>
<p>Hutt City Council Heritage Inventory Report and Additional Review of the Petone State Housing and Moera Railway Heritage Areas</p>	<p>The <i>Heritage Inventory Report</i> is an assessment of heritage places, sites and areas in Lower Hutt.</p> <p>The report was prepared as part of the full review of the District Plan.</p> <p>The <i>Additional Review of the Petone State Housing and Moera Railway Heritage Areas</i> is an additional assessment for two areas that had been identified in the Heritage Inventory Report.</p>
<p>Lower Hutt Walkable Catchment Study</p>	<p>The Walkable Catchment Study is an investigation on the location and extent of the walkable catchments for Lower Hutt’s commercial areas and train stations.</p> <p>While this study is ongoing, the process and outcomes of the study to date have informed the proposed plan change.</p>
<p>Hutt City Probabilistic Tsunami Hazard Maps</p>	<p>The <i>Probabilistic Tsunami Hazard Maps</i> show both the extents and depths of inundation for tsunami events with three different annual probabilities of exceedance (1:100, 1:500m and 1:1000).</p> <p>The maps (and associated report) were prepared as part of the full review of the District Plan.</p> <p>The maps address the coastal areas of Lower Hutt that are within the urban environment.</p>
<p>Flood Modelling</p>	<p>Flood modelling has been undertaken across the city for the 1:100 year rainfall event. This is based on the High Intensity Rainfall Design System (HIRDS) version 4, modelled with a 20% increase in rainfall to account for climate change projections. The flood modelling that has been undertaken identifies the following:</p> <ul style="list-style-type: none"> • Stream Corridors (High Hazard Areas); • Overland Flowpaths (Medium Hazard Area); and • Inundation Areas (Low Hazard Area). <p>The Stormwater Catchment Model Build Reports for Stokes Valley, Petone, Wainuiomata and Eastern Lower Hutt contain the modelling assumptions for these catchments.</p>

Wellington Fault Investigation	The area of the Wellington Fault has been refined by GNS Science based on more recent investigations which reflect the best known location of the fault. These investigations have narrowed the identified area in parts of Petone and moved the area slightly to the east in Manor Park.
Coastal Inundation mapping for Hutt City	<p>The Coastal Inundation mapping for Hutt City show the extents and depths of coastal inundation from a storm tide and wave-setup event at a 1:100 year probability of occurrence.</p> <p>This modelling illustrates the risk at current sea level and incorporating sea level rise and vertical land movement. The sea level rise projections incorporated represent a 100-year timeframe (to 2130).</p> <p>The maps address the coastal areas of Lower Hutt that are within the urban environment.</p>
Review of Wind Controls in the Lower Hutt District Plan	<p>The <i>Review of Wind Controls</i> reviews the wind control provisions of the operative District Plan. It compares the controls of the operative City of Lower Hutt District Plan with those of the draft Wellington District Plan.</p> <p>The final memo from the review includes a discussion on the issues associated with implementing wind controls in Lower Hutt and Wellington.</p>
Review of Financial Contributions	The <i>Review of Financial Contributions</i> is a review of the current financial contribution provisions in <i>Chapter 12: Financial Contributions</i> of the operative District Plan.
Hutt City: Planning for the Future	<p>Hutt City: Planning for the Future is a report that evaluates how urban development could be provided for in Lower Hutt through residential intensification.</p> <p>This report is from 2016, and informed Council's previous plan change on residential intensification (Plan Change 43, notified for submissions in 2017).</p> <p>Given recent amendments to the RMA and NPS-UD, some of the assessments of this report are out of date. However, the report includes a multi-criteria analysis of the city's suburbs and suburban centres. This multi-criteria analysis has informed the identification of the proposed plan change's intensification areas under Policy 3(d) of the NPS-UD.</p>

(68) These documents are available on Council's website at:

<http://hutt.city/pc56>

6.3 Engagement

(69) The development of the proposed plan change was informed by engagement with Mana Whenua, the community and other stakeholders. This engagement took place between February and June 2022, and focussed on the aspects of the proposed plan change that Council had discretion over (as opposed to the mandatory requirements set through the RMA and NPS-UD).

6.3.1 Engagement with Mana Whenua

(70) Engagement with Mana Whenua consisted of:

- Two hui with each of Council's four Mana Whenua partners to understand initial thoughts and feedback on the IPI requirements (early 2022), and
- Two summary documents outlining Council's draft IPI, presented to Council's Mana

Whenua partners in May 2022. The first document outlined Council's approach to residential and commercial chapters and the second outlined Council's approach to qualifying matters and other considerations.

- (71) Following this engagement, Port Nicholson Block Settlement Trust, with support from Te Rūnanga o Āti Awa, Wellington Tenth Trust and Palmerston North Māori Reserve Trust, provided written feedback on the draft IPI. Te Rūnanga o Toa Rangatira also provided written feedback.
- (72) A summary of the feedback is included in Appendix 3 of this report.
- (73) In response to the feedback from Mana Whenua, the proposed plan change was amended to include additional boundary setback and height in relation to boundary standards for sites adjoining Marae and Urupā.

6.3.2 Engagement with the community and other stakeholders

- (74) Engagement with the community and other stakeholders involved:
- Release of a summary document for the initial draft IPI,
 - An online survey, and
 - Discussions with specific individuals and groups on request.
- (75) The survey form primarily took the form of a survey with questions focussed on matters that Council has discretion over for the IPI. In particular:
- The distances people are willing to walk to access key services,
 - Whether intensification should be enabled in areas that fall outside of the NPS-UD requirements,
 - Whether additional design standards which are optional under in the MDRS should be introduced (landscaping, street facing facades, outlook standard),
 - Whether Council should require developers to pay a financial contribution toward public realm improvements, and
 - How areas that are currently identified as 'special character' areas should be treated under the new rules.
- (76) In addition to responding to the survey, some members of the community and other stakeholders provided written feedback on the draft IPI.
- (77) A summary of the feedback is included in Appendix 3 of this report.
- (78) Further changes to the proposed plan change following the engagement with the community and other stakeholders were not made due to:
- The limited scope of the proposed plan change,
 - The mixed feedback that was received on some issues (for example, some people said that walkable catchments should be reduced, where others said the walkable catchments should be expanded), and
 - The proposed plan change already addressing the issues raised in the feedback (including the protection of historic heritage and management of natural hazard risk).
- (79) The key changes to the proposed plan change following engagement with the community and other stakeholders were:
- Including the density standards of the MDRS on Outlook Space, Windows to street and Landscaped area,
 - Adding a maximum number of residential units per site standard for the High Density Residential Activity Area,

- Reducing the proposed maximum site coverage/building coverage standard for the High Density Residential Activity Area from 60% to 50%,
 - Reducing the size of the walkable catchment for the Petone Commercial Activity area (from 1200m to 800m), which removed some areas from the High Density Residential Activity Area, and
 - Reducing the maximum building height standard for the parts of the High Density Residential Activity Area in Eastbourne, Stokes Valley and Wainuiomata to 14m (the maximum building height standard elsewhere in the zone would be 22m). Consultation with Statutory Authorities
- (80) Clause 3 of Schedule 1 of the RMA requires Council to consult with certain statutory authorities, including the Minister for the Environment and other local authorities.
- (81) During the development of the proposed plan change, Council has engaged with:
- The Ministry for the Environment,
 - Greater Wellington Regional Council,
 - Wellington City Council,
 - Porirua City Council,
 - Upper Hutt City Council, and
 - Kāpiti Coast District Council.
- (82) This engagement involved discussions with officers of these authorities on:
- The approach of the draft IPI,
 - The process that went into developing different parts of the draft IPI,
 - The likely timing of Council's Intensification Streamlined Planning Process (in particular, the date of notification and likely timing of a hearing), and
 - For discussions with other territorial authorities, the approach, process and timing for their IPIs and Intensification Streamlined Planning Processes.
- (83) These statutory authorities will also be directly notified of the proposed plan change.

7 Section 32 Evaluation

- (84) Under Clause 5(1)(a) of Schedule 1 of the RMA, Council must prepare an evaluation report for the proposed plan change. The evaluation report must be in accordance with s32 of the RMA.
- (85) The following sections provide this evaluation.
- (86) The evaluation is presented in two parts:
- Evaluation of the general approach, and
 - Evaluation of objectives policies and rules.

Section 32 of the Resource Management Act

Requirements for preparing and publishing evaluation reports

- (1) An evaluation report required under this Act must—
- examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and
 - examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—
 - identifying Other reasonably practicable options for achieving the objectives; and
 - assessing the Efficiency and effectiveness of the provisions in achieving the objectives; and
 - summarising the reasons for deciding on the provisions; and
 - contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.
- (2) An assessment under subsection (1)(b)(ii) must—
- identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—
 - economic growth that are anticipated to be provided or reduced; and
 - employment that are anticipated to be provided or reduced; and
 - if practicable, quantify the benefits and costs referred to in paragraph (a); and
 - assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
- (3) If the proposal (an **amending proposal**) will amend a standard, statement, national planning standard, regulation, plan, or change that is already proposed or that already exists (an **existing proposal**), the examination under subsection (1)(b) must relate to—
- the provisions and objectives of the amending proposal; and
 - the objectives of the existing proposal to the extent that those objectives—
 - are relevant to the objectives of the amending proposal; and
 - would remain if the amending proposal were to take effect.
- (4) If the proposal will impose a greater or lesser prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.
- (4A) If the proposal is a proposed policy statement, plan, or change prepared in accordance with any of the processes provided for in Schedule 1, the evaluation report must—

- (a) summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of Schedule 1; and
 - (b) summarise the response to the advice, including any provisions of the proposal that are intended to give effect to the advice.
- (5) The person who must have particular regard to the evaluation report must make the report available for public inspection—
- (a) as soon as practicable after the proposal is made (in the case of a standard, regulation, national policy statement, or New Zealand coastal policy statement); or
 - (b) at the same time as the proposal is notified.
- (6) In this section,—
- objectives** means,—
- (a) for a proposal that contains or states objectives, those objectives:
 - (b) for all other proposals, the purpose of the proposal
- proposal** means a proposed standard, statement, national planning standard, regulation, plan, or change for which an evaluation report must be prepared under this Act
- provisions** means,—
- (a) for a proposed plan or change, the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change:
 - (b) for all other proposals, the policies or provisions of the proposal that implement, or give effect to, the objectives of the proposal.

7.1 Scale and significance of the proposed plan change

- (87) Under section 32(1)(c) of the RMA, this evaluation report needs to *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*
- (88) The scale and significance of the proposed plan change is moderate to high. The relatively high scale and significance is based on the following:
- The proposed plan change addresses a large portion of the urban environment of Lower Hutt, including zones that provide for the majority of the city’s housing and commercial areas. As a result, the proposed plan change enable development that could impact a significant portion of the Lower Hutt community.
 - The proposed plan change would result in a significant change to the level of built development and density that is provided for by the District Plan for some parts of the city. This includes enabling six-storey buildings in areas where the predominant building type is one and two-storey, standalone houses.
 - The proposed plan change is a mandatory requirement under the RMA.

7.2 Evaluation of General Approach

- (89) The following sections evaluate the options for the general approach of the proposed plan change. In particular, the sections evaluate the approach for:
- Incorporating the density standards of the MDRS,
 - Giving effect to Policy 3 of the NPS-UD, and
 - Accommodating qualifying matters.

7.2.1 Incorporating the density standards of the MDRS

- (90) The proposed plan change must incorporate the MDRS for all relevant residential zones (s80E(1)(a)(i) of the RMA). The MDRS are included in Appendix 1 of this report.
- (91) The MDRS include density standards on:
- Building height,
 - Height in relation to boundary,
 - Setbacks,
 - Building coverage,
 - Outdoor living space (per unit),
 - Outlook space (per unit),
 - Windows to street, and
 - Landscaped area.
- (92) The MDRS also includes a Number of Residential Units per Site standard. While this standard is not included in the RMA definition of 'density standard', as it is a standard of the MDRS that relates to density, it is considered here alongside the other standards.
- (93) Council is able to modify the density standards to be more enabling of development by either omitting 1 or more of the standards of the MDRS or including rules that regulate the same effect as a standard but are more lenient (s77H of the RMA).
- (94) The following residential zones have been identified as relevant residential zones for the proposed plan change:
- General Residential Activity Area,
 - Special Residential Activity Area,
 - Historic Residential Activity Area, and
 - Medium Density Residential Activity Area.
- (95) The background for determining which zones of the City of Lower Hutt District Plan are relevant residential zones is included in Appendix 4 of this report.

7.2.1.1 Options for incorporating the density standards of the MDRS

- (96) For each of the density standards of the MDRS, Council has three high-level options:
- Option 1:** Include the standard without modification
 - Option 2:** Omit the standard
 - Option 3:** Include a more enabling standard or rule
- (97) For each density standard, a single option could be adopted for all areas in relevant residential zones or different options could be adopted for different areas.
- (98) The following table summarises the options adopted by the proposed plan change for each of the density standards.

Table 6. Options adopted by Proposed District Plan Change 56 for incorporating density standards of the Medium Density Residential Standards	
Density standard	Option(s) adopted
Number of residential units per site	Option 1: Include the standard without modification
Building height	For the High Density Residential Activity Area, excluding areas in Eastbourne, Stokes Valley and Wainuiomata: Option 3: Include a more enabling standard of 22m
	For the High Density Residential Activity Area in Eastbourne, Stokes Valley and Wainuiomata: Option 3: Include a more enabling standard of 14m
	For the Medium Density Residential Activity Area: Option 1: Include the standard without modification
Height in relation to boundary	Option 1: Include the standard without modification
Setbacks	Option 1: Include the standard without modification
Building coverage	Option 1: Include the standard without modification
Outdoor living space (per unit)	Option 1: Include the standard without modification
Outdoor space (per unit)	Option 1: Include the standard without modification
Windows to street	Option 1: Include the standard without modification
Landscaped area	Option 1: Include the standard without modification

- (99) In summary, except for the building height standard, the proposed plan change incorporates all density standards of the MDRS without modification for all areas in relevant residential zones (Option 1).
- (100) While the building height standard would be incorporated without modification for the Medium Density Residential Activity Area, a more enabling standard is proposed for the High Density Residential Activity Area (Option 3). This is part of the proposed plan change's approach to giving effect to Policy 3(c) of the NPS-UD (discussed below).
- (101) The following key considerations have informed this approach:
- Ultimately, the development standards of the District Plan need to strike a balance of providing for development capacity with managing the potential impacts of development on the surrounding area.
 - The level of development that must be enabled through the proposed plan change represents a significant increase in the level of built development and density from what

currently exists, including enabling buildings of at least six-storeys in areas where the predominant built form is single storey, stand-alone dwellings.

- Increasing the residential development capacity in the District Plan ensures that additional housing supply and variety is provided for, which can have added benefits of:
 - Increased housing choice,
 - Increased housing affordability, and
 - Increased employment opportunities.
 - Access to sunlight,
 - Privacy, and
 - Loss of outlook/views.
- In addition, providing for an increase in density also has the added benefits of an increase in economic activity and economies of scale for provision of infrastructure and services.
- While there are benefits from an increase in development, the increase in scale of built development can have an impact on the amenity of the surrounding area, including effects on:
 - Access to sunlight,
 - Privacy,
 - Loss of outlook/views, and
 - Capacity of infrastructure and services.
- While built development can impact existing amenity values of an area, Objective 4 of the NPS-UD states that “New Zealand’s urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities and future generations.”
- Not meeting a development standard would not prevent the development from occurring. Instead, the development would need to go through a resource consent process (as a restricted discretionary activity with public notification being precluded) where the impacts of the development (both positive and negative) would be taken into account.

(102) In addition, while most of the density standards of the MDRS would be more enabling of development, incorporating some of the standards without modification would result in more restrictive standards than those of the operative District Plan. These are summarised in the following table.

Table 7. Density standards of the proposed plan change that would be more restrictive than the standards of the operative District Plan	
Density standard	Details
Outlook Space	The operative District Plan does not include this type of standard for any residential zones.
Windows to Street	The operative District Plan does not include this type of standard for any residential zones.
Landscaped Area	The operative District Plan does not include this type of standard for any residential zones.
Number of Units per Site	For the Medium Density Residential Activity Area (the zone of the operative District Plan that provides for the greatest density), the

	operative District Plan does not include a Number of Units per Site sites standard.
Building Coverage	The Site Coverage standard of the operative District Plan for the Medium Density Residential Activity Area is 60%. This corresponds to the Building Coverage standard of the MDRS. The proposed plan change would reduce this standard to 50%.

(103) These more restrictive standards are included in the proposed plan change as part of the balance between enabling development and managing the potential impacts of the development on the surrounding area. This is particularly due to the increase in the scale of the increase in built development that would be enabled through the proposed plan change for some areas (including areas where buildings of at least six storeys must be enabled where the existing built development is predominantly single storey, standalone housing).

7.2.2 Applying Policy 3 of the NPS-UD

(104) The proposed plan change must give effect to Policy 3 of the NPS-UD (per s80E(1)(a)(ii) of the RMA).

Policy 3 of the NPS-UD	
In relation to tier 1 urban environments, regional policy statements and district plans enable:	
(a)	in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and
(b)	in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and
(c)	building heights of at least 6 storeys within at least a walkable catchment of the following: <ul style="list-style-type: none"> (i) existing and planned rapid transit stops (ii) the edge of city centre zones (iii) the edge of metropolitan centre zones; and
(d)	within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and densities of urban form commensurate with the level of commercial activity and community services.

(105) Some of these terms require interpretation and the Council has applied these terms based on the interpretation outlined in the following table:

Table 8. Summary of interpretation of terms from Policy 3 of the NPS-UD	
Term/concept	Council Interpretation and Application in Plan Change 56
City Centre Zone	The only equivalent zone is the Central Commercial Activity Area.
Metropolitan Centre Zone	The only equivalent zone is the Petone Commercial Activity Area.

Table 8. Summary of interpretation of terms from Policy 3 of the NPS-UD	
Term/concept	Council Interpretation and Application in Plan Change 56
Walkable Catchment	<p>Areas:</p> <ul style="list-style-type: none"> • Within 1200 metres / 15 minutes of the City Centre • Within 800 metres / 10 minutes of the Metropolitan Centre • Within 800 metres / 10 minutes of Rapid Transit Stops
Rapid Transit Stop	All railway stations on the Wellington metro rail network.
Neighbourhood Centre, Local Centre, and Town Centre Zones	<p>Collectively are equivalent to the:</p> <ul style="list-style-type: none"> • Suburban Commercial Activity Area • Special Commercial Activity Area • Suburban Mixed Use Activity Area.
Building heights and densities of urban form commensurate with the level of commercial activity and community services (NPS-UD, Policy 3(d))	Requires building heights of at least 4 storeys within and adjacent to Avalon, Eastbourne, Moera, Stokes Valley, and Wainuiomata suburban centres.
'Adjacent to'	See Appendix 4.

(106) The reasoning for this interpretation is shown in Appendix 4.

7.2.2.1 Options for applying Policy 3 of the NPS-UD

(107) Policy 3 is directive and Council must apply it to at least the minimum degree. As the policy provides for Council to be more enabling than the minimum, however, there are options for each of the requirements of the policy to be more enabling than the minimum. Each option is a separate binary choice, that is, it can be applied or not applied independently of the decision on any other option.

(108) The following table outlines the range of options that were considered for applying Policy 3. For each requirement of Policy 3, the table outlines the minimum option, with the range of alternatives for each requirement

Table 9. Options for applying Policy 3 of the NPS-UD
Requirement 1
Provide as much development capacity as possible in the Central Commercial Activity Area

Minimum option: No height limits – *adopted*

No alternative options

The minimum option was adopted as there are no alternative options for this requirement.

Requirement 2

Provide greater heights and densities in the Petone Commercial Activity Area 1 (*the Jackson Street area*)

Minimum option:

Height limit of 6 storeys – *adopted*

Alternative option 1:

Height limit above 6 storeys

Reasons for adopting the *Minimum option*:

- *Alternative option 1* provides for increased development capacity in part of a well-located, regionally significant metropolitan centre, with good access to active and public transport options.
- The proximity of commercial and community services means that high-rise, mixed use development is better suited to the Petone Commercial centre than other, smaller centres.

However:

- There is the possibility for significant impact on the historic heritage values of the Jackson Street Heritage Area.
- There are very few development sites that do not have heritage protection and have not been recently redeveloped, so development capacity is limited in practice.

Requirement 3

Provide greater heights and densities in the Petone Commercial Activity Area 2 (*the Petone Mixed Use area*)

Minimum option:

Increase height limit to 6 storeys

Alternative option 1:

Increase height limit above 6 storeys – *adopted*

Reasons for adopting *Alternative option 1*

- *Alternative option 1* provides for increased development capacity in part of a well-located, regionally significant metropolitan centre with good access to active and public transport options.
- The proximity of commercial and community services means that high-rise, mixed-use development is better suited to the Petone Commercial centre than other, smaller centres.

However:

- Application of natural hazard rules may mean that development capacity is limited in practice.

Requirement 4

Provide greater heights and densities within walkable catchments

Minimum option:

Increase height limit to 6 storeys, apply Medium Density Residential Standards as permitted, and supporting objectives and policies to ensure consent decisions enable 6 storey buildings – ***adopted***

Alternative option 1:

Increase height limit above 6 storeys

Alternative option 2:

Provide bulk and location controls that are more enabling than the Medium Density Residential Standards, such as taller recession planes, higher site coverage, or higher cap on number of units per site

Alternative option 3:

Provide bulk and location controls that encourage development to be located in a consistent location on the front of the site, forming “perimeter blocks” (this would involve retaining a 50% site coverage rule and removing recession planes on side boundaries within the 20m of the site closest to the street)

Reasons for adopting the *Minimum option* are by contrast with the alternatives:

Alternative option 1 would increase development capacity in areas with good access to city and metropolitan centres and to public transport. However:

- The effects of buildings substantially over 6 storeys are more difficult to predict than for mid-rise buildings.
- The economics of development and geotechnical factors (e.g. the depth of the Waiwhetū Aquifer) are likely to make developments of this height rare in practice, compounding their effects.

Alternative option 2 would:

- Provide more certainty to developers and the community about the scale, type and design of development that is enabled,
- Enable more development capacity, and
- Avoid risks of six storey buildings not being feasible in practice.

However:

- The risk of sunlight and privacy effects would be greater than necessary to enable 6 storey buildings, and
- Fewer developments would receive detailed assessment of design.

Alternative option 3 would:

- Provide more certainty to developers and the community about the scale, type and design of development that is enabled.
- Perimeter blocks are a well-established solution to urban design for neighbourhoods with consistent buildings of this scale.
- Largely predictable development pattern allows new buildings to take the likely form of future buildings into account.
- Greater sunlight protection for rear yards.
- Greater privacy protection for front and rear facing windows.
- Allows Council to deliberately set an overall desired character for high density areas.

However:

- Greater risk of sunlight and privacy effects that are greater than necessary to enable 6 storey buildings
- Greater risk of sunlight and privacy effects to existing developments
- May not enable development on rear sites

<ul style="list-style-type: none"> • May have unpredictable outcomes on irregularly shaped sites
<p>Requirement 5</p> <p>Provide larger walkable catchments</p>
<p>Minimum option:</p> <p>Walkable catchment of 1200m around the City Centre Activity Area and 800m around the Petone Commercial Activity Area and all rapid transit stops – <i>adopted</i></p> <p>Alternative option 1:</p> <p>Larger walkable catchment for Petone (1200m) to match city centre.</p>
<p>Reasons for adopting the <i>Minimum option</i>:</p> <ul style="list-style-type: none"> • <i>Alternative option 1</i> would provide for more development in well-located residential and general business areas. <p>However:</p> <ul style="list-style-type: none"> • <i>Alternative option 1</i> could provide more development capacity in an area at risk of natural hazards. • Enabling the minimum required level of development still delivers adequate capacity.
<p>Requirement 6</p> <p>Provide greater heights and densities in neighbourhood, local, and town centres</p>
<p>Minimum option:</p> <ul style="list-style-type: none"> • Increase height limit to 4 storeys in Avalon, Eastbourne, Moera, Stokes Valley, and Wainuiomata suburban commercial centres • Increase height limit to 3 storeys within other suburban commercial centres <p>Alternative option 1:</p> <ul style="list-style-type: none"> • Increase height limit to 6 storeys within Avalon, Eastbourne, Moera, Stokes Valley, and Wainuiomata suburban commercial centres • Increase height limit to 3 storeys within other suburban commercial centres – <i>adopted</i>
<p>Reasons for adopting the <i>Alternative option 1</i>:</p> <ul style="list-style-type: none"> • Provides for increased development capacity in major mixed use centres that already serve a significant residential catchment, and • Increases the benefits derived from residential intensification by encouraging it in areas that are well-served by commercial and community services and public transport. <p>However:</p> <ul style="list-style-type: none"> • In some circumstances, provides for building heights and density that is greater than surrounding areas, which can have impacts on amenity values to the extent that there are no bulk and location standards that manage these effects.
<p>Requirement 7</p> <p>Provide greater heights and densities adjacent to neighbourhood, local, and town centres</p>
<p>Minimum option:</p> <p>Increase height limit to 4 storeys adjacent to the Avalon, Eastbourne, Moera, Stokes Valley and Wainuiomata suburban commercial centres</p>

Alternative option 1:

Increase height limit to 4 storeys adjacent to the Eastbourne, Stokes Valley and Wainuiomata suburban commercial centres

Increase height limit to 6 storeys adjacent to the Avalon and Moera suburban commercial centres – **adopted**

Alternative option 2:

Increase height limit to 6 storeys adjacent to the Avalon, Eastbourne, Moera, Stokes Valley and Wainuiomata suburban commercial centres

Reasons for adopting *Alternative option 1*:

- *Alternative option 1* would provide more development capacity than the minimum option in areas that, while outside a walkable catchment of the rail network, are still accessible to public transport and key services (although, for Moera the increase in development capacity may be limited in practice due to natural hazard overlays).
- *Alternative option 2* would provide for more development capacity in areas that with good access to many commercial services and community facilities. It would also result in a simpler plan that is easier for plan users to understand and implement.

However:

- It would enable development that would place additional pressure on infrastructure in suburbs with existing constraints.
- For Eastbourne and Wainuiomata, would enable more development in areas which have only one access route in and out.

(109) Council also considered applying a walkable catchment around rail stations and centres of only 400 metres, but did not select this option as it was unlikely to meet the NPS-UD’s requirement for a walkable catchment.

7.2.3 Qualifying matters

(110) The proposed plan change may limit building height or density requirements of the MDRS and Policy 3 of the NPS-UD to the extent necessary to accommodate qualifying matters described in the RMA and NPS-UD (s80E(1)(a)(ii)(A) and s80E(2)(e) of the RMA).

(111) These qualifying matters are listed in the following table.

Table 10. Qualifying matters from Policy 4 of the National Policy Statement on Urban Development and Sections 77I and 77O of the Resource Management Act

(a)	<p>The following matters of national importance that decision makers are required to recognise and provide for under section 6 of the RMA:</p> <ul style="list-style-type: none"> (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development. (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development. (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers.
-----	---

Table 10. Qualifying matters from Policy 4 of the National Policy Statement on Urban Development and Sections 77I and 77O of the Resource Management Act

	<p>(e) The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.</p> <p>(f) The protection of historic heritage from inappropriate subdivision, use, and development.</p> <p>(g) The protection of protected customary rights.</p> <p>(h) The management of significant risks from natural hazards.</p>
(b)	A matter required in order to give effect to a national policy statement (other than the NPS-UD) or the New Zealand Coastal Policy Statement 2010.
(c)	A matter required to give effect to Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River.
(d)	A matter required to give effect to the Hauraki Gulf Marine Park Act 2000 or the Waitakere Ranges Heritage Area Act 2008.
(e)	A matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure.
(f)	Open space provided for public use, but only in relation to land that is open space.
(g)	The need to give effect to a designation or heritage order, but only in relation to land that is subject to the designation or heritage order.
(h)	A matter necessary to implement, or to ensure consistency with, iwi participation legislation.
(i)	The requirement in the NPS-UD to provide sufficient business land suitable for low density uses to meet expected demand.
(j)	Any other matter that makes higher density, as provided for by the MDRS or Policy 3 of the NPS-UD, inappropriate in an area, but only if supported by an evaluation report described in s77J, s77K and s77L of the RMA.

7.2.3.1 Qualifying matters for the proposed plan change

(112) The relevant qualifying matters that have been identified for the proposed plan change are:

- The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga,
- Protection of historic heritage from inappropriate subdivision, use, and development,
- Management of significant risks from natural hazards,
- Ensuring the safe or efficient operation of the National Grid (nationally significant infrastructure), and
- Open space provided for public use.

(113) The following table summarises the approach of the proposed plan change for accommodating these qualifying matters.

Table 11. Approach for accommodating qualifying matters in Plan Change 56

The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga

Significant Cultural Resources

The operative District Plan identifies sites of significance to Māori through a Significant Cultural Resources overlay. Resource consent is required for any activity or site development works at the identified locations as a restricted discretionary activity.

The proposed plan change would continue the approach of the operative District Plan for these sites.

Sites adjacent to Marae and Urupā

The proposed plan change would enable greater building height and density on some sites adjacent to Marae and Urupā. To address the potential impacts of development on cultural values of Marae and Urupā, the proposed plan change would apply additional boundary setback and height in relation to boundary standards to these sites.

Protection of historic heritage from inappropriate subdivision, use, and development

The operative District Plan identifies the following historic heritage areas that are relevant for the proposed plan change:

- Riddlers Crescent, Petone – identified through the Historic Residential Activity Area.
- Patrick Street, Petone – identified through the Historic Residential Activity Area, with part of the area also identified through a heritage area overlay.
- Jackson Street, Petone – identified through the Petone Commercial Activity Area (Area 1) with most of the area also identified through a heritage overlay.

However, Council has recently commissioned a technical review of the heritage buildings, sites and areas that are identified in the District Plan (the heritage review). The findings of the review have informed the historic heritage areas for the proposed plan change which are:

- Riddlers Crescent Heritage Precinct (covers the Riddlers Crescent area currently identified by the Historic Residential Activity Area),
- Heretaunga Settlement Heritage Precinct (covers the Patrick Street area currently identified by the Historic Residential Activity Area),
- Residential Heritage Precinct (covers five new residential heritage areas that have been identified through the heritage review), and
- Jackson Street Heritage Precinct (an update to the heritage area identified in the operative District Plan, reflecting the findings of the heritage review).

The proposed plan change would introduce objectives, policies and rules to limit building heights and densities in the areas identified, while also continuing the approach of the operative District Plan for managing alterations to existing buildings in the areas).

Management of significant risks from natural hazards

The following natural hazards have been identified during the development of the proposed plan change as particularly relevant for Lower Hutt:

- Fault rupture hazard from the Wellington Fault,
- Flood hazards (including inundation, overland flowpath and stream corridor hazards), and
- Coastal hazards (including tsunamis and inundation, taking account of sea level rise and vertical land movement)

The proposed plan change would introduce new overlays to the District Plan to identify these natural hazard areas (the operative District Plan includes an overlay for the Wellington Fault, which will be updated through the proposed plan change to reflect more up to date information on the location of the Fault).

The proposed plan change would include a new Chapter 14H: Natural Hazards to apply objectives, policies and rules to manage development that would increase density in these areas. The proposed plan change would also update the objectives, policies and rules of Chapter 11: Subdivision to ensure the subdivision of the District Plan addresses development that would be enabled through subdivision.

Ensuring the safe or efficient operation of the National Grid (nationally significant infrastructure)

The operative District Plan includes two overlays to identify the area in close proximity to the National Grid (the National Grid yard and National Grid Corridor. Resource consent is required for new development in the area identified by the overlay.

The proposed plan change would continue the approach of the operative District plan for these areas.

Open space provided for public use

Under the operative District Plan, open space provided for public use is mostly zoned in one of the Plan's Recreation Activity Areas (zones that mostly apply to land in public ownership). The objectives, policies and rules for these zones limit built development.

The proposed plan change would continue this existing approach. However, the proposed plan change would rezone a site that is currently in the General Recreation Activity Area to the High Density Residential Activity Area as it is privately owned (not provided for public use) and is within the walkable catchment of Woburn Station.

7.2.3.2 Information requirements for qualifying matters

(114) If a council proposes to accommodate a qualifying matter in its IPI, additional information needs to be included in the accompanying evaluation report. The additional information that is required depends on whether the qualifying matter is:

- An existing matter of the district plan,
- A new qualifying matter, or
- Any other matter (as provided for by s771(j) or 770(j) of the RMA).

(115) However, in general the additional information that is required needs to cover:

- Why the area is subject to a qualifying matter
- Why the level of development permitted by the MDRS or Policy 3 is incompatible with that area,
- An assessment of the impact that the qualifying matter will have on the provision of development capacity, and
- An assessment of the costs and broader impacts of imposing those limits.

(116) The additional information for the qualifying matters of the proposed plan change is included in Appendix 5 of this report.

7.2.3.3 Note on residential character as a qualifying matter

- (117) The impacts of development on the character of residential areas have been considered during the development of the proposed plan change. The building heights and densities that must be enabled by the proposed plan change is a change from the current level of built development in most residential areas of Lower Hutt.
- (118) While the qualifying matters explicitly listed in the RMA and NPS-UD address some characteristics of residential areas that contribute to the character of an area (such as historic heritage), residential character in general is not identified as a qualifying matter.
- (119) However, the RMA and NPS-UD provide for “any other matter that makes higher density, as provided for by the MDRS or Policy 3 [of the NPS-UD], inappropriate in an area, but only if section 77L is satisfied” to be a qualifying matter
- (120) Section 77L of the RMA outlines the evaluation that must take place in order to justify the use of an ‘other matter’ as a qualifying matter. In particular, the evaluation report must:
- Identify the specific characteristic that makes the level of development provided by the MDRS or Policy 3 of the NPS-UD inappropriate in the area,
 - Justify why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD,
 - Include a site-specific analysis that:
 - Identifies the site to which the matter relates,
 - Evaluates the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter, and
 - Evaluates an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS or as provided for by Policy 3 of the NPS-UD while managing the specific characteristics.
- (121) In the development of the proposed plan change, Council investigated whether the residential character of Lower Hutt’s residential areas met the requirements of 77L to be considered a qualifying matter. The conclusion of this investigation was that, while there are characteristics of residential areas in Lower Hutt that are highly valued by some parts of the community, they do not meet the requirements to be a qualifying matter. As a result, building heights and density are not modified in the proposed plan change to accommodate these characteristics. A summary of this investigation is included in Appendix 6 of this report.
- (122) As a consequence, the proposed plan change would enable an increase in density (including as a permitted activity) in some parts of Lower Hutt where the District Plan currently provides for a relatively low density of development.
- (123) The operative District Plan includes the Special Residential Activity Area, a zone that provides for a relatively low density of development in parts of Boulcott, Lowry Bay and Woburn. This zone is described in Chapter 4 of the District Plan as a zone that “*Recognises those parts of the City characterised by low density residential development, mature vegetation, and a high standard of development.*” The proposed plan change would rezone areas in the Special Residential Activity Area to a mix of Medium Density Residential and High Density Residential Activity Areas, depending on their proximity to commercial centres and train stations.

7.3 Evaluation of Objectives, Policies and Rules

(124) The following sections include evaluations (as described in s32 of the RMA) of the proposed amendments to the objectives, policies and rules.

7.3.1.1 Note on quantification of benefits and costs

(125) Section 32(2)(b) requires quantification of the benefits and costs of a proposal, if practicable. For the proposed plan change, quantifying costs and benefits would add significant time and cost to the evaluation processes, and exact quantification of the benefits and costs for the proposed plan change are not considered necessary, beneficial or practicable. Rather, this report identifies where there may be additional costs or cost savings.

7.3.1.2 Note on certainty and sufficiency of information

(126) Section 32(2)(c) requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

(127) In general, the information available to the Council is not uncertain or insufficient for the subject matter of the proposed plan change. In addition, as an IPI is a mandatory requirement under the RMA, Council must act in some way.

(128) If information for a specific part of the proposed plan change is uncertain or insufficient, the risk associated with this will be identified in the following assessments.

7.3.1.3 Note on minor consequential amendments

(129) The proposed plan change includes some minor consequential amendments. This includes:

- Updates to references to names of zones, precincts, overlays, and appendices; and
- Amendments to chapter introductions and explanations and reasons to reflect the proposed change of approach.

(130) As these minor consequential amendments do not change the way the objectives, policies and rules of the District Plan are applied, these amendments are typically not evaluated below. In some cases they are discussed for clarity, for example where amendments serve multiple purposes.

7.3.2 Chapter 1 Introduction and scope of the plan

(131) This section evaluates the proposed amendments to Chapter 1: Introduction and scope of the plan.

(132) Chapter 1 is a combination of:

- An introduction to the District Plan, including its relationship with other legislative and strategic documents, and the overall structure and approach of the Plan, and
- Area-wide issues, objectives and policies.

(133) The chapter does not include any rules. The policies of the chapter are implemented through the provisions in other chapters of the District Plan.

Note: Significant parts of Chapter 1 are not affected by the proposed plan change. The following tables only show the parts of Chapter 1 that are affected by the proposed plan change.

7.3.2.1 Evaluation of objectives and policies

Section 1.10.1 Urban Environment – Objective and Policies

Objective

A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

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,
- (b) building heights of at least 6 storeys
 - (i) within the Petone Commercial Activity Area,
 - (ii) within a walkable catchment of the Central Commercial and Petone Commercial Activity Areas,
 - (iii) within a walkable catchment of rapid transit stops,
 - (iv) within the suburban centres of Avalon, Eastbourne, Moera, Stokes Valley, and Wainuiomata, and
 - (v) adjacent to the suburban centres of Avalon and Moera
- (c) building heights of at least 4 storeys 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 Hill Residential and Landscape Protection Residential Activity Areas.

Policy 2

The building heights and density of urban form in Policy 1 are modified only to the extent necessary to provide for the following qualifying matters:

- (a) recognize and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga,
- (b) recognize and provide for the protection of historic heritage from inappropriate subdivision, use, and development,
- (c) recognize and provide for the management of significant risks from natural hazards,
- (d) ensure the safe and efficient operation of nationally significant infrastructure,
- (e) protect the purpose of open space provided for public use, but only in relation to land that is open space,
- (f) give effect to a designation or heritage order, but only in relation to the land that is subject to the designation or heritage order.

Policy 3

Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.

Policy 4

Enable housing to be designed to meet the day-to-day needs of residents.

Why the objective and policies are included in the plan change

The proposed objective and policies of section 1.10.1:

- Incorporate the objectives and policies of the MDRS that should apply throughout the urban environment.
- Describe the approach of the District Plan with regard to urban development, particularly with regard to the approach of the District Plan on giving effect to policies 3 and 4 of the NPS-UD.

How the objective achieves the purpose of the RMA

The objective sets an outcome for the urban environment that directly relates to the purpose of the RMA of enabling people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety.

Efficiency and effectiveness

The policies describe the approach of the proposed plan on giving effect to policies 3 and 4. The Efficiency and effectiveness of the approach, including benefits and costs, are discussed in the Evaluation of General Approach section of this report.

Other reasonably practicable options for achieving the objective

The policies describe the approach of the proposed plan on giving effect to policies 3 and 4. Other reasonably practicable options are discussed in the Evaluation of General Approach section of this report.

Section 1.10.2 Amenity Values – Objectives and Policy

Objective 1

The amenity values within the urban environment develop and change over time to support a well-functioning urban environment and meet the diverse and changing needs of people, communities, and future generations.

Objective 2

To identify, maintain and enhance the character and amenity values of the different activity areas outside the urban environment.

Policy

To identify within all activity areas the general character and amenity values of planned for that activity area.

Why the objectives and policy are included in the plan change

Section 1.10.2 sets the general objectives and policies for character and amenity values throughout the district. The objective and policies are then implemented through more specific provisions elsewhere in the Plan, particularly the zone chapters.

The proposed plan change would add a new Objective 1, which highlights that the urban environment will develop and change over time. This objective is required to reflect the change in development that must be enabled through the proposed plan change. The objective also makes reference to a well-functioning urban environment, which is an outcome sought through the MDRS and NPS-UD.

Objective 2 would ensure that the existing plan approach is retained for areas outside the urban environment as these areas are outside the scope of the proposed plan change.

The policy of section 1.10.2 would be amended to refer to amenity values that are planned for, rather than existing amenity values. This is to reflect that the proposed plan change would result in a significant change in the form of development that is enabled by the Plan for some areas. The policy also reflects Objective 4 of the NPS-UD:

New Zealand’s urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.

How the objective achieves the purpose of the RMA

The objective provides for the social, economic and cultural wellbeing, and their health and safety, through seeking an outcome that allows the urban environment to adapt to meet the diverse and changing needs of

people and communities.
Efficiency and effectiveness
The effectiveness and efficiency of the policy (including benefits and costs) will depend on the policies and rules that implement the policy elsewhere in the Plan. However, the reference to planned character and amenity improves effectiveness and efficiency by providing greater clarity that it is the planned character and amenity that must be identified within each activity area.
Other reasonably practicable options for achieving the objectives
<p>Not explicitly referring to planned character and amenity</p> <p>Under this option, there would be no mention of planned character in the policy. Not explicitly referring to planned character and amenity makes it unclear whether the policy is referring to planned character and amenity or existing character and amenity.</p> <p>Describing the planned character and amenity values within this policy</p> <p>Under this option, the planned character and amenity values would be described through the policy. However, it is more appropriate for planned character and amenity values to be described through the relevant zone chapters, particularly as it is those chapters where plan users are mostly likely to look for information on the character and amenity values of the zone (although there is a description of character and amenity in the Explanation and Reasons of section 1.10.2).</p>

Section 1.10.3 Residential Activity – Objective and Policies

Objective

To accommodate residential growth and development through consolidation of the existing urban area but to allow some peripheral development.

Policy

~~(a) To provide opportunities for gradual intensification of residential densities by:~~

- ~~(i) Enabling higher densities in targeted areas around suburban centres and close to public transport hubs,~~
- ~~(ii) Providing for infill development throughout the established residential areas to appropriate minimum standards, and~~
- ~~(iii) Managing the rate at which land at the periphery of the urban area is developed for residential purposes.~~

Policy 1

Apply the Medium Density Residential Standards across the Medium Density Residential and High Density Residential Activity Area and enable buildings of at least six storeys in the High Density Residential Area, except in circumstances where a qualifying matter is relevant.

Policy 2

Manage the rate at which land at the periphery of the urban area is developed for residential purposes.

Why the objective and policies are included in the plan change

Section 1.10.3 sets the general objective and policies regarding residential growth and development. The objective and policies are then implemented through more specific provisions elsewhere in the Plan, particularly those of *Chapter 4: Residential*, *Chapter 5: Commercial* and *Chapter 8: Rural*.

The proposed plan change would not alter the objective of section 1.10.3. However, it would split the policy of section 1.10.3 into two separate policies.

The new Policy 1 would reflect the change in residential development that would be provided in the Medium Density Residential and High Density Residential Activity Areas and accommodation of qualifying matters.

Policy 2 continues the existing approach of the District Plan for land at the periphery of the urban area as the proposed plan change does not address this area.

How the objective achieves the purpose of the RMA

The objective of section 1.10.3 is an existing objective of the operative District Plan.

Efficiency and effectiveness

Policy 1 describes the approach of the proposed plan change on incorporating the MDRS and giving effect to Policies 3 and 4 of the NPS-UD. The Efficiency and effectiveness of the approach, including benefits and costs, are discussed in the Evaluation of General Approach section of this report.

Policy 2 continues the existing approach of the District Plan for land at the periphery of the urban area.

Other reasonably practicable options for achieving the objective

Policy 1 describes the approach of the proposed plan change on incorporating the MDRS and giving effect to Policies 3 and 4 of the NPS-UD. Other reasonably practicable options for this approach are discussed in the Evaluation of General Approach section of this report.

Section 1.10.4 Commercial Activity – Objective and Policies

Objective

To promote an integrated and hierarchical approach to commercial centres as community focal points.

Policies

...

- (c) Recognise the Suburban Mixed Use, ~~Suburban commercial and Special commercial~~ centres as the secondary areas in the hierarchy, being small scale with a limited number of activities servicing local area needs.

...

Why the objective and policy are included in the plan change

Section 1.10.4 sets the general objective and policies for the commercial centres hierarchy of Lower Hutt. The objective and policies are then implemented through more specific provisions elsewhere in the Plan, particularly those of *Chapter 5: Commercial*.

The proposed change to Policy (c) of section 1.10.4 is a consequential amendment resulting from the proposed consolidation of the Suburban Mixed Use, Suburban Commercial, Special Commercial Activity Areas into a single zone (the Suburban Mixed Use Activity Area).

How the objective achieves the purpose of the RMA

The objective of section 1.10.4 is an existing objective of the operative District Plan.

Efficiency and effectiveness

The proposed change to Policy (c) of section 1.10.4 is a consequential amendment resulting from the proposed consolidation of commercial zones. The efficiency and effectiveness of the approach of the proposed plan change on commercial zoning is discussed in the Evaluation of General Approach section of this report.

Other reasonably practicable options for achieving the objectives

The proposed change to Policy (c) of section 1.10.4 is a consequential amendment resulting from the proposed consolidation of commercial zones. The reasonably practicable options for commercial zoning are discussed in the Evaluation of General Approach section of this report.

Section 1.10.10 Heritage – Objective and Policies

Objective

To retain the heritage values of buildings and structures while ensuring that the rights of property owners to use identified heritage buildings and structures in an economically viable way are not compromised.

Policy

- (a) To protect the heritage values of the City through ensuring that any alterations, repairs or modifications to the exterior of heritage buildings are managed.
- (b) To allow a wider range of activities to operate in identified heritage buildings, provided that the character and amenity values of neighbouring properties are not affected adversely by the activity.
- (c) To limit building heights and densities in areas where intensification is required by the National Policy Statement on Urban Development, but are identified as having significant historic heritage value, in order to discourage incompatible development.

Why the objective and policies are included in the plan change

Section 1.10.10 sets the general objective and policies for historic heritage. The objective and policies are then implemented through more specific provisions elsewhere in the Plan, particularly those of *Chapter 14F: Heritage Buildings and Structures*.

The proposed plan change accommodates the protection of historic heritage from inappropriate subdivision, use, and development as a qualifying matter. A new policy is proposed for section 1.10.10 to reflect this part of the proposed plan change.

The RMA sets additional evaluation requirements for accommodating qualifying matters in an IPI. The additional information required for incorporating historic heritage as a qualifying matter in the proposed plan change is provided in Appendix 5 of this report.

How the objective achieves the purpose of the RMA

The objective of section 1.10.10 is an existing objective of the operative District Plan.

Efficiency and effectiveness

The proposed change to the policies of section 1.10.10 is solely to reflect the approach of the proposed plan change regarding historic heritage as a qualifying matter. The Efficiency and effectiveness of the approach of the proposed plan change on qualifying matters is discussed in the Evaluation of General Approach section of this report.

Other reasonably practicable options for achieving the objective

The proposed change to the policies of section 1.10.10 is solely to reflect the approach of the proposed plan change regarding historic heritage as a qualifying matter. The reasonably practicable options of the approach of the proposed plan change on qualifying matters is discussed in the Evaluation of General Approach section of this report.

Section 1.10.11 Lessening Natural Hazards – Objective and Policies

Objective

~~To avoid or mitigate the vulnerability and risk of people and development to natural hazards, reduce the risk to people, property and infrastructure from natural and coastal hazards.~~

Policy

~~(a) To manage the siting of buildings and structures within the Wellington Fault Special Study Area.~~

~~(aa) To manage subdivision, use and development that results in buildings 20m either side of the Wellington Fault.~~

(b) To limit the scale and intensity of development in areas susceptible to the landslide hazard.

~~(c) To limit the scale and density of development in areas where the risk of flooding is medium to high.~~

~~(ca) To avoid subdivision, development and use in high flood hazard areas.~~

~~(cb) To manage subdivision, development and use in medium flood hazard areas.~~

~~(cc) To require mitigation for new development in low flood hazard areas.~~

~~(d) To manage areas susceptible to coastal hazards such as coastal erosion and sea level rise.~~

~~(da) To manage subdivision, development and use in medium and high coastal hazard areas.~~

~~(db) To limit the density of development in medium and high coastal hazard areas.~~

Why the objective and policies are included in the plan change

Section 1.10.11 sets the general objective and policies for natural hazards. The objective and policies are then implemented through more specific provisions elsewhere in the Plan, particularly those of *Chapter 14H: Natural Hazards*.

The proposed plan change accommodates the management of natural hazard risk as a qualifying matter. This includes new objectives, policies and rules in Chapter 14H to control density of development in identified natural hazard areas. The amendments for the objective and policies in section 1.10.11 are proposed to reflect the proposed changes to objectives, policies and rules in Chapter 14H.

The RMA sets additional evaluation requirements for accommodating qualifying matters in an IPI. The additional information required for incorporating natural hazards as a qualifying matter in the proposed plan change is provided in Appendix 5 of this report.

How the objective achieves the purpose of the RMA

The objective primarily provides for the health and safety of people and communities. In addition, avoiding or reducing the risk from natural hazards contributes to social and economic wellbeing by seeking an urban form that is more resilient when natural hazard events occur.

The objective also provides for the management of significant risk from natural hazards (section 6(h) of the RMA).

Efficiency and effectiveness

The proposed change to the policies of section 1.10.11 is solely to reflect the approach of the proposed plan change regarding natural hazards as a qualifying matter. The Efficiency and effectiveness of the approach of the proposed plan change on qualifying matters is discussed in the Evaluation of General Approach section of this report.

Other reasonably practicable options for achieving the objective

The proposed change to the policies of section 1.10.11 is solely to reflect the approach of the proposed plan change regarding natural hazards as a qualifying matter. The reasonably practicable options of the approach of the proposed plan change on qualifying matters is discussed in the Evaluation of General Approach section of this report.

7.3.3 Chapter 3 Definitions

(134) This section outlines the proposed amendments for *Chapter 3: Definitions*.

<p><u>Building coverage:</u> Means the percentage of the net site area covered by the building footprint.</p>
<p>The proposed definition of <i>Building coverage</i> is from the National Planning Standards. It is included in the proposed plan change to provide clarity to the new building coverage rules.</p>
<p><u>Building footprint:</u> Means, in relation to building coverage, the total area of buildings at ground floor level together with the area of any section of any of those buildings that extends out beyond the ground floor level limits of the building and overhangs the ground.</p>
<p>The proposed definition of <i>Building footprint</i> is from the National Planning Standards. The term is used in the proposed definition of building coverage. It is included in the proposed plan change to provide clarity to the new building coverage rules.</p>
<p><u>Construction:</u> Includes construction and conversion, and additions and alterations to an existing building.</p>
<p>The proposed definition of <i>Construction</i> is from the MDRS. It is included in the proposed plan change to provide clarity for plan users when considering rules that refer to construction and to ensure that the proposed plan change fully incorporates the MDRS.</p>
<p><u>Height in relation to boundary:</u> Means the height of a structure, building or feature, relative to its distance from either the boundary of:</p> <p>(a) a site; or</p> <p>(b) another specified reference point.</p>
<p>The proposed definition of <i>Height in relation to boundary</i> is from the National Planning Standards. It is included in the proposed plan change to provide clarity to the new height in relation to boundary rules.</p>
<p><u>Net site area:</u> For the Medium Density Residential and High Density Residential Activity Areas, means the total area of the site, but excludes:</p> <p>(a) any part of the site that provides legal access to another site;</p> <p>(b) any part of a rear site that provides legal access to that site;</p> <p>(c) any part of the site subject to a designation that may be taken or acquired under the Public Works Act 1981.</p> <p>For all other zones, means the total area of a site for the exclusive use of a single dwelling unit, including ...</p>
<p>The proposed amendment to the definition of <i>Net site area</i> is from the National Planning Standards. It is included in the proposed plan change to provide clarity to new net site area rules.</p> <p>However, the proposed definition makes it clear that the new definition only applies for the Medium Density Residential and High Density Residential Activity Areas, as the rules for other zones with net site area rules are not within the scope of the proposed plan change.</p>
<p><u>Outdoor living space:</u> Means an area of open space for the use of the occupants of the residential unit or units to which the space is allocated.</p>
<p>The proposed definition of <i>Outdoor living space</i> is from the National Planning Standards. It is included in the proposed plan change to provide clarity to the new outdoor living space rules.</p>
<p><u>Qualifying matter:</u> Has the meaning in the National Policy Statement on Urban Development.</p>
<p>The proposed definition of <i>Qualifying matter</i> incorporates the definition from the NPS-UD by reference. It is included in the proposed plan change to provide clarity to policies that use the term.</p>
<p><u>Rapid Transit Stop:</u> Has the meaning in the National Policy Statement on Urban Development, and for the avoidance of doubt includes any railway station with regularly scheduled passenger services.</p>

The proposed definition of *Rapid Transit Stop* incorporates the definition from the NPS-UD by reference. However, it includes an added clarification that rapid transit stops include railway stations with regularly scheduled passenger services. This reflects the nature of the rapid transit stops for Lower Hutt.

The definition is included in the proposed plan change to provide clarity to policies that use the term.

Residential unit: Means a building(s) or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.

The proposed definition of *Residential unit* is from the National Planning Standards. It is included in the proposed plan change to provide clarity to the rules of the proposed plan change that use the term.

Site: For the Medium Density Residential and High Density Residential Activity Areas, means:

- (a) an area of land comprised in a single record of title under the Land Transfer Act 2017; or
- (b) an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or
- (c) the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title under the Land Transfer Act 2017 could be issued without further consent of the Council; or
- (d) despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, is the whole of the land subject to the unit development or cross lease.

For all other zones, means any area of land which meets one of the descriptions set out below:

...

The proposed amendment to the definition of *Site* is from the National Planning Standards. It is included in the proposed plan change to provide clarity to new rules that use the term, and to ensure that the proposed plan change fully incorporates density standards of the MDRS that use the term.

However, the proposed definition makes it clear that the new definition only applies for the Medium Density Residential and High Density Residential Activity Areas, as the rules for other zones that use the term are not within the scope of the proposed plan change.

Tikanga: Means Māori customary values and practices.

The proposed definition of Tikanga is included in the proposed plan change to provide clarity to new rules that use the term. In particular, rules that relate to development on sites abutting sites with Marae.

7.3.4 Chapter 4F: Medium Density Residential Activity Area

- (135) This section evaluates the proposed amendments to Chapter 4F: Medium Density Residential Activity Area.
- (136) Chapter 4F is the existing chapter of the District Plan that enables medium density residential development, including three-storey buildings.
- (137) For clarity, this evaluation is broken into three parts:
 - Evaluation of the objectives,
 - Evaluation of policies and associated rules, and
 - Evaluation of precincts and scheduled sites.

7.3.4.1 Summary of approach for the Medium Density Residential Activity Area

- Apply the zone to areas in relevant residential zones *excluding areas in the High Density Residential Activity Area* (areas where building of at least three storeys must be permitted but where the District Plan does not necessarily need to enable buildings of at least six storeys),
- Amend objectives and policies to:
- Incorporate the MDRS, and
- Reflect the change in level of development provided for in the zone,
- Amend development standard rules to incorporate the density standards of the MDRS, and
- Retain existing activity rules.

7.3.4.2 Evaluation of objectives

<p>Objective 4F 2.1AA</p> <p><u>A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.</u></p>
<p>Why this objective is included in the proposed plan change</p> <p>Objective 4F 2.1AA is a mandatory objective from the RMA that supports the MDRS. The District Plan must incorporate these mandatory provisions for all relevant residential zones.</p> <p>The objective sets a desired outcome for the urban environment that directly links to the purpose of the RMA (to promote sustainable management of natural and physical resources) and the RMA definition of sustainable management.</p>
<p>How the objective achieves the purpose of the RMA</p> <p>The objective sets an outcome for the urban environment that directly relates to the purpose of the RMA of enabling people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety.</p>
<p>Objective 4F 2.1</p> <p>Residential Activities are the dominant activities in the Medium Density Residential Activity Area.</p> <p>Non-residential activities are compatible with the amenity levels associated with medium density residential development anticipated by the zone.</p>
<p>Why this objective is included in the plan change</p>

Objective 4F 2.1 is an objective of the operative District Plan, and would be unchanged by the proposed plan change. The operative District Plan also includes a similar objective for the General Residential Activity Area (Objective 4A 2.1).

The objective ensures the District Plan continues to seek the same outcome with regard to the mix of residential and non-residential activities in the relevant residential areas.

How the objective achieves the purpose of the RMA

Objective 4F 2.1 is an existing objective of the operative District Plan.

Objective 4F 2.2

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

Why this objective is included in the plan change

Objective 4F 2.2 would be deleted as the Medium Density Residential Activity Area would no longer apply to areas near the Suburban Mixed Use Activity Area, Central Commercial Activity Area and areas close to the public transport network. These areas would be rezoned to High Density Residential Activity Area.

This is a consequence of the requirements of Policy 3 of the NPS-UD.

Objective 4F 2.3

~~Housing capacity and variety are increased.~~

~~The Medium Density Residential Activity Area provides for a variety of housing types and sizes that respond to:~~

- ~~i. Housing needs and demand, and~~
- ~~ii. The neighbourhood's planned urban built character, including three-storey buildings.~~

Why this objective is included in the plan change

Objective 4F 2.3 would be replaced with a mandatory objective from the RMA that supports the MDRS. The District Plan must incorporate the mandatory MDRS provisions for all relevant residential zones.

How the objective achieves the purpose of the RMA

The objective enables people and communities to provide for their economic, social and cultural wellbeing by providing for a variety housing to suit the diverse needs and demands of people and communities.

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 medium density form of up to three storeys.~~

Why this objective is included in the plan change

Objective 4F 2.3A describes the planned urban built character for the Medium Density Residential Activity Area. An objective on the planned character (as opposed to the existing character) is required given the degree of change that may occur within the zone because of the Medium Density Residential Standards.

The objective highlights that a key aspect of the planned urban built character is the flexibility and variety of housing types and density provided for by the zone, rather than seeking a specific built form or housing type.

How the objective achieves the purpose of the RMA

The objective contributes to enabling people and communities to provide for their economic, social and cultural wellbeing by setting a planned urban built character for the Medium Density Residential Activity Area that provides for flexibility of built forms. This planned urban built character ensures that a variety of housing types to suit the diverse needs and demands of people and communities is provided for by the Plan.

Objective 4F 2.4

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

Objective 4F 2.4 is an objective of the operative District Plan and would be unchanged by the proposed plan change. However, the planned built character for the zone, as referred to by the objective, would change as a result of other amendments of the proposed plan change, particularly changes to the development standards of section 4F 4.2.

How the objective achieves the purpose of the RMA

Objective 4F 2.4 is an existing objective of the operative District Plan.

Objective 4F 2.5

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

- i. appropriate on-site amenity for residents,
- ii. appropriate residential amenity for adjoining sites, and
- iii. a high level of amenity for the street.

Why this objective is included in the plan change

Objective 4F 2.5 would be amended to reflect:

- The level and form of built development that would be enabled within the zone (particularly development that would be permitted given the density standards of the MDRS), and
- What the level of built development enabled in the zone would mean for amenity within the zone.

What is considered *high quality* built development and *appropriate* amenity would be informed by the objectives, policies and rules that set the planned urban built character for the zone, particularly the development standards of section 4F 4.2.

How the objective achieves the purpose of the RMA

The objective contributes to enabling people and communities to provide for their economic, social and cultural wellbeing by setting an outcome that provides for housing while also addressing the amenity of the surrounding area.

Objective 4F 2.6

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

Objective 4F 2.6 sets a desired outcome for servicing built development with infrastructure. It would be unchanged by the proposed plan change.

The operative District Plan includes an identical objective for the General Residential Activity Area (Objective 4A 2.5). This is particularly relevant as most sites that are proposed for the Medium Density Residential Activity Area are in the General Residential Activity Area under the operative District Plan.

How the objective achieves the purpose of the RMA

Objective 4F 2.6 is an existing objective of the operative District Plan.

Objective 4F 2.7

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

Why this objective is included in the plan change

Objective 4F 2.7 sets a desired outcome for managing significant risk from natural hazards. It is being deleted as a consequence of the consolidation of natural hazards provisions into *Chapter 14H: Natural Hazards*. The

substance of this objective is continued with the new proposed Objective 14H 1.1 in Chapter 14H.

Objective 4F 2.8

To protect the cultural safety and tikanga associated with activities at marae in the Community Iwi Activity Area.

Why this objective is included in the plan change

Development on sites adjoining Marae and urupā can have an impact on the cultural activities and tikanga that take place at the Marae/urupā. This is particularly the case for development with greater building heights near boundaries of Marae and urupā.

The proposed plan change includes policies and rules to accommodate the protection of these values as a qualifying matter. Objective 4F 2.7 sets the outcome sought by these policies and rules with regard to the Medium Density Residential Activity Area.

The objective refers to marae in the Community Iwi Activity Area as all marae that abut sites in the Medium Density Residential Activity Area are in this zone. However, the objective does not refer to urupā as no sites that would be in the Medium Density Residential Activity Area adjoin urupā.

How this objective achieves the purpose of the RMA

Provides for social and cultural wellbeing by recognising and providing for the relationship of Māori and their culture with their ancestral lands, water, sites, waahi tapu, and other taonga.

7.3.4.3 Evaluation of policies and rules

Policy 4F 3.1

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

Rule 4F 4.1.1	Residential Activities	Rule 4F 4.1.6	Community Facilities, Marae,
Rule 4F 4.1.2	Home Occupation		Education Facilities, Places of Assembly
Rule 4F 4.1.3	Care Facilities, Residential Facilities,		and Emergency Facilities
	Boarding Houses, Hostels, Visitor	Rule 4F 4.1.7	Retirement Villages
	Accommodation	Rule 4F 4.1.8	Other Non-Residential Activities
Rule 4F 4.1.4	Childcare Facilities	Rule 4F 4.1.9	Light Spill
Rule 4F 4.1.5	Health Care Services	Rule 4F 4.1.10	Vibration
		Rule 4F 4.1.11	Vegetation Removal

Why these provisions are included in the plan change

Policy 4F 3.1 is an existing policy of the operative District Plan, and would be unchanged by the proposed plan change.

The associated rules are also existing rules of the proposed plan change, and are largely unchanged. However, changes are proposed for:

- Rule 4F 4.1.7 Retirement Villages, and
- Rule 4F 4.1.11 Vegetation Removal.

Rule 4F 4.1.7 (Retirement Villages) would be amended to clarify that the matters of discretion refer to design standards in general rather than specifically to standards for mixed use and medium density residential development. This is necessary given the matters of discretion of design should be considered for high density residential development.

Rule 4F 4.1.11 (Vegetation Removal) simply states that vegetation removal in the zone is a permitted activity. However, this simplicity is largely because the Medium Density Residential Activity Area of the operative District Plan only applies to sites that are Urban Environment Allotments (as defined in s76(4C) of the RMA).

However, the proposed plan change would rezone some properties from the General Residential and Special Residential Activity Areas to the Medium Density Residential Activity Area, and these zones do include Urban

Environmental Allotments.

As a result, the proposed plan change would apply the existing vegetation removal rule for the General Residential and Special Residential Activity Area to the Medium Density Residential Activity Area.

Consequential amendments to activity status for sites in the Special Residential Activity Area

The proposed plan change would rezone some areas in the Special Residential Activity Area to the Medium Density Residential Activity Area. This is part of the proposed consolidation of residential zones, and ensures that areas where a similar scale and form of development is provided for are in the same zone.

Under the operative District Plan the activity status for some activities is different in the Special Residential Activity Area from the activity status in the Medium Density Residential Activity Area.

As a result, the activity status for some activities will change for areas that are currently in the Special Residential Activity Area that will be rezoned to Medium Density Residential Activity Area.

Efficiency and effectiveness

The proposed amendments would have little impact on effectiveness and efficiency of the District Plan as they largely continue the existing approach of the District Plan for the areas that are in the Medium Density Residential Activity Area.

However, the amendment to Rule 4F 4.1.7 (Retirement Villages) would improve clarity of the Matters of Discretion.

Other reasonably practicable options for achieving the objectives

No amendment to the matters of discretion of Rule 4F 4.1.7 (Retirement Villages)

This option was not adopted as it would result in some uncertainty on how to apply the rule's matter of discretion on design elements.

Retain the existing Rule 4F 4.1.11 (Vegetation Removal)

The District Plan's rules for vegetation removal in residential areas are recent additions to the District Plan, being added to the Plan in 2021 on the direction of the Environment Court. These rules have not been reviewed in the preparation of the proposed plan change. As a result, it is more appropriate for the District Plan to continue the existing approach for managing vegetation removal, which involves applying the rules of the operative District Plan for the General Residential Activity Area, rather than the existing rules of the Medium Density Residential Activity Area.

Policy 4F 3.2

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

Enable a variety of housing types with a mix of densities within the Medium Density Residential Activity Area, including three-storey attached and detached dwellings and low-rise apartments.

Policy 4F 3.2A

Provide for developments not meeting permitted activity status, while encouraging high-quality developments.

Policy 4F 3.2B

Enable housing to be designed to meet the day-to-day needs of residents.

Policy 4F 3.2C

Require built development to provide occupants with adequate opportunities for outdoor living through having useable and accessible on-site private outdoor living space, or through access to appropriate communal or nearby public open space of comparable utility.

Policy 4F 3.2D

Encourage development to contribute to an attractive setting for occupants and the surrounding area, which can be achieved through:

- i. landscaped areas that contribute to amenity,
- ii. adequate outlook areas from habitable rooms, and
- iii. other means that would adequately mitigate a lack of landscaping or outlook areas.

Policy 4F 3.3

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

Policy 4F 3.4

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

Policy 4F 3.5

~~Encourage medium density built development to be designed to a high quality.~~

Policy 4F 3.6

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

Policy 4F 3.7

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

Policy 4F 3.8

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

Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.

Rule 4F 4.2.1AA	Number of Residential Units per Site
Rule 4F 4.2.1	Building Coverage
Rule 4F 4.2.2	Building Height
Rule 4F 4.2.3	Height in Relation to Boundary
Rule 4F 4.2.4	Setbacks
Rule 4F 4.2.6	Outdoor Living Space

Rule 4F 4.2.7	Accessory Building
Rule 4F 4.2.8	Screening and Storage
Rule 4F 4.2.9	Demolition
Rule 4F 4.2.11	Outlook space (per unit)
Rule 4F 4.2.12	Windows to Street
Rule 4F 4.2.13	Landscaped Area

Why these provisions are included in the plan change

These policies and rules work as a package to enable built development in the Medium Density Residential Activity Area while managing impacts of built development, particularly through development standards on bulk, location and design of built development.

The policies and rules would implement Objectives 4F 2.1AA, 4F 2.3, 4F 2.3A, 4F 2.4 and 4F 2.5.

The policies:

- Incorporate the mandatory policies from the RMA that support the MDRS (4F 3.2, 4F 3.2A, 4F 3.2B 4F 3.8), and
- Support the application of the proposed rules, particularly regarding the planned built character and amenity for the zone.

The rules:

- Incorporate the density standards of the MDRS (without modification),
- Apply two additional rules from the operative District Plan – Rules 4F 4.2.8 (Screening and Storage) and 4F 4.2.9 (Demolition), and
- Provide for development that does not meet the development standards through restricted discretionary rules and notification preclusions (in line with the requirements of the MDRS), and
- Set matters of discretion to be considered during a resource consent process.

The more general policies (Policies 4F 3.2, 4F 3.2A, 4F 3.2B) are implemented in part through the rules as a package. More specific policies are implemented through specific rules. In particular:

- Policy 4F 3.2C, regarding access to outdoor living space – implemented through Rule 4F 4.2.6 (Outdoor

Living Space),

- Policy 4F 3.2D, regarding an attractive setting for occupants and the surrounding area – implemented through Rules 4F 4.2.11 (Outlook Space) and 4F 4.2.13 (Landscaped Area),
- Policy 4F 3.3, regarding height, bulk and form of built development - implemented through Rules 4F 4.2.1 (Building Coverage), 4F 4.2.2 (Building Height), 4F 4.2.3 (Height in Relation to Boundary) and 4F 4.2.4 (Setbacks),
- Policy 4F 3.6, regarding privacy and sunlight access – implemented through Rules 4F 4.2.2 (Building Height), 4F 4.2.3 (Height in Relation to Boundary) and 4F 4.2.4 (Setbacks), and
- Policy 4F 3.8, regarding attractive and safe streets – implemented through Rules 4F 4.2.3 (Height in Relation to Boundary), 4F 4.2.4 (Setbacks) and 4F 4.2.12 (Windows to Street).

As a package, the policies and rules:

- Ensure three-storey attached and detached dwellings and low-rise apartments can occur as a permitted activity,
- Encourage high-quality developments, and
- Where standards would not be met, set a consenting pathway for developments to obtain resource consent as restricted discretionary activity.

Efficiency and effectiveness

Effectiveness and efficiency are relatively high as the policies and associated rules incorporate the MDRS in a clear, straight-forward way, with matters of discretion that directly address the effects of the specific standard or standards that are breached.

Benefits

- Provides for increased housing supply and variety, which can have added benefits of:
 - Increased housing choice,
 - Increased housing affordability,
 - Increased employment opportunities (through construction), and
 - Benefits of increased density, including increase in economic activity and economies of scale for provision of infrastructure and services.
- Development standards provide for a level of amenity for adjoining sites and the streetscape by managing density and built development, in particular:
 - Provision of outdoor living space,
 - Provision of landscaping,
 - Managing impacts of built development on sunlight access and privacy,
 - Managing visual dominance for taller buildings, and
 - Encouraging safe and attractive streets.
- Number of Residential Units per Site standard provides for consideration of impacts of development on infrastructure capacity.

Costs

- Increase in scale of built development provided for can impact:
 - Access to sunlight,
 - Privacy, and
 - Loss of outlook/views.
 - Capacity of infrastructure and services
- Increase in density provided for can impact capacity of existing infrastructure and services.
- While the proposed development standards are mostly more enabling of development than standards of the operative District Plan, these proposed standards still add a constraint on development, which can limit the benefits of increased housing supply and variety.

Other reasonably practicable options for achieving the objectives

More enabling development standards (and supporting policies)

Given the direction of the RMA, the proposed plan change could only include development standards that are more enabling of development than the MDRS. While more enabling development standards could lead to greater housing supply, along with the added benefits of greater housing supply and density, it would also lead to greater impacts from the increase in built development and density.

The proposed plan change does not include more enabling standards, in part due to the significant increase in the level of development (and associated effects) that the proposed plan change would already enable by simply incorporating the density standards of the MDRS and giving effect to Policy 3 of the NPS-UD.

Instead, the proposed plan change provides for development that does not meet the development standards through a resource consent pathway that enables the impacts of the development to be considered on a case-by-case basis.

Additional development standards (and supporting policies) to control additional aspects of development

An IPI can include related provisions that support the MDRS and Policies 3 and 4 of the NPS-UD. This could include provisions that control additional aspects of development, including design aspects.

This option has not been adopted as there has been no evaluation of which additional controls could be imposed or the impacts of those control on development. The only exceptions are the controls that have been continued from the operative District Plan (such as controls on permeable surface, stormwater retention and screening/storage).

Policy 4F 3.9

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

Policy 4F 3.10

~~Encourage medium density residential development to be stormwater neutral.~~

Require development to be stormwater neutral.

Rule 4F 4.2.5 Permeable Surface

Rule 4F 4.2.10 Stormwater Retention

Why these provisions are included in the plan change

Policies 4F 3.9 and 4F 3.10 and the associated rules set the approach for managing stormwater in the Medium Density Residential Activity Area. They implement Objectives 4F 2.1AA and 4F 2.6.

For the most part, the proposed plan change continues the approach of the operative District Plan with regard to stormwater management. No amendments are proposed for Policy 4F 3.9.

The proposed amendments for Rules 4F 4.2.5 and 4F 4.2.10 are relatively minor:

- The matters of discretion of Rule 4F 4.2.5 would be amended to remove references to design elements that do not relate to stormwater management.
- Rule 4.2.10 would be amended to remove a clause that exempts accessory buildings from the rule, as there is an exemption for accessory buildings earlier in the rule.

Policy 4F 3.10 would be amended to require stormwater neutrality, rather than encourage it. This is to strengthen the policy support for stormwater neutrality, particular for developments that require resource consent. The amendments also ensure the policy applies to all development in the zone, and not just medium density residential development.

Efficiency and effectiveness

Benefits

- The Permeable Surface and Stormwater Retention development standards and supporting policies reduce impacts of development on the stormwater network.

Costs

- As with any development standard, these development standards impose an additional constraint on development. Any constraint on development can impact whether development occurs, and reduces development capacity (although these are existing standards of the operative District Plan).

Other reasonably practicable options for achieving the objectives

More permissive development standards for Permeable Surface and Stormwater Retention

The proposed plan change could include more permissive development standards, or omit them altogether. While this would be more enabling of development, it would enable development with a greater impact on

the stormwater network.

More constraining development standards for Permeable Surface and Stormwater Retention

As these standards are not from the density standards of the MDRS, there is an option of including more constraining development standards. However, these standards can only be included in the proposed plan change as related provisions that support the MDRS and Policies 3 and 4 of the NPS-UD. For a more constraining development standard to be included, it would need to be demonstrated that the proposed standard meets the criteria.

Policy 4F 3.11

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

Policy 4F 3.12

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

Why these provisions are included in the plan change

Policies 4F 3.11 and 4F 3.12 would be removed by the proposed plan change as part of the proposed plan changes approach to consolidating natural hazard provisions.

Efficiency and effectiveness

Removing these policies improves the effectiveness and efficiency of the District Plan by ensuring that all provisions on managing natural hazard risk are included in *Chapter 14H: Natural Hazards*. The effectiveness and efficiency of the proposed provisions for Chapter 14H are discussed later in this evaluation.

Benefits

- Consolidating natural hazard provisions into Chapter 14H improves clarity of the Plan as it avoids the risk of the Plan including inconsistent policies and uncertainty for plan users on the location of relevant natural hazard policies.

Costs

- There are no costs from the relocation of natural hazard provisions to Chapter 14H.

Other reasonably practicable options for achieving the objectives

The only other reasonably practicable option would be to retain these policies in Chapter 14F. However, this option is less appropriate as it would lead to natural hazard policies being set in multiple parts of the Plan, which creates a risk of having inconsistent policies and uncertainty for plan users.

Policy 4F 3.13

Manage development on sites neighbouring marae in the Community Iwi Activity Area to ensure that risks to cultural safety and tikanga from overlooking, visual dominance, and noise are adequately addressed.

Rule 4F 4.2.4A Height in Relation to Boundary and Setback Requirements for Sites Abutting Marae in the Community Iwi Activity Area

Why these provisions are included in the plan change

Policy 4F 3.13 and Rule 4F 4.2.4A address potential impacts of an increase in development on cultural values of Marae.

The policy and rule implement Objective 4F 2.7.

The policy and rule are part of the proposed plan change approach to accommodating qualifying matters. In particular, the policy and rule recognise and provide for *the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga* (s6 of the RMA).

The RMA sets additional evaluation requirements for accommodating qualifying matters in an IPI. The additional information required for incorporating sites adjacent to Marae and Urupā as a qualifying matter in the proposed plan change is provided in Appendix 5 of this report.

Efficiency and effectiveness
<p>Benefits</p> <ul style="list-style-type: none"> The development standard and supporting policy manages impacts on cultural values without preventing development, by ensuring permitted development is possible and by providing a resource consent pathway for development that would not meet the permitted activity standards. <p>Costs</p> <ul style="list-style-type: none"> Despite the proposed development standard and policy, there is still the potential for development on sites adjacent to Marae that may impact cultural values. As with any development standard, these development standards impose an additional constraint on development. Any constraint on development can impact whether development occurs, and reduces development capacity (although these are existing standards of the operative District Plan).
Other reasonably practicable options for achieving the objectives
<p>More permissive development standards for sites adjoining Marae</p> <p>The proposed plan change could include more permissive development standards, or omit them altogether. While this would be more enabling of development, it would enable development with a greater impact on the cultural values of Marae.</p> <p>More constraining development standards for sites adjoining Marae</p> <p>As these standards are not from the density standards of the MDRS, there is an option of including more constraining development standards. While this would further discourage development that has the potential to have an impact on cultural values of Marae, it would be more constraining of development and would further constrain development capacity.</p> <p>Additional requirements for development on sites adjoining Marae</p> <p>The District Plan could include additional controls on activities on sites adjoining Marae, including the design of buildings. However, as an IPI is only able to address qualifying matters through limits on building height and density, additional controls on activities or the design of buildings would not be within the scope of what can be included in the proposed plan change.</p>

7.3.4.4 Evaluation of precincts and scheduled sites

4F 5.1 Residential Heritage Precinct
<p><u>Objective 4F 5.1.1.1</u></p> <p><u>The historic heritage of residential areas in the Residential Heritage Precinct are protected from new development with inappropriate building heights and density</u></p>
<p><u>Policy 4F 5.1.2.1</u></p> <p><u>Manage the impacts of new built development on the historic heritage of areas in the Residential Heritage Precinct by limiting building heights and density to the extent necessary to protect the historic heritage.</u></p>
<p><u>Rule 4F 5.1.3.1</u></p> <p><u>Building height and density in the Residential Heritage Precinct</u></p>
Why these amendments are included in the plan change
<p>The RMA and NPS-UD enable councils to make the MDRS and building height and density requirements under Policy 3 of the NPS-UD less enabling of development in relation to an area within a relevant residential zone, but only to the extent necessary to accommodate a qualifying matter described in the RMA (section 771 of the RMA).</p> <p>The protection of historic heritage from inappropriate subdivision, use and development (from section 6 of the RMA) is identified as a qualifying matter.</p> <p>As part of the full District Plan review, the Council has undertaken a technical review of the heritage buildings, sites and areas that are identified and protected through the District Plan. This review identified some areas with significant historic heritage values (based on criteria from Policy 21 of the RPS) that are not currently</p>

identified in the District Plan.

The Residential Heritage Precinct has been included in the proposed plan change to limit building heights and density to protect the historic heritage values of the residential areas identified through that review. It covers areas in both the Medium Density Residential and High Density Residential Activity Areas. The area identified by the precinct is not currently identified in the operative District Plan as a historic heritage area.

The provisions for the precinct achieve this in a relatively simple, straight-forward way, by requiring resource consent (as a restricted discretionary activity) for development in the identified areas that would increase building height or density. The impacts on the historic heritage values of the area would then be considered through the resource consent process.

However, other changes to a building in the area (including demolition of all or part of a building) would not necessarily require resource consent (unless there are other provisions in the Plan that would require resource consent for the activity). This is because the scope of what can be included in an IPI is limited. Additional protection for historic heritage values of buildings in these areas would need to be applied through a separate plan change.

The RMA sets additional evaluation requirements for accommodating qualifying matters in an IPI. The additional information required for incorporating historic heritage as a qualifying matter in the proposed plan change is provided in Appendix 5 of this report.

Note on existing historic heritage areas in the District Plan

The operative District Plan identifies two residential heritage areas. These are primarily identified through the Historic Residential Activity Area (although parts are also identified in *Chapter 14F: Heritage Buildings and Structures*).

The District Plan already applies controls on built development within these areas, including specific rules on alterations to buildings and structures in these areas. To ensure these existing controls are retained, the proposed plan change identifies the existing residential heritage areas in a separate heritage precinct (4G 5.3 Residential Heritage Precinct – Area 2).

How the objective achieves the purpose of the RMA

The objective contributes to enabling people and communities to provide for their social and cultural wellbeing by protecting areas with identified historic heritage values.

Through the objective, the proposed plan recognises and provides for the protection of historic heritage from inappropriate subdivision, use and development (s6(h) of the RMA).

Efficiency and effectiveness

The policy and rule are efficient and effective at implementing the objective for the precinct (Objective 4G 5.1.1.1) as they directly address the building heights and density referred to in the objective. However, the effectiveness of the policy and rule of implementing more general objectives on protecting historic heritage values is relatively low as the policy and rules would not prevent the demolition of buildings within the areas identified, and the heritage values are largely derived from the actual buildings of the area, and not just building heights and density.

However, this is a result of the relatively limited scope of the proposed plan change. A future change to the District Plan would be required to add additional protection to the heritage values of buildings in the areas identified.

Benefits

- Protects historic heritage values within the precinct through constraints on building heights and density. These constraints may also discourage developments that would involve demolition of buildings within the precinct.

Costs

- Adds a constraint to development within the precinct, which has an impact on residential development capacity.

Other reasonably practicable options for achieving the objectives

Exclude the precinct from the proposed plan change

Under this option, the proposed plan change would not apply the historic heritage qualifying matter to this area, which would enable greater development in the area but at the cost of potential impacts on historic

heritage values.

This option is not adopted in the proposed plan change due to the potential impacts on historic heritage values from greater building heights and densities in the precinct.

4F 5.2 Scheduled Site 39 Fitzherbert Road, Wainuiomata – Housing for the Elderly

Rule 4F 5.2.1.1(a)

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

[Matters of discretion are listed in the rule]

Rule 4F 5.2.1.1(b)

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

Why these provisions are included in the plan change

These provisions are part of a minor consequential amendment.

39 Fitzherbert Road, Wainuiomata is an existing scheduled site in the District Plan. It applies to the site for a proposed retirement village.

Under the operative District Plan, the site is in the General Residential Activity Area. However, as the proposed plan change would rezone the site to the Medium Density Residential Activity Area, the proposed plan change would transfer the site-specific rules for the site to the Medium Density Residential Activity Area to ensure the existing approach of the District Plan is continued.

Efficiency and effectiveness

As the relocation of these rules to the Medium Density Residential Activity Area chapter is a minor consequential amendment, an assessment of the efficiency and effectiveness of the rules is unnecessary.

4F 5.3 Scheduled Site for Silverstream Retreat – 320 Eastern Hutt Road

Rule 4F 5.3.1.1(a)

Visitor Accommodation, Conference Facilities and Places of Assembly at 320 Eastern Hutt Road are **permitted activities** if:

- (i) The buildings associated with the activity comply with the development standards under Rule 4F 4.2.

Rule 4F 5.3.1.1(b)

Visitor Accommodation, Conference Facilities and Places of Assembly at 320 Eastern Hutt Road where the buildings associated with the activity do not comply with the development standards under Rule 4F 4.2 are **restricted discretionary activities**.

[Matters of discretion are listed in the rule]

Why these provisions are included in the plan change

These provisions are part of a minor consequential amendment.

The Silverstream Retreat is an existing scheduled site in the operative District Plan.

Under the operative District Plan, the site is in the General Residential Activity Area. However, as the proposed plan change would rezone the site to the Medium Density Residential Activity Area, the proposed plan change would transfer the site-specific rules for the site to the Medium Density Residential Activity Area to ensure the existing approach of the District Plan is continued.

Efficiency and effectiveness

As the relocation of these rules to the Medium Density Residential Activity Area chapter is a minor consequential amendment, an assessment of the efficiency and effectiveness of the rules is unnecessary.

7.3.5 Chapter 4G: High Density Residential Activity Area

(138) The following tables evaluate the proposed objectives, policies and rules of Chapter 4G: High Density Residential Activity Area. Chapter 4G would be an entirely new chapter.

(139) The evaluation for Chapter 4G is broken into three parts:

- Evaluation of the objectives,
- Evaluation of policies and associated rules, and
- Evaluation of precincts and scheduled sites.

7.3.5.1 Summary of approach for the High Density Residential Activity Area

- Apply the zone to residential areas that are either:
 - Within the walkable catchment of the Central Commercial and Petone Commercial Activity Areas or train stations on the Hutt Valley and Melling lines, or
 - Adjacent to the suburban commercial centres of Avalon, Eastbourne, Moera, Stokes Valley and Wainuiomata.
- Set objectives and policies that:
 - Incorporate the MDRS,
 - Reflect the change in level of development provided for in the zone, particularly the level of development that must be enabled under Policy 3 of the NPS-UD, and
 - In other cases, continue the approach of the operative District Plan for the Medium Density Residential Activity Area,
- Set development standards that:
 - Incorporate the density standards of the MDRS, except for the maximum building height standard,
 - Permit maximum building heights of 22m (six storeys) for most of the zone, but 14m (four storeys) for areas adjacent to suburban commercial centres of Eastbourne, Stokes Valley and Wainuiomata, and
 - In all other cases, continue the approach of the operative District Plan for the Medium Density Residential Activity Area, and
- Retain existing activity rules.

7.3.5.2 Evaluation of objectives

Objective 4G 2.1

A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

Why this objective is included in the proposed plan change

Objective 4G 2.1 is a mandatory objective from the RMA that supports the MDRS. The District Plan must incorporate these mandatory provisions for all relevant residential zones.

The objective sets a desired outcome for the urban environment that directly links to the purpose of the RMA (to promote sustainable management of natural and physical resources) and the RMA definition of sustainable management.

How the objective achieves the purpose of the RMA

The objective sets an outcome for the urban environment that directly relates to the purpose of the RMA of enabling people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety.

Objective 4G 2.2

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

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

Why this objective is included in the proposed plan change

Objective 4G 2.2 is similar to Objectives 4A 2.1 and 4F 2.1 of the operative District Plan, which apply to the General Residential and Medium Density Residential Activity Area. However, it has been updated to reflect the high density of development that would be provided for in the zone.

The objective ensures the same outcome is sought by the District Plan with regard to the mix of residential and non-residential activities in the relevant residential areas.

How the objective achieves the purpose of the RMA

Objective 4G 2.2 is a continuation of existing objectives of the District Plan for the General Residential and Medium Density Residential Activity Areas. The objective provides for the communities social, economic and cultural wellbeing by providing for residential activities and addressing the potential impacts of non-residential activities on amenity values within the zone.

Objective 4G 2.3

The High Density Residential Activity Area provides for a variety of housing types and sizes that respond to:

- i. Housing needs and demand, and
- ii. The neighbourhood's planned urban built character, including three-storey buildings.

Why this objective is included in the plan change

Objective 4F 2.3 is a mandatory objective from the RMA that supports the MDRS. The District Plan must incorporate these mandatory provisions for all relevant residential zones.

How the objective achieves the purpose of the RMA

The objective enables people and communities to provide for their economic, social and cultural wellbeing by providing for a variety housing to suit the diverse needs and demands of people and communities.

Objective 4G 2.4

Recognise that the neighbourhood's 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 form of up to six storeys that achieves, for that development, the best practicable amenity outcomes for adjoining sites, or
- iii. A taller form if compatible with the amenity levels associated with high density residential development of six storeys.

Why this objective is included in the plan change

Objective 4G 2.4 describes the planned urban built character for the High Density Residential Activity Area. An objective on the planned character (as opposed to the existing character) is required given the degree of change that may occur within the zone because of the Medium Density Residential Standards and the need to enable greater building heights and densities in accordance with Policy 3 of the NPS-UD.

The objective highlights that a key aspect of the planned urban built character is the flexibility and variety of housing types and density provided for by the zone.

How the objective achieves the purpose of the RMA

The objective contributes to enabling people and communities to provide for their economic, social and cultural wellbeing by setting a planned urban built character for the High Density Residential Activity Area that provides for flexibility of built forms, including taller buildings that could make a significant contribution to residential development capacity. This planned urban built character ensures that a variety of housing types to suit the diverse needs and demands of people and communities is provided for by the Plan.

Objective 4G 2.5

Built development is of high quality and provides

- i. appropriate on-site amenity for residents,
- ii. appropriate residential amenity for adjoining sites, and
- iii. a high level of amenity for the street.

Why this amendment is included in the plan change

Objective 4G 2.5 seeks high quality built development at the site, adjoining site, and street scale.

What is considered *high quality* built development and *appropriate* amenity would be informed by the objectives, policies and rules that set the planned urban built character for the zone, and in particular, the rules that incorporate the MDRS and give effect to Policy 3 of the NPS-UD.

How the objective achieves the purpose of the RMA

The objective contributes to enabling people and communities to provide for their economic, social and cultural wellbeing by setting an outcome that provides for housing while also addressing the amenity of the surrounding area.

Objective 4G 2.6

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

Why this amendment is included in the plan change

Objective 4G 2.6 sets a desired outcome for servicing built development with infrastructure.

It is a continuation of Objective 4A 2.5 and 4F 2.6 of the operative District Plan, which apply to the General Residential and Medium Density Residential Activity Areas, respectively.

How the objective achieves the purpose of the RMA

The objective provides for the social, economic and cultural wellbeing of people and communities by ensuring that built development is serviced by infrastructure, which in turn ensures that built development does not result in impacts on the environment from insufficient infrastructure.

Objective 4G 2.7

To protect the cultural safety and tikanga associated with activities at marae in the Community Iwi Activity Area.

Why this objective is included in the plan change

Development on sites adjoining Marae and urupā can have an impact on the cultural activities and tikanga that take place at Marae and urupā. This is of particular concern for the proposed plan change given the level of development, particularly building height, that the proposed plan change would enable on sites adjoining Marae and urupā.

The proposed plan change includes policies and rules to accommodate the protection of these values as a qualifying matter. Objective 4G 2.7 sets the outcome sought by these policies and rules with regard to the High Density Residential Activity Area.

The objective refers to marae in the Community Iwi Activity Area as all marae that abut sites in the High Density Residential Activity Area are in this zone. However, this objective does not refer to urupā as no sites proposed for inclusion in the High Density Residential Activity Area adjoin urupā.

How this objective achieves the purpose of the RMA

Provides for social and cultural wellbeing by recognising and providing for the relationship of Māori and their culture with their ancestral lands, water, sites, waahi tapu, and other taonga.

7.3.5.3 Evaluation of policies and rules

<p>Policy 4G 3.1 Provide for residential activities, and those non-residential activities that support the community's social, economic and cultural wellbeing and manage any adverse effects on residential amenity.</p>	
<p>Rule 4G 4.1.1 Residential Activities Rule 4G 4.1.2 Home Occupation Rule 4G 4.1.3 Care Facilities, Residential Facilities, Boarding Houses, Hostels, Visitor Accommodation Rule 4G 4.1.4 Childcare Facilities Rule 4G 4.1.5 Health Care Services</p>	<p>Rule 4G 4.1.6 Community Facilities, Marae, Education Facilities, Places of Assembly and Emergency Facilities Rule 4G 4.1.7 Retirement Villages Rule 4G 4.1.8 Other Non-Residential Activities Rule 4G 4.1.9 Light Spill Rule 4G 4.1.10 Vibration Rule 4G 4.1.11 Vegetation Removal</p>
<p>Why these amendments are included in the plan change</p>	
<p>Policy 4G 3.1 is a continuation of the existing policy of the operative District Plan for the General Residential and Medium Density Residential Activity Area.</p> <p>The associated rules are the same as the proposed rules for the Medium Density Residential Activity Area, and are largely the same as the rules of the operative District Plan for the General Residential and Medium Density Residential Activity Areas. The rules that differ from those of the operative District Plan are:</p> <ul style="list-style-type: none"> • Rule 4G 4.1.7 Retirement Villages, and • Rule 4G 4.1.11 Vegetation Removal. <p>For Rule 4G 4.1.7 (Retirement Villages), one of the matters of discretion refers to design standards in general rather than specifically to standards for mixed use and medium density residential development.</p> <p>For Rule 4G 4.1.11 (Vegetation Removal), the proposed plan change continues the vegetation removal rule for the General Residential Activity Area. This is because the zone may include sites that are not Urban Environment Allotments (as defined in s76(4C) of the RMA).</p>	
<p>Efficiency and effectiveness</p>	
<p>The proposed amendments would have little impact on the effectiveness and efficiency of the District Plan as they largely continue the existing approach of the District Plan for the areas that are in the Medium Density Residential Activity Area.</p> <p>However, the amendment to Rule 4F 4.1.7 (Retirement Villages) would improve clarity of the Matters of Discretion.</p> <p>Amendments to activity status of some activities from rezoning areas in the Historic Residential and Special Residential Activity Area</p> <p>The proposed plan change would rezone some areas in the Historic Residential and Special Residential Activity Areas to the High Density Residential Activity Area. This is part of the proposed consolidation of residential zones, and ensures that areas where a similar scale and form of development is provided for are in the same zone.</p> <p>Under the operative District Plan the activity status for some activities is different in the Historic Residential and Special Residential Activity Area from the activity status in the Medium Density Residential Activity Area (the activity rules of the proposed High Density Residential Activity Area are based on the activity rules from this zone).</p> <p>As a result, the activity status for some activities will change for areas that are currently in the Historic Residential and Special Residential Activity Area that will be rezoned to High Density Residential Activity Area.</p>	
<p>Other reasonably practicable options for achieving the objectives</p>	
<p>A new suite of activity rules</p> <p>Given the High Density Residential Activity Area is a new zone that provides for a greater level of built development and density than what is currently provided for by the Plan, a new suite of activity rules could be</p>	

appropriate. This could ensure that the non-residential activities that support high density residential development are provided for by the Plan.

However, the range of activities that should be provided for in the zone has not been reviewed in the development of the proposed plan change, and the introduction of new activity rules is arguably not within the scope of what can legally be included in an IPI.

Apply the existing rule of the Medium Density Residential Activity Area for Retirement Villages (Rule 4F 4.1.7) without amendment

This option was not adopted as the matters of discretion of the existing rule has a level of uncertainty on how to apply the rule's matter of discretion on design elements. The proposed rule would remove this uncertainty.

Apply the existing rule of the Medium Density Residential Activity Area for Vegetation Clearance (Rule 4F 4.1.11)

The District Plan's rules for vegetation removal in residential areas are recent additions to the District Plan, being added to the Plan in 2021 on the direction of the Environment Court.

However, the existing vegetation removal rule for the Medium Density Residential Activity Area is relatively simple as the zone applies to confined urban areas with only Urban Environment Allotments (as defined in s76(4C) of the RMA).

As most of the areas that would be in the High Density Residential Activity Area are in the General Residential Activity Area (including areas that may include sites that do not meet the definition of Urban Environment Allotments) the existing rule for the General Residential Activity Area is more appropriate.

Policy 4G 3.2

Enable a variety of housing types with a mix of densities within the High Density Residential Activity Area, including three-storey attached and detached dwellings, and low-rise apartments.

Policy 4G 3.3

Enable buildings of up to six storeys, and buildings of more than six storeys where compatible with the amenity levels associated with high density six-storey residential development.

Policy 4G 3.4

Provide for developments not meeting permitted activity status, while encouraging high-quality developments.

Policy 4G 3.5

Enable housing to be designed to meet the day-to-day needs of residents.

Policy 4G 3.6

Require built development to provide occupants with adequate opportunities for outdoor living through having useable and accessible on-site private outdoor living space, or through access to appropriate communal or nearby public open space of comparable utility.

Policy 4G 3.7

Encourage development to contribute to an attractive setting for occupants and the surrounding area, which can be achieved through:

- i. landscaped areas that contribute to amenity,
- ii. adequate outlook areas from habitable rooms, and
- iii. other means that would adequately mitigate a lack of landscaping or outlook areas.

Policy 4G 3.8

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

Policy 4G 3.9

Require the design of built development of up to three storeys to maintain a reasonable level of 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, 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.

Policy 4G 3.11

Require the design of built development of over six storeys to achieve outcomes for privacy, sunlight, and appearance consistent with that of the best practicable outcomes for a development of six storeys.

Policy 4G 3.12

Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.

Policy 4G 3.16

Modify the general approach of the Activity Area in Eastbourne, Stokes Valley, and Wainuiomata to enable buildings of up to four storeys, rather than six storeys, and achieve corresponding outcomes for amenity values including privacy, sunlight, and appearance.

Rule 4G 4.2.1	Number of Residential Units per Site	Rule 4G 4.2.9	Accessory Building
Rule 4G 4.2.2	Building Coverage	Rule 4G 4.2.10	Screening and Storage
Rule 4G 4.2.3	Building Height	Rule 4G 4.2.11	Demolition
Rule 4G 4.2.4	Height in Relation to Boundary	Rule 4G 4.2.13	Outlook space (per unit)
Rule 4G 4.2.5	Setbacks	Rule 4G 4.2.14	Windows to Street
Rule 4G 4.2.8	Outdoor Living Space	Rule 4G 4.2.15	Landscaped Area

Why these provisions are included in the plan change

These policies and rules work as a package to enable built development in the High Density Residential Activity Area while managing impacts of built development, particularly through development standards on bulk, location and design of built development.

The policies and rules would implement Objectives 4G 2.1, 4G 2.3, 4G 2.4, and 4G 2.5.

The policies:

- Incorporate the policies from the MDRS (Policies 4G 3.2, 4G 3.4, 4G 3.5 and 4G 3.12), and
- Support the application of the proposed rules, particularly regarding the planned built character and amenity for the zone.

The policies also make it clear that the planned built character for the zone includes six-storey buildings (particularly Policies 4G 3.3 and 4G 3.10), to reflect the requirements of Policy 3 of the NPS-UD.

The rules:

- Except for the development standard on maximum building height, incorporate the density standards of the MDRS without modification,
- Apply a maximum building height standard of 22m for most areas, but 14m for areas adjacent to Eastbourne, Stokes Valley and Wainuiomata suburban centres,

- Apply two additional rules from the operative District Plan – Rules 4F 4.2.8 (Screening and Storage) and 4F 4.2.9 (Demolition), and
- Provide for development that does not meet the development standards through restricted discretionary rules and notification preclusions (in-line with the requirements of the MDRS), and
- Set matters of discretion to be considered during a resource consent process.

The more general policies (Policies 4G 3.2, 4G 3.4 and 4F 3.5) are implemented through all the development standard rules. More specific policies are implemented through specific rules. In particular:

- Policies 4G 3.3, 4G 3.10 and 4G 3.11 regarding buildings of more than three storeys – implemented through Rules 4G 4.2.1 (Number of Residential Units per Site), 4G 4.2.3 (Building Height) and 4G 4.2.4 (Height in Relation to Boundary),
- Policy 4G 3.6, regarding outdoor living space – implemented through Rule 4G 4.2.8 (Outdoor Living Space),
- Policy 4G 3.7, regarding an attractive setting for occupants and the surrounding area – implemented through Rules 4G 4.2.13 (Outlook Space) and 4G 4.2.15 (Landscaped Area),
- Policy 4G 3.8, regarding height, bulk and form of built development - implemented through Rules 4G 4.2.2 (Building Coverage), 4G 4.2.3 (Building Height), 4F 4.2.4 (Height in Relation to Boundary) and 4F 4.2.5 (Setbacks),
- Policy 4G 3.9, regarding privacy and sunlight access – implemented through Rules 4G 4.2.3 (Building Height), 4G 4.2.4 (Height in Relation to Boundary) and 4G 4.2.5 (Setbacks), and
- Policy 4G 3.12, regarding attractive and safe streets – implemented through Rules 4G 4.2.4 (Height in Relation to Boundary), 4G 4.2.5 (Setbacks) and 4G 4.2.14 (Windows to Street).

As a package, the policies and rules:

- Ensure three-storey attached and detached dwellings and low-rise apartments can occur as a permitted activity,
- Encourage high-quality developments, and
- Where standards would not be met, set a consenting pathway for developments to obtain resource consent as restricted discretionary activity.

In addition, the policies and rules enable buildings of at least six storeys. While this is in part achieved through a maximum building height standard of 22m in most of the zone, it is likely that developments of this scale would require resource consent under Rule 4G 4.2.1 (Number of Residential Units per Site) and/or Rule 4G 4.2.4 (Height in Relation to Boundary). However, six storey buildings would still be enabled while managing the potential impacts of development of this scale through:

- Restricted discretionary rules for developments that would not meet Rule 4G 4.2.1 (Number of Residential Units per Site) and Rule 4G 4.2.4 (Height in Relation to Boundary) and notification preclusions (in-line with the requirements of the MDRS),
- Matters of discretion in Rule 4G 4.2.1 (Number of Residential Units per Site) and Rule 4G 4.2.4 (Height in Relation to Boundary), and
- Policies that support development of this scale while giving direction on addressing impacts from the development (particularly Policy 4G 3.10).

The resource consent requirement for developments of more than three residential units (Rule 4G 4.2.1) enables design aspects and infrastructure capacity to be taken into account through the resource consent process.

Efficiency and effectiveness

These provisions are effective and efficient because the policies and associated rules incorporate the MDRS in a clear, straight-forward way, with matters of discretion that directly address the effects of the specific standard or standards that are breached.

Benefits

- Provides for increased housing supply and variety, which can have added benefits of:
 - Increased housing choice,
 - Increased housing affordability,
 - Increased employment opportunities (through construction), and
 - Benefits of increased density, including increase in economic activity and economies of scale for provision of infrastructure and services.

- Development standards provide for a level of amenity for adjoining sites and the streetscape by managing density and built development, in particular:
 - Provision of outdoor living space,
 - Provision of landscaping,
 - Managing impacts of built development on sunlight access and privacy,
 - Managing visual dominance for taller buildings, and
 - Encouraging safe and attractive streets.
- Number of Residential Units per Site standard provides for consideration of impacts of development on infrastructure capacity.

Costs

- Increase in scale of built development provided for can impact:
 - Access to sunlight,
 - Privacy, and
 - Loss of outlook/views.
 - Capacity of infrastructure and services
- Increase in density provided for can impact capacity of existing infrastructure and services.
- While the proposed development standards are mostly more enabling of development than standards of the operative District Plan, these proposed standards still add a constraint on development, which can limit the benefits of increased housing supply and variety.

Other reasonably practicable options for achieving the objectives

More enabling development standards (and supporting policies)

Given the direction of the RMA, the proposed plan change could only include development standards that are more enabling of development than the MDRS.

With regard to enabling buildings of at least six storeys (Policy 3(c) of the NPS-UD), this could include a permissive maximum height in relation to boundary standard, as this standard is one of the key constraints on six-storey buildings.

With regard to enabling building heights and density for areas adjacent to suburban centres that is commensurate with the level of commercial activity and community services (Policy 3(d) of the NPS-UD), this could include applying a single set of standards to all areas, or varying the standards more to align with the level of commercial activity and community services.

While more enabling development standards could lead to greater housing supply and density it would also lead to greater impacts from the increase in built development and density on adjoining properties.

The proposed plan change does not include more enabling standards, in part due to the significant increase in the level of development (and associated effects) that the proposed plan change would already enable by simply incorporating the density standards of the MDRS and giving effect to Policy 3 of the NPS-UD.

Instead, the proposed plan change provides for development that does not meet the development standards through a resource consent pathway that enables the impacts of the development to be considered on a case-by-case basis.

Additional development standards (and supporting policies) to control additional aspects of development

An IPI can include related provisions that support the MDRS and Policies 3 and 4 of the NPS-UD. This could include provisions that control additional aspects of development, including design aspects.

This option has not been adopted as there has been no evaluation of which additional controls could be imposed or the impacts of those control on development. The only exceptions are the controls that have been continued from the operative District Plan (such as controls on permeable surface, stormwater retention and screening/storage).

Additional options for enabling buildings of at least six storeys

In addition to the general options described above, the following options could be adopted to enable buildings of at least six storeys:

1. Applying a more permissive maximum height and height in relation to boundary standards for the front

portion of a site (encouraging development to be located closer to the street).

2. Applying an additional standard that requires a minimum level of sunlight access for adjoining sites.

Each of these additional options is a more complex option than the approach of the proposed plan change. Option 1 would be relatively straight-forward to implement for regular shaped sites that front the street. However, it would be more complicated to apply for sites that are irregular shapes (such as sites that are often found at the end of cul-de-sacs) and rear sites.

Option 2 would be more complicated to apply as it would require the development of a standard to describe the level of sunlight access that must be applied.

Policy 4G 3.13

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

Policy 4G 3.14

Require development to be stormwater neutral.

Rule 4G 4.2.7 Permeable Surface

Rule 4G 4.2.12 Stormwater Retention

Why these amendments are included in the plan change

Policies 4G 3.13 and 4G 3.14 and the associated rules set the approach for managing stormwater in the High Density Residential Activity Area. They implement Objectives 4G 2.1 and 4G 2.6.

For the most part, the proposed plan change continues the District Plan’s approach for stormwater management in the General Residential and Medium Density Residential Activity Areas.

However, the matters of discretion of Rules 4G 4.2.7 (Permeable Surface) refers solely to design elements that relate to stormwater management (in the operative District Plan, the equivalent rules refer to additional design elements).

Efficiency and effectiveness

These provisions are effective and efficient as the policies and associated rules incorporate the MDRS in a clear, straight-forward way, with matters of discretion that directly address the effects of the specific standard or standards that are breached.

Benefits

- The Permeable Surface and Stormwater Retention development standards and supporting policies reduce impacts of development on the stormwater network.

Costs

- As with any development standard, these development standards impose an additional constraint on development. Any constraint on development can impact whether development occurs, and reduces development capacity (although these are existing standards of the operative District Plan).

Other reasonably practicable options for achieving the objectives

More permissive development standards for Permeable Surface and Stormwater Retention

The proposed plan change could include more permissive development standards, or omit them altogether. While this would be more enabling of development, it would enable development with a greater impact on the stormwater network.

More constraining development standards for Permeable Surface and Stormwater Retention

As these standards are not from the density standards of the MDRS, there is an option of including more constraining development standards. However, these standards can only be included in the proposed plan change as related provisions that support the MDRS and Policies 3 and 4 of the NPS-UD. For a more constraining development standard to be included, it would need to be demonstrated that the proposed standard meets this requirement.

Policy 4G 3.15

Manage development on sites neighbouring marae in the Community Iwi Activity Area to ensure that risks to cultural safety and tikanga from overlooking, visual dominance, and noise are adequately addressed.

Rule 4G 4.2.6 Height in Relation to Boundary and Setback Requirements for Sites Abutting Marae in the Community Iwi Activity Area

Why these amendments are included in the plan change

Policy 4G 3.15 and Rule 4G 4.2.6 have been included in the proposed plan change to address the potential impacts of an increase in development on cultural values of Marae.

The policy and rule implement Objective 4G 2.7.

The policy and rule are part of the proposed plan change approach to accommodating qualifying matters. In particular, the policy and rule recognise and provide for *the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga* (s6 of the RMA).

The RMA sets additional evaluation requirements for accommodating qualifying matters in an IPI. The additional information required for incorporating sites adjacent to Marae and Urupā as a qualifying matter in the proposed plan change is provided in Appendix 5 of this report.

Efficiency and effectiveness

These provisions are effective and efficient because the policies and associated rules incorporate the MDRS in a clear, straight-forward way, with matters of discretion that directly address the effects of the specific standard or standards that are breached.

Benefits

- The development standard and supporting policy manages impacts on cultural values without preventing development, by ensuring permitted development is possible and by providing a resource consent pathway for development that would not meet the permitted activity standards.

Costs

- Despite the proposed development standard and policy, there is still the potential for development on sites adjacent to Marae that may impact cultural values.
- As with any development standard, these development standards impose an additional constraint on development. Any constraint on development can impact whether development occurs, and reduces development capacity (although these are existing standards of the operative District Plan.

Other reasonably practicable options for achieving the objectives

More permissive development standards for sites adjoining Marae

The proposed plan change could include more permissive development standards, or omit them altogether. While this would be more enabling of development, it would enable development with a greater impact on the cultural values of Marae.

More constraining development standards for sites adjoining Marae

As these standards are not from the density standards of the MDRS, there is an option of including more constraining development standards. While this would further discourage development that has the potential to have an impact on cultural values of Marae, it would be more constraining of development and would further constrain development capacity.

Additional requirements for development on sites adjoining Marae

The District Plan could include additional controls on activities on sites adjoining Marae, including the design of buildings. However, as an IPI is only able to address qualifying matters through limits on building height and density, additional controls on activities or the design of buildings would not be within the scope of what can be included in the proposed plan change.

7.3.5.4 Evaluation of precincts and scheduled sites

4G 5.1 Tertiary Education Precinct

Policy 4G 5.1.1.1

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

Rule 4G 5.1.2.1(a) Principal Tertiary Education Activities
Rule 4G 5.1.2.1(b) Secondary Tertiary Education Activities

Rule 4G 5.1.2.2 Building Frontages
Rule 4G 5.1.2.3 Corner Sites
Rule 4G 5.1.2.4 Landscaping and Screening

Why these provisions are included in the plan change

The Tertiary Education Precinct applies to the site of the Weltec tertiary education facility in Petone. This is an existing precinct in the District Plan. In the operative District Plan, the precinct is mostly in the General Residential Activity Area (part of the precinct is in the General Business Activity Area). The operative District Plan includes a policy and set of rules that specifically apply to the precinct.

The proposed plan change would rezone this site to the High Density Residential Activity Area as the site is within the walkable catchment of the Petone Commercial Activity Area.

The proposed plan change proposes to continue with a precinct approach for the site, with the precinct-specific provisions being carried through to Section 4G 5.1 of the proposed High Density Residential Activity Area chapter.

However, the operative District Plan includes precinct-specific rules for site coverage (Rule 4A 5.1.2.2), building height (Rule 4A 5.1.2.3), recession planes (Rule 4A 5.1.2.4) and yards (Rule 4A 5.1.2.5). These rules would be removed, and the standards of the underlying zone would apply.

These amendments are included in the proposed plan change to ensure buildings of at least six storeys are enabled within the precinct and to align the level of development that is enabled within the precinct to the level of development that would be enabled in the surrounding residential area.

Efficiency and effectiveness

As Policy 4G 5.1.1.1 is the same as the policy of the operative District Plan for the precinct, its efficiency and effectiveness are unchanged by the proposed plan change.

The proposed amendments to the rules change the way that the rules implement Policy 4G 5.1.1.1 with regard to effects on the surrounding residential environment. However, the policy sets a general direction for managing these effects, and the rules for the precinct will continue to manage these effects, albeit with a greater level of development being enabled.

Benefits

- Provides for greater development on the site, reducing constraints on the provision of education at the site.

Costs

- Enables a greater level of built development at the site, which can impact:
 - Access to sunlight,
 - Privacy,
 - Loss of outlook/views,
 - Capacity of infrastructure and services, and
 - Construction effects (including dust, noise and vibration).

Other reasonably practicable options for achieving the objectives

A new suite of provisions for the Tertiary Education Precinct

An alternative option would be to introduce a new suite of provisions for the Tertiary Education Precinct. This could ensure that the District Plan better provides for activities and development at the site while responding to its surrounding area.

However, the provisions for the Tertiary Education Precinct have not been reviewed during the development of the proposed plan change (except with regard to apply the MDRS and Policies 3 and 4 of the NPS-UD). In addition, a new suite of provisions for the Tertiary Education Precinct would arguably not be within the scope

of what can be included in an IPI.

4G 5.2 Residential Heritage Precinct

Objective 4G 5.2.1.1

The historic heritage of residential areas in the Residential Heritage Precinct are protected from new development with inappropriate building heights and density

Policy 5.2.2.1

Manage the impacts of new built development on the historic heritage of areas in the Residential Heritage Precinct by limiting building heights and density to the extent necessary to protect the historic heritage.

Rule 4G 5.2.3.1

Building height and density in the Residential Heritage Precinct

Why these amendments are included in the plan change

The RMA and NPS-UD enable councils to make the MDRS and building height and density requirements under Policy 3 of the NPS-UD less enabling of development in relation to an area within a relevant residential zone, but only to the extent necessary to accommodate a qualifying matter described in the RMA (section 771 of the RMA).

The protection of historic heritage from inappropriate subdivision, use and development (from section 6 of the RMA) is identified as a qualifying matter.

As part of the full District Plan review, the Council has undertaken a technical review of the heritage buildings, sites and areas that are identified and protected through the District Plan. This review identified some areas with significant historic heritage values (based on criteria from Policy 21 of the RPS) that are not currently identified in the District Plan.

The Residential Heritage Precinct has been included in the proposed plan change to limit building heights and density to protect the historic heritage values of the residential areas identified through that review. It covers areas in both the Medium Density Residential and High Density Residential Activity Areas. The area identified by the precinct is not currently identified in the operative District Plan as a historic heritage area.

The provisions for the precinct achieve this in a relatively simple, straight-forward way, by requiring resource consent (as a restricted discretionary activity) for development in the identified areas that would increase building height or density. The impacts on the historic heritage values of the area would then be considered through the resource consent process.

However, other changes to a building in the area (including demolition of all or part of a building) would not necessarily require resource consent (unless there are other provisions in the Plan that would require resource consent for the activity). This is because the scope of what can be included in an IPI is limited. Additional protection for historic heritage values of buildings in these areas would need to be applied through a separate plan change.

The RMA sets additional information requirements for accommodating qualifying matters in an IPI. The additional information required for incorporating historic heritage as a qualifying matter in the proposed plan change is provided in Appendix 5 of this report.

Note on existing historic heritage areas in the District Plan

The operative District Plan identifies two residential heritage areas. These are primarily identified through the Historic Residential Activity Area (although parts are also identified in *Chapter 14F: Heritage Buildings and Structures*).

The District Plan already applies controls on built development within these areas, including specific rules on alterations to buildings and structures in these areas. To ensure these existing controls are retained, the proposed plan change identifies the existing residential heritage areas in a separate heritage precinct (4G 5.3 Residential Heritage Precinct – Area 2). That precinct is identified below.

The RMA sets additional evaluation requirements for accommodating qualifying matters in an IPI. The additional information required for incorporating historic heritage as a qualifying matter in the proposed plan change is provided in Appendix 5 of this report.

How the objective achieves the purpose of the RMA

The objective contributes to enabling people and communities to provide for their social and cultural wellbeing by protecting areas with identified historic heritage values.

Through the objective, the proposed plan recognises and provides for the protection of historic heritage from inappropriate subdivision, use and development (s6(h) of the RMA).

Efficiency and effectiveness

The policy and rule are efficient and effective at implementing the objective for the precinct (Objective 4G 5.2.1.1) as they directly address the building heights and density referred to in the objective. However, the effectiveness of the policy and rule of implementing more general objectives on protecting historic heritage values is relatively low as the policy and rules would not prevent the demolition of buildings within the areas identified, and the heritage values are largely derived from the actual buildings of the area, and not just building heights and density.

However, this is a result of the relatively limited scope of the proposed plan change. A future change to the District Plan would be required to add additional protection to the heritage values of buildings in the areas identified.

Benefits

- Protects historic heritage values within the precinct through constraints on building heights and density. These constraints may also discourage developments that would involve demolition of buildings within the precinct.

Costs

- Adds a constraint to development within the precinct, which has an impact on residential development capacity.

Other reasonably practicable options for achieving the objectives**Exclude the precinct from the proposed plan change**

Under this option, the proposed plan change would not apply the historic heritage qualifying matter to this area, which would enable greater development in the area but at the cost of potential impacts on historic heritage values.

This option is not adopted in the proposed plan change due to the potential impacts on historic heritage values from greater building heights and densities in the precinct.

4G 5.3 Heretaunga Settlement and Riddlers Crescent Heritage Precincts**Objective 4G 5.3.1.1**

The historic heritage value of the collection of buildings in the Heretaunga Settlement and Riddlers Crescent Heritage Precincts are protected from inappropriate development.

Objective 4G 5.3.1.2

Building height, scale, intensity and location does not adversely affect the historic character of the Heretaunga Settlement and Riddlers Crescent Heritage Precincts or detract from the existing patterns of development.

Policy 5.3.2.1

Maintain and enhance the distinctive historic characteristics of the Heretaunga Settlement and Riddlers Crescent Heritage Precincts.

Policy 5.3.2.2

Protect the distinctive characteristics, form and style of buildings in the Heretaunga Settlement and Riddlers Crescent Heritage Precincts from unsympathetic development.

Policy 5.3.2.3

Protect the existing subdivision patterns and layout from unsympathetic development.

Policy 5.3.2.4

Ensure that non-residential buildings within the Heretaunga Settlement and Riddlers Crescent Heritage Precincts do not affect adversely the visual coherence of the street.

Policy 5.3.2.5

Retain the existing density of development in the Heretaunga Settlement and Riddlers Crescent Heritage Precincts by discouraging the erection of additional residential buildings.

Policy 5.3.2.6

Ensure the height, scale and character of new development in the Heretaunga Settlement and Riddlers Crescent Heritage Precincts is compatible with existing residential development.

Policy 5.3.2.7

Minimise detractions from the existing pattern of development in the Heretaunga Settlement and Riddlers Crescent Heritage Precincts by managing the siting of buildings.

Rule 4G 5.3.3.1 Redevelopment, Alterations, Repair or Modification of Buildings or Structures

Rule 4G 5.3.3.2 Accessory Buildings

Why these amendments are included in the plan change

The operative District Plan includes a Historic Residential Activity Area. This zone applies to two residential areas in Petone that have historic heritage values. The areas are:

- Patrick Street (including parts of The Esplanade, Adelaide Street and Jackson Street at their intersections with Patrick Street), and
- Riddlers Crescent.

As the Historic Residential Activity Area is a relevant residential zone, the District Plan must incorporate the MDRS for areas within the zone. In addition, as the areas are within walkable catchment areas (primarily the walkable catchment of the Petone Commercial Activity Area but in the case of Riddlers Crescent also the walkable catchment of Petone train station), the District Plan must enable buildings of at least six storeys in these areas (under Policy 3(c) of the NPS-UD).

However, the RMA and NPS-UD enable councils to make the MDRS and building height and density requirements under Policy 3 of the NPS-UD less enabling of development in relation to an area within a relevant residential zone, but only to the extent necessary to accommodate a qualifying matter described in the RMA (section 771 of the RMA).

The protection of historic heritage from inappropriate subdivision, use and development (from section 6 of the RMA) is identified as a qualifying matter.

In addition, the District Plan is still able to protect buildings and structures with historic heritage values from inappropriate development.

The Residential Heritage Precinct – Area 2 is included in the proposed plan change to ensure that the historic heritage values of the Patrick Street and Riddlers Street areas continue to be protected in the same way that the values are protected through the operative District Plan (albeit through a new precinct rather than Historic Residential Activity Area).

The RMA sets additional evaluation requirements for accommodating qualifying matters in an IPI. The additional information required for incorporating historic heritage as a qualifying matter in the proposed plan change is provided in Appendix 5 of this report.

How the objective achieves the purpose of the RMA

The objectives contribute to enabling people and communities to provide for their social and cultural wellbeing by protecting areas with identified historic heritage values.

Through the objective, the proposed plan recognises and provides for the protection of historic heritage from inappropriate subdivision, use and development (s6(h) of the RMA).

Efficiency and effectiveness

As the proposed policies and rules for the precinct are the same as the policies and rules of the operative District Plan for the Historic Residential Activity Area, the efficiency and effectiveness of the provisions would be unchanged by the proposed plan change.

The provisions would continue to implement the relevant objective for protecting historic heritage in the area identified (proposed Objective 4G 5.3.1.1).

Benefits

- Protects historic heritage values within the precinct.

Costs

- Adds a constraint to development within the precinct, which has an impact on residential development capacity.

Other reasonably practicable options for achieving the objectives

Only control building heights and density within the precinct

Under this option, the precinct would only control building heights and density within the precinct. All policies and rules relating to other aspects of built development (such as rules on boundary setbacks, height in relation to boundary, site coverage and building length) would be deleted.

While this option would remove constraints on development, it would be at the cost of the historic heritage values of the areas within the precinct. Given the potential effects on historic heritage values, this option was not adopted.

Exclude the precinct from the proposed plan change

Under this option, the proposed plan change would not apply the historic heritage qualifying matter to this area, which would enable greater development in the area but at the cost of potential impacts on historic heritage values.

This option is not adopted in the proposed plan change due to the potential impacts on historic heritage values from greater building heights and densities in the precinct.

Retain the Historic Residential Activity Area

Under this option, the Historic Residential Activity Area would be retained, and the District Plan would continue with existing approach to protecting historic heritage in these areas.

However, this option was not adopted in the proposed plan change to ensure that a resource consent pathway is provided for the larger scale, denser residential developments sought by the RMA in walkable catchment areas, with objectives, policies and rules that ensure that the impacts of development on historic heritage values would be considered in a resource consent process.

In addition, the District Plan must conform to the format and structure set by the National Planning Standards. This includes *Standard 8: Zone Framework Standard*, which specifies which zones can be included in a district plan. Standard 8 does not provide for a historic residential zone. The District Plan does not need to implement the National Planning Standards until 2024. However, ultimately the District Plan will not be able to include the Historic Residential Activity Area in its current form in the longer term.

4G 5.4 Scheduled Site Bellevue Hotel, 140 Woburn Road

Rule 4G 5.4.1.1 Sale of Liquor at Bellevue Hotel	Rule 4G 5.4.1.3 Restaurant at Bellevue Hotel
Rule 4G 5.4.1.2 Visitor Accommodation at Bellevue Hotel	Rule 4G 5.4.1.4 Places of Assembly and Entertainment at Bellevue Hotel

Why these amendments are included in the plan change

These provisions are part of a minor consequential amendment.

140 Woburn Road (the Bellevue Hotel site) is an existing scheduled site in the District Plan. The District Plan includes site-specific provisions to permit activities associated with the operation of a hotel.

Under the operative District Plan, the site is in the Special Residential Activity Area. However, as the proposed plan change would rezone the site to the High Density Residential Activity Area, the proposed plan change would transfer the site-specific rules for the site to the High Density Residential Activity Area to ensure the existing approach of the District Plan is continued.

4G 5.5 Scheduled Site 313 Hautana Square

Rule 4G 5.5.1.1 Educational Activities

Why these amendments are included in the plan change

These provisions are part of a minor consequential amendment.

313 Hautana Square is an existing scheduled site in the District Plan. The District Plan includes site-specific provisions to permit educational activities at the site.

Under the operative District Plan, the site is in the Special Residential Activity Area. However, as the proposed plan change would rezone the site to the High Density Residential Activity Area, the proposed plan change would transfer the site-specific rules for the site to the High Density Residential Activity Area to ensure the existing approach of the District Plan is continued.

4G 5.6 Scheduled Site 32A Hathaway Avenue, Boulcott – Housing for the Elderly

Policy 4G 5.6.1.1

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

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

Policy 4G 5.6.1.2

To enable, for a development where Policy 4G 5.5.1.1 above applies, larger buildings and buildings taller than the permitted height in the High Density Residential Activity Area to recognise the large site and the opportunity to take advantage of views across the Lower Hutt Golf Course from the edge of the new stopbank where the layout, massing, arrangement and design of all buildings is demonstrated in a comprehensive development to achieve:

- (i) All aspects of Policy 4G 5.6.1.2 above;
- (ii) An appropriate urban design response to the wider context so that the coherence of the adjoining neighbour;
- (iii) Appropriate visual permeability across the site;
- (iv) An attractive and well-designed edge treatment when viewed from the new stopbank and avoids buildings that have inappropriate length or mass.

Rule 4G 5.6.2.1 Housing for the Elderly, including the construction or alteration of buildings

Why these provisions are included in the plan change

32A Hathaway Avenue Boulcott is an existing scheduled site in the District Plan. It applies to the site for a proposed retirement village that is in the General Residential Activity Area

The District Plan provides for housing for the elderly at the site as a restricted discretionary activity, subject to the following conditions:

- (i) a building setback of no less than 5m from all Residential Activity Area boundaries, including that of Boulcott School, and
- (ii) Compliance with the development standards of the underlying zoning relating to site coverage, recession planes, yards, permeable surface, provided that:
 - 1. the length of the northern boundary of the site shall be exempt from the recession plane permitted activity conditions.

If these conditions are not met, the proposed housing for the elderly would be a discretionary activity. As the site is in the walkable catchment of the Central Commercial Activity Area, the proposed plan change would rezone the site to the High Density Residential Activity Area.

The proposed plan change proposes to continue with the site-specific provision approach for this site, with the provisions of the operative District Plan being carried through to Section 4G 5.6 of the proposed High Density Residential Activity Area chapter.

However, the proposed plan change would amend the restricted discretionary rule as follows:

- The condition requiring a building setback of no less than 5m from all Residential Activity Area boundaries would be removed, and
- The reference to development standards would relate to the new development standards of the proposed High Density Residential Activity Area, and not the development standards of the General Residential Activity Area

These amendments are included in the proposed plan change to ensure buildings of at least six storeys are enabled within the precinct and to align the level of development that is enabled within the precinct to the level of development that would be enabled in the surrounding residential area.

Efficiency and effectiveness

As Policies 4G 5.6.1.1 and 5.6.1.2 are the same as the site-specific policies of the operative District Plan for the site, their efficiency and effectiveness are unchanged by the proposed plan change.

The proposed amendments to the rules change the way that the rules implement these policies.

Benefits and costs

As the change to the site-specific provisions are minor, the benefits and costs of the change are also minor, particularly as resource consent would still be required for development Housing for the Elderly on the site. However, the change in conditions would result in a more enabling activity status for development nearer boundaries of the site (from restricted discretionary to discretionary), which could have a benefit of being *more enabling* of development but could have a cost of being more enabling of development that has greater impacts on adjoining sites (such as impacts on sunlight access, privacy and outlook/view).

Other reasonably practicable options for achieving the objectives

A new suite of site-specific provisions for Housing for the Elderly

An alternative option would be to introduce a new suite of site-specific provisions for the Housing for the Elderly at the site. However, the site-specific provisions for the site have not been reviewed during the development of the proposed plan change (except with regard to apply the MDRS and Policies 3 and 4 of the NPS-UD). In addition, a new suite of provisions for the site would arguably not be within the scope of what can be included in an IPI.

7.3.6 Chapter 5A: Central Commercial Activity Area

(140) This following tables evaluate the proposed amendments to Chapter 5A: Central Commercial Activity Area.

7.3.6.1 Summary of approach for the Central Commercial Activity Area

- Continue to apply the zone to the area it currently covers under the Operative District Plan.
- Remove the precinct-based approach to height limits and development, replacing it with a zone-wide consistent approach to provide “as much development capacity as possible” (as directed by Policy 3(a) of the NPS-UD) by removing explicit height limits and policies that limit the scale of development in different precincts.
- Amend objectives and policies to reflect the change in level of development provided for in the zone.
- Amend development standards for areas bordering residential areas to reflect the increased scale of development provided for in those areas, and the approach to amenity values of the NPS-UD.
- Retain existing activity rules with minor consequential modifications to reflect the removal of precincts.
- Remove provisions relating to wind effects (these are being moved to a new *Chapter 14M: Wind*), other than in the design guide.
- Update the design guide to remove any major inconsistencies with the changed approach of the NPS-UD, although this is not a comprehensive review of the design guide.

7.3.6.2 Evaluation of objectives

<p>Objective 5A 1.1.1</p> <p>To promote the efficient use and development of the physical resources in the Central Commercial Activity Area, whilst sustaining its vitality and vibrancy as the commercial, civic and community focus of Lower Hutt City.</p>
<p>This objective is unchanged from the operative District Plan.</p>
<p>Objective 5A 1.1.2</p> <p>To increase the mix and diversity of activities in the Central Commercial Activity Area in a way that increases the number of people living, working within, and visiting the area.</p>
<p>This objective is unchanged from the operative District Plan.</p>
<p>Objective 5A 1.1.3</p> <p>To encourage a central public focused core and to recognise and provide for a mix of activities in some parts of the Central Commercial Activity Area.</p>
<p>Why this amendment is included in the proposed plan change</p> <p>The objective underpins an approach in the operative plan of attempting to consolidate some types of commercial activity into the core of the city centre. As this approach limits development capacity without being a qualifying matter, it is inconsistent with Policy 3(a) of the NPS-UD.</p> <p>How removing this objective achieves the purpose of the RMA</p> <p>Provides for economic wellbeing by recognising the finite characteristics of land in the city centre, encouraging the efficient use of energy through mixed use development enabling shorter travel distances, and providing sufficient development capacity.</p>
<p>Objective 5A 1.1.4</p>

To encourage residential activity within the Central Commercial Activity Area and ensure that it recognises and provides for the potential effects of other activities in the area.
This objective is unchanged from the operative District Plan.
Objective 5A 1.1.5 To recognise and enhance the significant amenity, natural and recreational values of the Hutt River and its relationship to activities in the Central Commercial Activity Area.
This objective is unchanged from the operative District Plan.
Objective 5A 1.2.1 To maintain and enhance the built character in the Central Commercial Activity Area by ensuring development addresses the attributes of the anticipated character for the area, while being consistent with the goal of encouraging investment and growth.
This objective is unchanged from the operative District Plan.
Objective 5A 1.2.2 To ensure development maintains and enhances the amenity and safety of the Central Commercial Activity Area, in particular, maximising pedestrian comfort and safety.
This objective is unchanged from the operative District Plan. This objective underpins a wide range of issues. Although not explicitly mentioned, one is wind. The plan change proposes to move wind considerations from the Central Commercial Activity Area into a new <i>Chapter 14M: Wind</i> . Accordingly, while the text of the objective is not proposed to change, the meaning in context is proposed to change. Proposed new Objective 14M 1.1 now addresses pedestrian comfort and safety and is assessed in the section of this document covering Chapter 14M. In relation to issues other than wind, the objective is effectively unchanged.
Objective 5A 1.2.3 To recognise and protect the amenity values of the nearby residential areas from use and development in the Central Commercial Activity Area. <u>Built development is consistent with the amenity values expected in the planned urban environment of adjoining residential areas.</u>
Why this objective is included in the proposed plan change This objective is amended to reflect that the planned urban character and amenity values of adjoining residential areas will themselves be changed substantially through the plan change. Given that the neighbouring context will not be static, the proposed policy reflects the need to be consistent with the types of amenity values planned for neighbouring areas, rather than the types of amenity values that exist. This objective reflects the direction of Objective 4 of the NPS-UD and the proposed objective of section 1.10.2.
How this objective achieves the purpose of the RMA Provides for social and cultural wellbeing by maintaining and enhancing amenity values in residential areas.
Objective 5A 1.2.4 To recognise and enhance the significant amenity, natural and recreational values of the Hutt River and its relationship to development in the Central Commercial Activity Area.
This objective is unchanged from the operative District Plan.
Objective 5A 1.2.5 To promote carparking in locations and configurations which recognise and provide for their potential effects on streetscapes and the public environment.

This objective is unchanged from the operative District Plan. Note that the meaning of this objective should be considered in light of both the objectives and Policy 11 of the NPS-UD.

Objective 5A 1.2.6

To promote energy efficiency and environmental sustainability in development and use in the Central Commercial Activity Area.

This objective is unchanged from the operative District Plan.

7.3.6.3 Evaluation of policies and rules

Amendments relating to building heights and bulk and location

Policy 5A 1.1.1 (part)

... [sub-policies (a) and (b) are assessed in the next section]

- (c) Provide for development capacity through providing for the redevelopment of existing property in the Central Commercial Activity Area, and making more efficient use of the land resource by providing for a wide range of activities.
- ~~(d) Provide for taller buildings in the Central Commercial Activity Area to accommodate a wide range of activities, while ensuring taller buildings do not detract from the character, qualities and amenity values of the central area and adjoining residential and recreational areas.~~
- (d) Enable a built form that:
 - (i) Maximises development potential
 - (ii) Accommodates a wide range of activities, and
 - (iii) Supports a quality urban environment.
- (e) Restrict commercial activities and development in areas outside the Central Commercial Activity Area that have the potential to undermine or detract from the vitality and vibrancy of the Central ~~Community~~ Commercial Activity Area, except as provided for in the other Commercial Activity Areas.

Policy 5A 1.2.1

- (a) Provide for alterations and minor additions to existing buildings, subject to minimum standards, and encourage high quality urban and built form design for these building modifications.
- (b) Manage new buildings and developments and larger additions to existing buildings, to be well designed and to contribute to the creation or maintenance of an integrated, safe and attractive Central Commercial Activity Area with a high standard of streetscape and pedestrian amenity.
- (c) Manage new buildings and developments and larger additions to existing buildings, to achieve a high quality urban and built form design, to integrate with the surrounding streetscape and buildings and to contribute to the anticipated character for ~~the precincts within~~ the Central Commercial Activity Area.
- ~~(d) Manage building height based on precincts which reflect the form and context of their location, with taller buildings in the Core, Riverfront (Core) and Riverfront (Commercial) Precincts and lower buildings in the Commercial and Residential Transition Precincts.~~
- (e) Manage prominent sites to promote identity, visual reference and orientation, and act as gateways by managing the design and appearance of new buildings and developments, including additions and alterations.
- (f) Encourage all new buildings to provide appropriate levels of natural light to occupied spaces within the building.
- (g) Encourage the quality and amenity of residential buildings by guiding their design to ensure current and future occupants have adequate private outdoor space, ongoing access to daylight, and an external aspect.
- (h) Ensure that commercial and practical considerations are taken into account in assessment of the above policies, together with the objectives of achieving vital and vibrant centres with mixed activities.

Condition 5A 2.1.1(a) Maximum Height of Buildings and Structures (deleted)

Condition 5A 2.1.1(h) Sites Abutting Recreation Activity Areas (changed)

Why these provisions are included in the plan change

Policy 5A 1.1.1(d) is replaced and Policy 5A 1.2.1(d) is deleted in order to implement the general approach for the zone of removing precinct-based height and density limits. This is in response to the direction of Policy 3(a) of the NPS-UD.

Condition 2.1.1(a) relating to building height is removed, and condition 2.1.1(h) is altered as these conditions limit building height and density and resulting development capacity.

Efficiency and effectiveness

The proposed amendments do not alter the efficiency and effectiveness of the relevant policies and rules at implementing to objectives of the Plan. The amendments are solely to give effect to the direction of the NPS-UD.

Benefits

- Increase in available development capacity.
- Increased housing choice in Lower Hutt.
- Increase in the provision of commercial services, community facilities, and housing.
- Improved housing affordability.
- Economic benefits of increased development through employment opportunities, economic activity, and a more competitive market.
- A more vibrant Central Commercial area as a result of increased population.
- Increased revenue base to fund public space and community facility improvements.

Costs

- Increases scale of built development provided for in the areas, which can impact:
 - Access to sunlight,
 - Privacy,
 - Loss of outlook/views,
 - Capacity of infrastructure and services, and
 - Construction effects (including dust, noise and vibration).
- Rules limit development, so benefits of development are limited by the rules.

Other reasonably practicable options for achieving the objectives

Combination of permitted activity developments with performance standards, and discretionary assessments

This approach would align the Central Commercial area more closely with the policy approach of the Suburban Mixed Use Activity Area, and would reduce costs to would-be consent applicants. It would also remove a disincentive for developments to locate in Central Commercial area as opposed to suburban centres.

However, the Central Commercial area is the centrepiece of the city's centres network and is seeking substantial change through the Riverlink project. It is also anticipated to see the largest scale built development and seeks the highest level of amenity values in public spaces. Accordingly, more discretionary assessment is needed for developments, particularly those in areas that have existing amenity values more typical of low density commercial areas in the northern end of the city centre.

A comprehensive change in approach also risks being beyond the legal scope of the IPI.

Council intends to comprehensively review and replace the Central Commercial Activity Area, including its activity standards and design guide, in the ongoing full District Plan review.

Amendments relating to removal of precincts

Policy 5A 1.1.1 (part)

(a) Identify the extent of the Central Commercial Activity Area which is generally bounded by High Street to the south, Cornwall Street to the east, Daly and Rutherford Streets to the west and Melling Road and Brunswick Street to the north, including the Market Grove area.

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

... [remainder of Policy 5A 1.1.1 assessed in table above]

Policy 5A 1.1.3

~~(a) Provide for retail activities throughout the Central Commercial Activity Area based on precincts.~~

~~(b) Manage the scale and location of activities based on precincts to ensure that they sustain the vitality and vibrancy of the Central Commercial Activity Area, while recognising the commercial and practical constraints that affect the viability of new activities.~~

~~(c) Ensure activities and developments contribute to an attractive and public focused core, and are compatible with the qualities and amenity values of the Central Commercial Activity Area, while remaining viable propositions for commercial investment.~~

Policy 5A 1.2.4

(a) Encourage the development of a river side promenade by managing buildings and development along the river frontage, in conjunction with flood protection works.

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

(c) Ensure that buildings and development along the riverbank do not adversely affect the stability of the flood protection works, limit public access to the river or impact on the amenity, natural and recreational values of the area.

(d) Facilitate improved public access between the river and the remainder of the Central Area, and along the riverbank between Ewen Bridge and Melling Bridge to incorporate the river’s intrinsic amenity values into the central area and enhance the visual and access linkages between the river and the central area.

Policy 5A 1.2.5

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

(b) Manage on-site carparking ~~based on the Central Commercial Activity Area precincts~~, to maintain and enhance the streetscape and character in of the different precincts Central Commercial area.

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

~~(d) Manage the location, scale and nature of on-site ground level carparking areas in the Commercial Precinct to maintain and enhance the streetscape and character in this precinct.~~

(e) Manage carparking structures and buildings and other areas providing large numbers of carparks to avoid or mitigate the adverse effects on the traffic network and character and amenity values in the Central Commercial Activity Area.

Condition 5A 2.1.1(k)	Parking (changed)
Rule 5A 2.3(c)	Residential activities on the ground floor (changed)
Rule 5A 2.3(e)	Car Sales Yards (changed)
Rule 5A 2.3(j)	Brothels and commercial sexual services (changed)

Why these provisions are included in the plan change

The policies of Chapter 5A (particularly 5A 1.1.1(b)) set provide variation in the anticipated scale and nature of

development in the city centre, based on precincts. With the removal of precinct-based height and density controls, there is little function remaining for the precincts, and the precincts would be removed by the proposed plan change. Consequently, policies and rules are reworded to remove reference to precincts and generally replace them with references to the specific locations targeted.

Efficiency and effectiveness

The policies and rules need to strike a balance between managing effects and plan simplicity and usability. Numerous minor and inconsequential differences between provisions makes the plan harder to use and to implement. Accordingly, references to precincts are replaced with references to the specific locations in the city to which the objectives and policies are targeted. In some cases, for the sake of simplicity, this results in minor adjustments to the areas and situations covered, while still implementing the same general policy.

Benefits

- Enhanced plan usability
- More effective plan enforcement

Costs

- Minor environmental effects that may result from consequential changes to activity statuses

Other reasonably practicable options for achieving the objectives

Retain precincts for the purpose of activity rules only

Not adopted as the complexity for the plan outweighs any likely benefits.

Remove precincts from the Design Guide as well

Removing precincts from the Design Guide would aid implementation of the changes to the policies and objectives. However, removing precincts would require a significant change to the structure and content of the design guides. In addition, the possible scope of the changes is limited by the scope of what can be included in an IPI.

Given the limited time available to prepare the plan change and Council’s intent to comprehensively review and replace the Central Commercial Activity Area and its design guide in the ongoing full District Plan review, Council opted not to embark on a comprehensive rewrite of the design guide in this plan change.

Amendments relating to amenity values of nearby residential areas

Policy 5A 1.2.3

- (a) Manage the effects of buildings and development in the Central Commercial Activity Area ~~to ensure any adverse effects on the amenity values of the nearby residential areas are avoided, remedied or mitigated.~~
- ~~(b) Restrict the height of buildings near the adjoining residential areas to minimise effects on the amenity values, including shading, over dominance and privacy.~~

Condition 5A 2.1.1(b)	Minimum Yard Requirements (deleted)
Condition 5A 2.1.1(g)	Sites Abutting Residential Activity Areas (changed)

Why these provisions are included in the plan change

Policy 5A 1.2.3 is amended as the Central Commercial Activity Area will now only abut residential areas in the High Density Residential Activity Area, where high density development is enabled. Amenity values will be assessed against the proposed Objective 5A 1.2.3, which considers the planned urban environment, rather than the existing urban environment.

As a package, the rule changes align the conditions with the MDRS, and the anticipated types of built environment that would be expected in the High Density Residential Activity Area.

The modifications to the rules:

- Remove setback standards that only apply in the Residential Transition Precinct,
- Align the required setbacks for buildings on sites adjoining residential areas to the Medium Density

<p>Residential Standards,</p> <ul style="list-style-type: none"> • Apply a symmetrical recession plane on boundaries with residential areas (this is implemented in condition 5A 2.1.1(g)(i) and does not require a change to the text of the plan), and • Continue to encourage high-quality developments through the resource consent assessment process.
<p>Efficiency and effectiveness</p>
<p>The use of permitted activity standards for bulk and location of built development and discretionary resource consent assessment is the existing approach of the plan and is effective at achieving desired amenity outcomes.</p> <p>Benefits</p> <ul style="list-style-type: none"> • Development standards provide for a level of amenity for adjoining residential sites and the streetscape by managing density and built development, in particular: <ul style="list-style-type: none"> ○ Managing impacts of built development on sunlight access and privacy, ○ Managing visual dominance for taller buildings, and ○ Encouraging safe and attractive streets. <p>Costs</p> <ul style="list-style-type: none"> • Limits the scale of development and resulting development capacity, and so does not achieve all the benefits otherwise covered in the assessment of Objective 5A 1.1.1 including housing supply and variety and the provisions of commercial services and community facilities.
<p>Other reasonably practicable options for achieving the objectives</p>
<p>Retain existing bulk and location controls and assess amenity values in resource consents</p> <p>As resource consent is required for most significant developments regardless of whether the conditions are met, this option would not provide any additional assessment. In addition, the amenity values planned for neighbouring areas will no longer be the same as that provided for in the operative plan. Altering the activity conditions sends a clearer signal to resource consent decision-makers about the scale of development expected and the effects on amenity values.</p>

7.3.7 Chapter 5B: Petone Commercial Activity Area

- (141) This following tables evaluate the proposed amendments to Chapter 5B: Petone Commercial Activity Area.
- (142) The Petone Commercial Activity Area is the existing zone in the operative District Plan for the commercial area of Petone. The zone is split into two parts:
- Petone Commercial – Area 1: The Jackson Street Area, an area on Jackson Street generally between Victoria and Cuba Streets, and
 - Petone Commercial – Area 2: The Petone Mixed Use Area, the area in the west-end of Petone, generally bounded by Hutt Road, Petone Avenue, Campbell Terrace, Victoria Street, Sydney Street and The Esplanade.

7.3.7.1 Summary of approach for the Central Commercial Activity Area

- Continue to apply the zone to the area it currently covers.
- Retain existing height limits that protect the qualifying matters of historic heritage (for the Jackson Street heritage precinct) and sites of significance to Māori (for the Te Puni Urupā).
- Provide for six-storey buildings in the remainder of Petone Commercial - Area 1.
- Remove building height limits in the remainder of Petone Commercial - Area 2, to reflect the high benefits of intensification in this location.
- Amend objectives and policies to reflect the change in level of development provided for in the zone.

- Amend development standards for areas bordering residential areas to reflect the increased scale of development provided for in those areas, and the approach to amenity values of the NPS-UD.
- Remove provisions relating to wind effects (these are being moved to a new *Chapter 14M: Wind*), other than in the design guide.
- Update the design guides to remove any major inconsistencies with the changed approach or the NPS-UD, although this is not a comprehensive review of the design guides.

7.3.7.2 Evaluation of objectives

<p>Objective 5B 1.1.1 (Area 1)</p> <p>To ensure that activities in the area of Jackson Street generally between Victoria and Cuba Streets do not have adverse effects on adjoining residential activity areas.</p>
<p>This objective is unchanged from the operative District Plan.</p>
<p>Objective 5B 1.1.2A (Area 2)</p> <p>To provide for a mixed use activity area within Petone which caters for a range of complementary commercial, small-scale or low intensity light-industrial, business and service activities, residential and large format retail activities, increasing the number of residents and workers in Petone, and avoiding or mitigating adverse effects so that amenity values and character of the area, neighbouring areas and the overall environment are maintained or enhanced.</p>
<p>This objective is unchanged from the operative District Plan.</p>
<p>Objective 5B 1.1.2B (Area 2)</p> <p>To avoid or mitigate the vulnerability and risk of people and development to natural hazards to an acceptable level.</p>
<p>Why this amendment is included in the plan change</p> <p>Objective 5B 1.1.2B sets a desired outcome for managing significant risk from natural hazards. It is being deleted as a consequence of the consolidation of natural hazards provisions into <i>Chapter 14H: Natural Hazards</i>. The substance of this objective is continued with the new proposed Objective 14H 1.1 in Chapter 14H.</p>
<p>Objective 5B 1.1.3 (Area 2)</p> <p>To recognise and enhance the image and visual appearance of the main entrances and gateways of the City where they pass through Area 2 – Petone Mixed Use.</p>
<p>This objective is unchanged from the operative District Plan.</p>
<p>Objective 5B 1.2.1 (Area 1)</p> <p>To ensure that the distinctive built form <u>The significant historic heritage values</u>, style, and character of buildings and structures in the area between Victoria and Cuba Streets Jackson Street Heritage Precinct are retained and enhanced.</p>
<p>Why this amendment is included in the plan change</p> <p>Objective 5B 1.2.1 is reworded to emphasise that the basis for controlling built form is the retention of significant historic heritage values, which is a qualifying matter under the NPS-UD. The reference to the Jackson Street Heritage Precinct also reflects the updated information used in this proposed plan change on the location of significant heritage values.</p>
<p>How this objective achieves the purpose of the RMA</p> <p>Provides for social and cultural wellbeing by protecting significant historic heritage.</p>
<p>Objective 5B 1.2.2 (Areas 1 and 2)</p>

To ensure that all buildings on either side of Jackson Street between Hutt Road and Cuba Street (Areas 1 and 2) have adequate weather protection, except those existing buildings designed and built without verandahs in the Jackson Street Historic Retail Precinct (Petone Commercial Activity Area – Area 1).
This objective is unchanged from the operative District Plan.
Objective 5B 1.2.3 (Area 2)
To ensure that the form and quality of buildings, structures, open space and development overall within the Petone Mixed Use Area maintain and enhance the character, amenity values and quality of the environment, whilst recognising and protecting the values and features of adjoining areas.
This objective is unchanged from the operative District Plan. In the operative District Plan, this objective underpins the provisions relating to wind effects. The plan change proposes to move wind considerations from the Petone Commercial Activity Area chapter into a new <i>Chapter 14M: Wind</i> . Accordingly, the meaning of this objective in context is proposed to change. Proposed new objective 14M 1.1 now addresses pedestrian comfort and safety and is assessed in the section of this document covering Chapter 14M.
Objective 5B 1.2.4 (Areas 1 and 2)
To ensure that adverse visual effects arising from car parking areas are avoided or mitigated.
This objective is unchanged from the operative District Plan.

7.3.7.3 Evaluation of policies and rules

Amendments relating to building height and heritage values (Petone Area 1)	
Policy 5B 1.2.1 (Area 1)	
(a)	External alterations, repairs, or modifications to existing buildings and structures plus and the construction of new buildings and structures in the area bounded by Victoria and Cuba Streets must <u>Jackson Street Heritage</u> Precinct comply with the specified design performance standards.
(b)	External alterations, repairs, or modifications to existing buildings and structures and the construction of new buildings and structures in Area 1 outside the Jackson Street Heritage Precinct <u>respect the significant historic heritage values, style, and character of the Jackson Street Heritage Precinct.</u>
Condition 5B 2.1.1.1(b)	Maximum Height of Buildings and Structures (changed)
Condition 5B 2.1.1.1(d)	Sites abutting residential activity areas (changed)
Why these provisions are included in the plan change	
Policy 5A 1.2.1 is an existing policy of the operative District Plan. The proposed plan change would amend the policy to reflect the distinction between the controls that apply within the Jackson Street Heritage Precinct, where historic heritage is a qualifying matter under the NPS-UD, and the remainder of Area 1, where historic heritage values are respected through the design of new buildings but without building heights and density to less than 6 storeys. The changes to the rules:	
<ul style="list-style-type: none"> • Ensure buildings of up to 10 metres are provided for in the heritage area, but with strict assessment of their impact on heritage values • Provide for buildings of up to 22 metres (6 storeys) outside the heritage area, but with strict assessment to ensure design compatibility with the character of Jackson Street, particularly the ground floor level. • Update provisions relating to sites abutting residential activity areas to reflect the Medium Density Residential Standards. 	
Efficiency and effectiveness	
The effectiveness of the relevant policies and rules is increased by using improved and more up to date	

information about the locations of buildings and structures with significant heritage values. Other than that, the proposed amendments do not alter the efficiency and effectiveness of the relevant policies and rules at implementing the objectives of the Plan. The amendments are necessary to give effect to the direction of the NPS-UD.

Benefits

- Significant historic heritage values of Jackson Street are protected
- Increase in available development capacity
- Increased housing choice in Lower Hutt.
- Increase in the provision of commercial services, community facilities, and housing
- Improved housing affordability
- Economic benefits of increased development through employment opportunities, economic activity, and a more competitive market
- A more vibrant Petone Commercial area as a result of increased population.
- Increased revenue base to fund public space and community facility improvements

Costs

- Increases scale of built development provided for in the areas, which can impact:
 - Access to sunlight
 - Privacy
 - Loss of outlook/views
 - Capacity of infrastructure and services
 - Construction effects (including dust, noise and vibration)
- Impacts on the heritage and character values of buildings and structures that do not meet the threshold for historic heritage significance
- Despite an increase, provisions still limit the scale of development and resulting development capacity, and so does not achieve all the benefits otherwise covered.

Other reasonably practicable options for achieving the objectives

A combination of permitted activity developments with performance standards, and discretionary assessments

This approach would align the Petone Commercial area more closely with the policy approach of the Suburban Mixed Use Activity Area and would reduce costs to would-be consent applicants. It would also remove a disincentive for developments to locate in Petone Commercial as opposed to other suburban centres. However, the District Plan seeks specific character and historic heritage outcomes for Petone Commercial Area 1 that cannot easily be distilled into permitted activity standards. Even relatively small-scale development can have significant impacts on these values. A comprehensive change in approach also risks being beyond the legal scope of the proposed plan change.

Amendments relating to building height, bulk and location, heritage values, and cultural values (Petone Area 2)

Policy 5B 1.2.3 (Area 2)

- (a) Provide for alterations and minor additions to existing buildings, subject to minimum standards, and encourage a high quality urban and built form design for these building modifications.
- (b) Manage new buildings and developments and larger additions to existing buildings to be well designed and to contribute to the creation of an integrated, safe and attractive mixed use environment with a high standard of streetscape and amenity.
- (c) For Jackson Street, require buildings to provide and maintain an active, transparent and continual frontage, as well as shelter, to provide a pedestrian focused environment along this main gateway route.

- (d) ~~Manage the height and location of buildings to respond to their context and locality, with lower building heights for the areas:~~
- ~~— Adjoining and close to Residential Activity Areas to minimise effects on the amenity values, including shading, over dominance and privacy; and~~
 - ~~— Along the Jackson Street front road boundary with taller buildings setback from the street, thereby creating a streetscape with lower level buildings and protecting sunlight to public spaces within the street.~~
- (e) ~~Manage the height, location and design of Encourage buildings and development on The Esplanade to create a landscaped street frontage and protection of to protect sunlight access to the beach to avoid overshadowing.~~
- (f) Encourage all new buildings to provide appropriate levels of natural light to occupied spaces within the building.
- (g) Require a minimum level of amenity for future occupiers of residential buildings through the use of a permitted activity standard regarding outdoor space. In addition to encouraging good quality and amenity by guiding their design to ensure current and future occupants have useable internal space, ongoing access to daylight, and an external aspect.
- (h) Manage new buildings to be designed to manage adverse effects on amenity value, including visual, ~~wind~~ and glare.
- (i) ~~Restrict the height~~ Manage the design of buildings and structures at the interface with adjoining residential areas to minimise effects on the amenity values, including shading, ~~over dominance~~ and privacy.
- (j) ~~Ensure that new buildings higher than 12 metres are designed to avoid, remedy or mitigate any wind problems that they create (including cumulative effects with other buildings) and where existing wind conditions are dangerous, ensure new development improves the wind environment as far as reasonably practical.~~
- (k) Encourage buildings to be designed and located in a manner that enhances the safety, convenience, accessibility and amenity of pedestrian spaces and linkages within the Petone Mixed Use Area.
- (l) Manage the effect of development on adjacent areas identified for their historic heritage, cultural, and distinctive character and built form values, particularly Te Puni Urupā.
- (m) Ensure developments, including buildings and structures, are located, designed and constructed to reduce the risk to building failure and loss of life from seismic hazards, including fault rupture hazard, subsidence and liquefaction.

Rule 5B 2.2.1(l)	Small scale alterations (changed)
Condition 5B 2.2.1.1(a)	Maximum Height and Recession Plane of Buildings and Structures (changed)
Condition 5B 2.2.1.1(b)	Minimum Yard and Setback Requirements (deleted)
Condition 5B 2.2.1.1(d)	Landscaping and Screening (changed)
Condition 5B 2.2.1.1(e)	Sites abutting Residential Activity Areas (changed)
Condition 5B 2.2.1.1(f)	Sites abutting or directly opposite the Community Iwi Activity Area (Te Puni Urupā) (changed)
Condition 5B 2.2.1.1(l)	Outdoor Living Areas for Residential Activity Areas (changed)
Rule 5B 2.2.2(b)	Buildings and Structures over 12 metres (deleted)
Condition 5B 2.2.2.2(b)	Wind Protection (deleted)

Why these provisions are included in the plan change

The policies relating to Area 2 are modified to reflect the approach of the plan change for the Petone metropolitan area. The provisions are modified to reflect:

- The removal of building height limits, except around Te Puni Urupā
- The need to enable more development capacity along the Esplanade, Petone, in line with the NPS-UD, and the subsequent trade-off with protecting sunlight access. The removal of front yard setbacks reflects the realistic type of amenity values that can be achieved for the Esplanade given consistent development of six storeys or more

- Strengthening guidance around Te Puni Urupā to recognise that the protection of waahi tapu is a qualifying matter under the NPS-UD
- Removing wind effects provisions as these are being consolidated into new Chapter 14M: Wind.

As a package, the development standards in the updated rules collectively implement these policies.

The rules:

- Ensure six-storey developments are provided for with case-by-case assessment of the effects of taller buildings,
- Continue the existing plan approach of encouraging high-quality developments through restricted discretionary assessment
- Provide specific assessment matters for impacts on heritage values in Jackson Street and cultural values of Te Puni Urupā.

Modifications to the rules are also necessary to remove inconsistencies with the Medium Density Residential Standards that are either minor differences, or where they apply to boundaries with residential activity areas.

The RMA sets additional evaluation requirements for accommodating qualifying matters in an IPI. The additional information required for incorporating sites adjacent to Marae and Urupā as a qualifying matter in the proposed plan change is provided in Appendix 5 of this report.

Efficiency and effectiveness

The proposed amendments do not alter the efficiency and effectiveness of the relevant policies and rules in implementing the objectives of the Plan. The amendments are solely to give effect to the direction of the NPS-UD.

Benefits

- Increase in available development capacity
- Increased housing choice in Lower Hutt.
- Increase in the provision of commercial services, community facilities, and housing
- Improved housing affordability
- Economic benefits of increased development through employment opportunities, economic activity, and a more competitive market
- A more vibrant Petone Commercial area as a result of increased population.
- Increased revenue base to fund public space and community facility improvements
- Improved protection for cultural values and tikanga at Te Puni Urupā

Costs

- Increases scale of built development provided for in the areas, which can impact:
 - Access to sunlight
 - Privacy
 - Loss of outlook/views
 - Capacity of infrastructure and services
 - Construction effects (including dust, noise and vibration)
- Rules limit development, so benefits of development are limited by the rules.

Other reasonably practicable options for achieving the objectives

A combination of permitted activity developments with performance standards, and discretionary assessments

This approach would align the approach of the District Plan for the Petone Commercial Activity Area more closely with the approach for the Suburban Mixed Use Activity Area and would reduce costs to would-be consent applicants. It would also remove a disincentive for developments to locate in Petone Commercial as opposed to other suburban centres. However, a more significant change to the built environment is proposed in the Petone Commercial 2 area than in Suburban Mixed Use areas, so more discretionary assessment is needed for developments, particularly those in areas that have existing amenity values more typical of light industrial areas. A comprehensive change in approach risks being beyond the legal scope of the IPI.

7.3.8 Chapter 5E: Suburban Mixed Use Activity Area

(143) The following tables evaluate the proposed amendments to Chapter 5E: Suburban Mixed Use Activity Area.

7.3.8.1 Summary of approach for the Suburban Mixed Use Activity Area

- Continue to apply the zone to existing areas within the zone.
- Rezone areas in the Suburban Commercial and Special Commercial Activity Areas to the Suburban Mixed Use Activity Area (these zones are equivalent to a mix of the Town Centre Zone, Local Centre Zone, and Neighbourhood Centre Zone in the National Planning Standards).
- Amend objectives and policies to reflect the change in level of development provided for in the zone.
- Amend development standard rules to align with the density standards of the MDRS.
- Make consequential amendments to objectives, policies, and rules to:
 - Reflect the changed approach of Chapter 14F: Heritage Buildings and Structures, Chapter 14H: Natural Hazards, and
 - Be consistent with the Medium Density Residential Standards that will apply to all adjoining residential zones.
- Retain existing activity rules.

7.3.8.2 Note on consequential amendments to activity status for sites in the Special Commercial and Suburban Commercial Activity Areas

- (144) The operative District Plan includes Special Commercial and Suburban Commercial Activity Areas. These allow a similar range of uses to the Suburban Mixed Use Activity Area, but permit a lower scale of development, particularly through a lower permitted building height.
- (145) To implement the general approach to building heights, the proposed plan change would rezone areas in these zones to the Suburban Mixed Use Activity Area. This proposed consolidation of zones for suburban commercial areas ensures that areas where a similar scale and form of development is provided for are in the same zone, to reduce plan complexity.
- (146) Under the operative District Plan, the activity status for some activities is different in the Special Commercial and Suburban Commercial Activity Areas than the activity status in the Suburban Mixed Use Activity Area.
- (147) As a result, the activity status for some activities will change for areas that are currently in the Special Commercial and Suburban Commercial Activity Areas. As the Suburban Mixed Use Activity Area is the most recently reviewed chapter of the three Activity Area chapters, it is considered to have a high level of efficiency and effectiveness relative to the other chapters.

7.3.8.3 Evaluation of objectives

Objective 5E 2.1 Commercial activities which primarily serve the local community coexist with residential living and provide good community access to goods, services and community facilities.
This objective is unchanged from the operative District Plan.
Objective 5E 2.2 Land is efficiently used for medium to <u>high</u> density mixed use development.

<p>Why this objective is included in the proposed plan change</p> <p>Objective 5E 2.2 is an objective of the operative District Plan. This objective is amended to reflect the level and form of built development that would be enabled within the zone.</p> <p>How this objective achieves the purpose of the RMA</p> <p>Provides for economic wellbeing by recognising the finite characteristics of land in local centres, encouraging the efficient use of energy through mixed use development enabling shorter travel distances, and providing sufficient development capacity.</p>
<p>Objective 5E 2.3</p> <p>Built development is of a scale and quality that is compatible with the amenity level of medium <u>to high</u> density mixed use development and contributes towards creating a sense of place.</p>
<p>Why this objective is included in the plan change</p> <p>Objective 5E 2.3 is an objective of the operative District Plan. This objective is amended to reflect the type of amenity values expected given the level and form of built development that would be enabled within the zone.</p> <p>How this objective achieves the purpose of the RMA</p> <p>Provides for social and cultural wellbeing by maintaining and enhancing amenity values in commercial areas, and for economic wellbeing by promoting centres as attractive destinations.</p>
<p>Objective 5E 2.4</p> <p>Built development shall maintain <u>is consistent with</u> the amenity values <u>expected in the planned urban environment</u> of adjoining residential areas.</p>
<p>Why this amendment is included in the plan change</p> <p>Objective 5E 2.4 is an objective of the operative District Plan. This objective is amended to reflect that the planned urban character and expected amenity values of adjoining residential areas will themselves be changed substantially through the plan change. Given that the neighbouring context will not be static, the language reflects the need to be consistent with the types of amenity values planned for neighbouring areas, rather than the types of amenity values that exist.</p> <p>This objective reflects the direction of Objective 4 of the NPS-UD and the proposed objective of section 1.10.2.</p> <p>How this objective achieves the purpose of the RMA</p> <p>Provides for social and cultural wellbeing by maintaining and enhancing amenity values in residential areas.</p>
<p>Objective 5E 2.5</p> <p>Built development is adequately serviced by network infrastructure or addresses any infrastructure constraints.</p>
<p>This objective is unchanged from the operative District Plan.</p>
<p>Objective 5E 2.6</p> <p>Built development is located and designed to manage significant risk from natural hazards.</p>
<p>Why this amendment is included in the plan change</p> <p>Objective 5E 2.6 sets a desired outcome for managing significant risk from natural hazards. It is being deleted as a consequence of the consolidation of natural hazards provisions into <i>Chapter 14H: Natural Hazards</i>. The substance of this objective is continued with the new proposed Objective 14H 1.1 in Chapter 14H.</p>

7.3.8.4 Evaluation of policies and rules

<p>All Amendments for Suburban Mixed Use Activity Area</p>
<p>Policy 5E 3.4</p>

Recognise the functional and operational requirements of activities and development.

Policy 5E 3.5

Enable the efficient use of land through medium ~~to high~~ density built development while managing any adverse effects on the environment, including effects on infrastructure and residential amenity.

Policy 5E 3.6

Encourage ~~medium density~~ built development to be designed to a high quality.

Policy 5E 3.7

Require built development adjoining Residential Activity Areas to manage the effects on the amenity of those areas, having specific regard to ~~visual dominance~~, privacy and shading.

Policy 5E 3.8

Encourage high quality built development that positively contributes to the visual quality and interest of streets and public open space through active street frontages and buildings right on the road boundary.

Rule 5E 4.1.1	Building Height (changed)	Rule 5E 4.1.5	Building Frontage, Verandahs and Display Windows
Rule 5E 4.1.2	Recession Planes	Rule 5E 4.1.6	Parking
Rule 5E 4.1.3	Yards (changed)	Rule 5E 4.1.7	Screening and Storage
Rule 5E 4.1.4	Outdoor Living Space (changed)	Rule 5E 4.1.8	Demolition (changed)

Why these provisions are included in the plan change

Policies 5E 3.4 and 5E 3.8 are existing policies of the operative District Plan and would be unchanged by the proposed plan change.

Policies 5E 3.5 and 5E 3.6 are existing policies of the operative District Plan but are modified to reflect the level and form of built development that would be enabled within the zone, by removing reference to “medium density” and adding reference to “high density”.

Policy 5E 3.7 is an existing policy of the operative District Plan. The reference to visual dominance is removed as Suburban Mixed Use areas will now abut residential areas that enable similar levels of medium or high density development, and the amenity values will be assessed in light of the proposed change to Objective 5E 2.4, which considers the planned urban environment as the key comparison rather than the existing situation. Accordingly, visual dominance will no longer be as important an impact on amenity values.

As a package, the development standards in rules 5E 4.2.1 to 4.2.7 collectively implement these policies.

The rules:

- Ensure three-storey or six-storey developments are provided for (applied through a height overlay on the District Plan maps),
- Encourage high-quality developments through specific permitted activity standards, and
- Set a consenting pathway for developments to obtain resource consent as restricted discretionary activity, including through matter of discretion.

The modifications to the rules are necessary to:

- Implement the changes to the policies, and
- Remove inconsistencies with the Medium Density Residential Standards that are either minor differences, or where they apply to boundaries with residential activity areas.

In addition, the note to Rule 5E 4.2.9 is updated to reflect the reorganisation of appendices in *Chapter 14F: Heritage Buildings and Structures*.

Efficiency and effectiveness

The policies and rules of the District Plan need to strike a balance between:

- being enabling of commercial activities, community facilities, and residential living, while
- managing the potential adverse effects of development.

The benefits and costs for these policies and associated rules are as follows:

Benefits

- Increase in available development capacity
- Increased housing choice in Lower Hutt.
- Increase in the provision of commercial services, community facilities, and housing
- Improved housing affordability
- Economic benefits of increased development through employment opportunities, economic activity, and a more competitive market
- More vibrant Suburban Mixed Use areas as a result of increased population.
- Increased revenue base to fund public space and community facility improvements.
- Enhanced amenity of public places through improving visual quality and interest provided by buildings

Costs

- Increases scale of built development provided for in the areas, which can impact:
 - Access to sunlight
 - Privacy
 - Loss of outlook/views
 - Capacity of infrastructure and services
 - Construction effects (including dust, noise, and vibration)
- Despite an increase, provisions still limit the scale of development and resulting development capacity, and so does not achieve all the benefits otherwise covered.

Other reasonably practicable options for achieving the objectives

Require resource consent for new built development

While this option would have the advantage of addressing issues that cannot be addressed through permitted activity standards, it would increase cost and uncertainty for developments. It would also add significant complexity to the plan to introduce this approach in a way that still fits within the legally defined scope of the proposed plan change.

Additional permitted activity standards that promote higher quality developments.

The District Plan could include additional permitted activity standards that promote higher quality developments. However, the changes introduced in this plan change address the scale of effects for development in the Suburban Mixed Use Activity Area, as opposed to the type of effect. As the range of effects addressed by the District Plan for the zone were set by a relatively recent plan change (Plan Change 43), which became operative in 2021, and the overall change in development scale is anticipated and directed by the NPS-UD, it is not necessary to revisit the issues in this plan change.

7.3.9 Chapter 6A: General Business Activity Area

(148) This section evaluates the proposed amendments to Chapter 6A: General Business Activity Area.

7.3.9.1 Summary of approach for the General Business Activity Area

- Give effect to Policy 3 of the NPS-UD regarding building heights in walkable catchment areas.
- Make building height requirements less enabling of development to recognise and provide for *the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*

7.3.9.2 Evaluation of objectives, policies, and rules

<p>Section 6A 1.2.1 Effects on Amenity Values of the Area</p> <p>Objective</p> <p>To maintain and enhance the amenity values of the activity area and neighbouring areas.</p> <p>Policy</p> <p>(a) That each site, structure and building is designed and maintained to enhance the amenity values and character of both the General Business Activity Area and adjacent activity areas.</p> <p>...</p>	
<p>Associated rules</p> <p>Rule 6A 2.1 Permitted activity rule for activities that meet permitted activity conditions</p> <p>Section 6A 2.1.1(c) Permitted activity condition for maximum height of buildings and structures.</p>	
<p>Why these amendments are included in the plan change</p> <p>Under Policy 3(c) of the NPS-UD, the District Plan must enable building heights of at least six storeys within walkable catchment areas. This includes some areas in the General Business Activity Area.</p> <p>To enable building heights of at least six storeys, the proposed plan change would amend the maximum height standard for the zone to apply a maximum permitted height standard of 22m for sites in the General Business Activity Area that are within the walkable catchment areas, while retaining the existing 12m standard for other sites in the zone.</p> <p>The proposed 22m permitted height standard would be applied through an amendment to standard 6A 2.1.1(c). The areas where the new height standard would apply would be shown through a new Specific Height Control Overlay on the District Plan maps. This is also the approach taken by the proposed plan change for permitted height standards in the Suburban Mixed Use Activity Area.</p> <p>While the proposed plan change would not amend the objective and policies of section 6A 1.2.1, the change to the permitted activity condition on maximum building height would alter the way the objectives and policies are implemented.</p>	
<p>How the objective achieves the purpose of the RMA</p> <p>The objective of section 6A 1.2.1 is an existing objective of the operative District Plan.</p>	
<p>Efficiency and effectiveness</p> <p>The effectiveness and efficiency of the proposed amendments are high as they give effect to the NPS-UD and enable greater development in the identified areas in a straight-forward way that is clear for plan users.</p>	
<p>Benefits</p> <ul style="list-style-type: none"> • Enables greater development within parts of the General Business Activity Area in areas where future residential development would also be enabled. • Enables business development in areas that have the greatest access to public transport. • Enabling greater development and business opportunities can have flow-on effects for other businesses, increasing commercial activity and employment opportunities. 	

Costs

- An increase in taller buildings, which can have adverse effects on adjacent areas, including:
 - Access to sunlight,
 - Privacy,
 - Visual dominance, and
 - Construction effects.
- Increase in development opportunities can have subsequent effects on infrastructure and other services which may be already constrained.

Other reasonably practicable options for achieving the objectives**Enable six-storey buildings through a resource consent process**

Under this option, six-storey buildings would require resource consent. This approach would require additional policies that would ensure that resource consent could be obtained for buildings of this height. This option would enable Council to consider the effects of taller buildings on a case-by-case basis through the resource consent. However, it would require clear policies to give direction on what is required for a resource consent to be granted.

In addition, the District Plan would need to be clear on what effects are being managed through the resource consent process. This option would be a more complex approach to giving effect to Policy 3(c) of the NPS-UD.

This option has not been adopted as:

- It would be a more complex approach that is harder to implement for plan users,
- The resource consent requirement would lead to a level of uncertainty for future developments within the zone, and this uncertainty may discourage some developments, and
- It would result in greater constraints on development within the General Business Activity Area than that of the surrounding residential areas (where six-storey buildings would be permitted).

Permitting buildings of more than six storeys

The proposed plan change could permit buildings of more than six storeys. This option would enable greater development, but would also enable development that could have a greater level of adverse effects on adjacent areas, which can include residential and open space areas.

This option has not been adopted given the potential scale of effects that could be generated by taller buildings.

Section 6A 1.2.3 Effects on Cultural Practices at Marae**Objective**

To protect the cultural safety and tikanga associated with activities at marae in the Community Iwi Activity Area.

Policy

(a) Manage development on sites neighbouring marae in the Community Iwi Activity Area to ensure that risks to cultural safety and tikanga from overlooking, visual dominance, and noise are adequately addressed.

Associated rules

Rule 6A 2.1	General permitted activity rule for activities that meet permitted activity conditions
Section 6A 2.1.1(e)	Permitted activity condition for setbacks and recession plane for sites abutting marae.
Rule 6A 2.3	Restricted discretionary activity rule for activities that do not comply with permitted activity condition 6A 2.1.1(e).
Section 6A 2.3.1(j)	Matters of discretion for activities under Rule 6A 2.3(k).

Why these amendments are included in the plan change

The objective, policy and rules are proposed to address the potential impacts of development on cultural values of Marae. No changes are proposed for the text of Rule 6A 2.1. However, proposed permitted activity condition 6A 2.1.1(e) would introduce a new recession plane standard for sites adjoining Marae.

The objective, policy and rules are part of the proposed plan change's approach to accommodating qualifying matters. In particular, the policy and rule recognise and provide for *the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga* (s6 of the RMA).

The RMA sets additional evaluation requirements for accommodating qualifying matters in an IPI. The additional information required for incorporating sites adjacent to Marae and Urupā as a qualifying matter in the proposed plan change is provided in Appendix 5 of this report.

How this objective achieves the purpose of the RMA

Provides for social and cultural wellbeing by recognising and providing for the relationship of Māori and their culture with their ancestral lands, water, sites, waahi tapu, and other taonga.

Efficiency and effectiveness

Benefits

- Reduces effects of taller buildings on adjoining Marae
- Ensures development is still enabled either as a permitted activity or through a resource consent pathway

Costs

- Some impacts on cultural values may still occur
- Rules constrain development, so benefits of development are constrained by the rules.

Other reasonably practicable options for achieving the objectives

More permissive development standards for sites adjoining Marae

The proposed plan change could include more permissive development standards, or omit them altogether. While this would be more enabling of development, it would enable development with a greater impact on the cultural values of Marae.

More constraining development standards for sites adjoining Marae

The proposed plan change could impose more constraining development standards. While this would further discourage development that has the potential to have an impact on cultural values of Marae, it would be more constraining of development.

Additional requirements for development on sites adjoining Marae

The District Plan could include additional controls on activities on sites adjoining Marae, including the design of buildings. However, as an IPI is only able to address qualifying matters through limits on building height and density, additional controls on activities or the design of buildings would not be within the scope of what can be included in the proposed plan change.

7.3.10 Chapter 9A: Community Health Activity Area

- (149) This section evaluates the proposed amendments to Chapter 9A: Community Health Activity Area, a zone that applies to a healthcare precinct in Boulcott. The zone includes the sites of Hutt Hospital and Hutt Valley Health Hub.
- (150) The proposed amendments for Chapter 9A relate to giving effect to Policy 3 of the NPS-UD regarding maximum building height in walkable catchment areas.

7.3.10.1 Evaluation of objectives, policies and rules

<p>Section 9A 1.2.1 Height, Scale and Location of Buildings and Structures</p> <p>Objective</p> <p>To ensure that all structures and buildings are designed and maintained to ensure the amenity values of surrounding residential and recreation activity areas, and the streetscape are maintained and enhanced.</p> <p>Policy</p> <p>(a) To ensure a progressive reduction in height of buildings the closer they are located to a site boundary, maintaining adequate daylight and sunlight for adjoining properties.</p> <p>(b) To require minimum setback requirements from all boundaries to maintain and enhance amenity values of surrounding the activity areas and the streetscape.</p> <p>(c) To ensure that new buildings are of a height, shape and form that adverse effects of wind are managed and mitigated.</p> <p>(d) To ensure that new buildings and structures are of a height, scale and design that adverse effects upon visual amenity values are avoided, remedied or mitigated.</p>	
<p>Associated rules</p> <p>Rule 9A 2.1(b) Permitted activity rule for additions to existing buildings and new buildings and structures</p> <p>Section 9A 2.1.1(a) Permitted activity condition for minimum yard requirements for sites adjoining a residential activity area</p> <p>Section 9A 2.1.1(b) Permitted activity condition for recession planes for sites adjoining a residential activity area</p> <p>Section 9A 2.1.1(c) Permitted activity condition for maximum height of buildings and structures</p> <p>Section 9A 2.1.1(d) Permitted activity condition for maximum length of buildings</p>	
<p>Why these amendments are included in the plan change</p> <p>The District Plan must give effect to Policy 3(c) of the NPS-UD, which requires the District Plan to enable building heights of at least six storeys within walkable catchment areas. This includes areas in the Community Health Activity Area.</p> <p>To enable building heights of at least six storeys, the proposed plan change would amend the maximum height standard for the zone to apply a maximum permitted height standard of 22m.</p>	
<p>How the objective achieves the purpose of the RMA</p> <p>The objective of section 9A 1.2.1 is an existing objective of the operative District Plan.</p>	
<p>Efficiency and effectiveness</p> <p>The effectiveness and efficiency of the proposed amendments are high as they give effect to the NPS-UD and enable greater development in the identified areas in a straight-forward way that is clear for plan users.</p>	
<p>Benefits</p> <ul style="list-style-type: none"> • Enables greater development within the Community Health Activity, adding to capacity of site to provide additional healthcare services. • Flow-on effect of providing for greater employment opportunities in an area that is supported by public transport and with residential areas where greater housing choice would be enabled through the 	

proposed plan change.

Costs

- Greater chance for taller buildings, which can have adverse effects on adjacent areas, including:
 - Access to sunlight,
 - Privacy,
 - Visual dominance, and
 - Construction effects.
- Increase in development opportunities can have flow-on effects on infrastructure and other services.

Other reasonably practicable options for achieving the objectives

Enable six-storey buildings through a resource consent process

Under this option, six-storey buildings would require resource consent. Instead, the District Plan would include provisions that ensure that resource consent could be obtained for six-storey buildings. This option would enable Council to consider the effects of taller buildings within the Community Health Activity Area on a case-by-case basis through the resource consent. However, it would require clear policies to give direction on what is required for a resource consent to be granted.

In addition, the District Plan would need to be clear on what effects are being managed through the resource consent process. This option would be a more complex approach to giving effect to Policy 3(c) of the NPS-UD.

This option has not been adopted as:

- It would be a more complex approach that is harder to implement for plan users,
- The resource consent requirement would lead to a level of uncertainty for future developments within the zone, and this uncertainty would discourage some developments, and
- It would result in greater constraints on development within the Community Health Activity Area than that of the surrounding residential areas (where six-storey buildings would be permitted).

Permitting buildings of more than six storeys

The proposed plan change could permit buildings of more than six storeys within the Community Health Activity Area. While this option would enable greater development within the zone, the development enabled could have greater adverse effects on adjacent areas, which includes residential and open space areas.

This option has not been adopted given the potential scale of effects that could be generated by taller buildings.

7.3.11 Chapter 10A: Community Iwi Activity Area

- (151) This section evaluates the proposed amendments to Chapter 10A: Community Iwi Activity Area. The Community Iwi Activity Area applies to ten locations in Lower Hutt with a particular connection to Māori. They include areas associated with marae, urupā and kōkiri centres.
- (152) The general approach of Chapter 10A is:
- Incorporate the rules for other zones of the District Plan by reference, and
 - Apply additional rules for the identified locations.
- (153) For the Waiwhetū Marae, Te Mangungu Marae, Koraunui Marae and Te Kakano O Te Aroha Marae, this approach consists of:
- Applying the permitted activity rules and associated standards from the General Residential Activity Area chapter (Chapter 4A), and
 - Applying additional permitted and restricted discretionary activity rules to be more enabling of marae, health clinics, kohanga reo, kōkiri centres and cultural centres.
- (154) However, this approach needs to be amended through the proposed plan change as:
- The proposed plan change would delete the General Residential Activity Area, and
 - The requirements of Policies 3(c) and 3(d) of the NPS-UD regarding building heights and density applies to some sites within the zone.

7.3.11.1 Evaluation of objectives, policies, and rules

<p>Section 10A 1.2.1 Height, Scale and Location of Buildings and Structures</p> <p>Objective</p> <p>To ensure that activities being undertaken on sites in Community Iwi Activity Areas have no more than minor adverse effects on the amenity values of neighbouring business and residential activity areas.</p> <p>Policy</p> <p>(a) To ensure that activities in the Community Iwi Activity Areas have no more than minor adverse effects on the amenity values of neighbouring business and residential activity areas through specific minimum standards relating to the extent and position of buildings and the performance standards of activities.</p>	
<p>Associated rules</p> <p>Rule 10A 2.1(a) Permitted activity rule for sites identified as Waiwhetū Marae, Te Mangungu Marae, Koraunui Marae and Te Kakano O Te Aroha Marae (<i>incorporates rules of the General Residential Activity Area in the operative District Plan, but would be amended through the proposed plan change to incorporate rules of the proposed Medium Density Residential Activity Area – excluding Te Kakano O Te Aroha Marae</i>)</p> <p>Section 10A 2.1.1.1(a) Permitted activity conditions for Rule 10A 2.9(a)</p> <p>Rule 10A 2.1(aa) New permitted activity rule for Te Kakano O Te Aroha Marae (<i>incorporates rules of the proposed High Density Residential Activity Area</i>)</p> <p>Section 10A 2.1.1.1(aa) Permitted activity conditions for Rule 10A 2.9(aa)</p>	
<p>Why these amendments are included in the plan change</p> <p>The proposed amendments to Rule 2.1(a), addition of Rule 2.1(aa) and updates to permitted activity condition sections are included in the proposed plan change to:</p> <ul style="list-style-type: none"> • Apply the permitted activity rules and conditions for the High Density Residential Activity Area to the site of Te Kakano O Te Aroha Marae (which is in an area adjacent to the Moera suburban centre), and • For all other relevant Marae, apply the permitted activity rules and conditions for the Medium Density Residential Activity Area. <p>The proposed changes would alter the way that the rules of Chapter 10A implement the objective and policy</p>	

of Section 10A 1.1.1 of the District Plan.

The proposed changes ensure that the District Plan enables the same level of built development on the sites in the Community Iwi Activity Area as what would be enabled on adjoining sites in the Medium Density Residential and High Density Residential Activity Areas.

How the objective achieves the purpose of the RMA

The objective of section 6A 1.2.1 is an existing objective of the operative District Plan.

Efficiency and effectiveness

The efficiency and effectiveness of the policies and rules of Chapter 10A are unchanged by the proposed plan change.

The proposed changes to the Chapter 10A ensure the existing approach of the District Plan for the Community Iwi Area regarding built development (that is, providing for the same level of built development as what is provided for in the surrounding area) is retained. While the proposed plan change would enable a greater level of built development within the zone, a greater level of built development would also be enabled in the surrounding area.

Benefits

- Enables greater development within the Community Iwi Activity Area in areas where greater housing choice will be enabled and an area supported by public and active transport modes.
- Ensures the same level of built development is provided for the sites in the Community Iwi Activity Area as what is provided for on adjoining sites in other zones.

Costs

- Greater chance for taller buildings, which can have adverse effects on adjacent areas, including:
 - Access to sunlight,
 - Privacy,
 - Visual dominance, and
 - Construction effects.
- Increase in development opportunities can have flow-on effects on infrastructure and other services.

Other reasonably practicable options for achieving the objectives

Permitting buildings of more than six storeys

The proposed plan change could permit buildings of more than six storeys. This option would enable greater development, but would also enable development that could have a greater level of adverse effects on adjacent areas, which can include residential and open space areas.

This option has not been adopted given the potential scale of effects that could be generated by taller buildings.

7.3.12 Chapter 11: Subdivision

- (155) This section evaluates the proposed amendments to Chapter 11: Subdivision.
- (156) The proposed plan change includes the following amendments that are either consequential to the proposed changes in residential and commercial zones included in the Plan or are minor updates:
- Rule 11.2.2 Controlled Activities:
 - Deleted references to General Residential, Special Residential and Suburban Commercial Activity Area,
 - Added reference to High Density Residential Activity Area, and
 - Updated reference to certificate of title to Record of Title.
 - Section 11.2.2.1(a) Allotment Design standard:
 - Deleted reference to Suburban Commercial Activity Area, and
 - Deleted references to minimum frontage standards for the Community Iwi Activity Area 1 – Marae.
 - Section 11.2.2.3(b) Assessment Criteria for engineering design:
 - Deleted reference to General Residential Activity Area, and
 - Added reference to High Density Residential Activity Area.
 - Rule 11.2.4 Discretionary Activities:
 - Deleted references to Special Commercial and Historic Residential Activity Areas.
- (157) As these amendments are either minor or consequential to other parts of the proposed plan change, they are not evaluated below.

7.3.12.1 Evaluation of objectives, policies and rules

<p>Section 11.1.1 Allotment Standards</p> <p>Objective To ensure that land which is subdivided can be used for the proposed use or development.</p> <p>Policy</p> <p>(a) To ensure that allotments in lower density residential areas <u>the Hill Residential Activity Area, Landscape Protection Residential Activity and rural zones</u> have minimum design standards such as, minimum size, shape and frontage, which are suitable for the proposed use or development.</p> <p>(b) To provide flexibility in lot size, shape and frontage within Commercial, Mixed Use, General <u>Medium Density Residential and Medium High Density Residential Activity Areas</u> to enable diversity of commercial and residential development size and density.</p>	
<p>Associated rules</p> <p>Section 11.2.2.1(a) Allotment Design standards. The proposed amendments are:</p> <ul style="list-style-type: none"> • Deleted standard for General Residential Activity Area • Deleted standard for Special Residential Activity Area • Updated standard for Medium Density Residential Activity Area to apply to both the Medium Density Residential and High Density Residential Activity Area. <p>Section 11.2.2.3 Assessment Criteria. The proposed amendments are:</p> <ul style="list-style-type: none"> • Assessment Design criteria added for the future character provided for by a zone. <p>Rule 11.2.4 Discretionary activity rules. The proposed amendments are:</p> <ul style="list-style-type: none"> • Delete discretionary activity Rule 11.2.4(l), for subdivision in two identified areas where the allotment design standards are not met. <p>Section 11.2.4.1 Assessment Criteria for Discretionary Activities. The proposed amendments are:</p>	

<ul style="list-style-type: none"> • Delete assessment criteria for Rule 11.2.4(l).
<p>Why these amendments are included in the plan change</p>
<p>As a collection, these amendments are included in the proposed plan change to:</p> <ul style="list-style-type: none"> • Reflect the proposed changes to the zones included in the District Plan (this includes updates to zones referred to in the chapter and deletion of allotment design standards for zones that would be removed from the Plan). • Incorporate the subdivision requirements of the MDRS. • Update the assessment criteria to ensure the planned character of the zone is considered during a resource consent process. <p>In addition, a site-specific discretionary activity rule would be deleted. This rule applies a discretionary activity status to subdivision of two greenfield development areas that are in residential zones, but only where the relevant allotment design standard is not met. This amendment is included in the proposed plan change to meet the subdivision requirements of the MDRS. In particular, Clause 4 of the MDRS, which requires that the District Plan provides for the construction and use of 1 or more residential units on a site if they do not comply with the building density standards as a restricted discretionary activity.</p>
<p>How the objective achieves the purpose of the RMA</p>
<p>The objective of section 11.1.1 is an existing objective of the operative District Plan.</p>
<p>Efficiency and effectiveness</p>
<p>The proposed amendments to the policies of section 11.1.1 and associated rules do not impact the efficiency and effectiveness of the policies and rules at implementing the objective, which simply seeks that subdivided land can be used for the proposed use or development.</p> <p>Benefits</p> <ul style="list-style-type: none"> • Ensures that the level of development that would be provided for through other changes of the proposed plan change would also be provided for where the subdivision is required as part of the development. <p>Costs</p> <ul style="list-style-type: none"> • No costs (costs associated with general increases in density from new development are addressed elsewhere).
<p>Other reasonably practicable options for achieving the objectives</p>
<p>No alternative options</p>

<p>Section 11.1.3 Natural Hazards</p> <p>Objective</p> <p>To ensure that land subject to natural hazards is subdivided in a manner that the adverse effects are avoided, remedied or mitigated.</p> <p><u>Subdivision does not increase the risk from natural hazards, including coastal hazards.</u></p> <p>Policy</p> <p>(a) Subdivision of land within the Wellington Fault Special Study Area shall ensure that the allotments are of sufficient size and shape so that buildings and structures are not sited within twenty metres of a faultline.</p> <p><u>(aa) Subdivision of land within the Wellington Fault Hazard Overlay shall ensure that the allotments are of sufficient size and shape so that the building platform is at least 20m from the Wellington Faultline.</u></p> <p>(b) Subdivision of land subject to flooding is discouraged as this can lead to greater intensity of use and development and have adverse effects on the environment.</p> <p><u>(ba) Subdivision shall ensure that any building platform is not located within an identified Stream Corridor.</u></p> <p><u>(bb) Subdivision where building platforms are within overland flow paths shall ensure that overland flowpaths are not impeded and mitigation measures are incorporated into the subdivision to avoid any increase in risk to people or property, including neighbouring properties.</u></p>

- (bc) Subdivision where the building platforms are within the Inundation Area shall include mitigation measures to avoid any increase in risk to people or property, including neighbouring properties.
- (bd) Subdivision where the building platforms are within the Medium and High Coastal Hazard Overlays shall include mitigation measures to avoid any increase in risk to people or property, including neighbouring properties.
- (c) Subdivision of land should be managed to ensure that within each allotment there is a suitable building platform so that buildings and associated structures will not be adversely affected by slope instability, including the deposition of debris.

Associated rules

Rule 11.2.2	Controlled activity rule
Section 11.2.2.2(g)	Matter of control for natural hazard risk
Rule 11.2.3(e)	Restricted discretionary activity rule for subdivision that creates building platforms within an Overland Flowpath area of the Flood Hazard Overlay
Rule 11.2.3(f)	Restricted discretionary activity rule for subdivision that creates building platforms within the Medium Coastal Hazard Area
Rule 11.2.3(g)	Restricted discretionary activity rule for subdivision in the Petone Commercial and Suburban Mixed Use Activity Areas which is also within the Coastal Hazards Overlays and involves the construction of new buildings which will be occupied by members of the public, employees or will result in the creation of a vacant allotment.
Section 11.2.3.1(a)	Matters of discretion updated to include specific reference to coastal hazards.
Section 11.2.3.1(d)	Matters of discretion added for subdivision within an Overland Flowpath area of the Flood Hazard Overlay.
Section 11.2.3.1(e)	Matters of discretion added for subdivision in the Medium Coastal Hazard Area Overlay.
Section 11.2.3.1(f)	Matters of discretion added for subdivision in the Petone Commercial Activity Area and Suburban Mixed Use Activity Area which is also within the Coastal Hazards Overlays and involves the construction of new buildings which will be occupied by members of the public, employees or will result in the creation of a vacant allotment.
Rule 11.2.4(n)	Discretionary activity rule for subdivision that creates building platforms within the Wellington Fault Hazard Overlay.
Rule 11.2.4(o)	Discretionary activity rule for subdivision that creates building platforms within the High Coastal Hazard Overlay.
Rule 11.2.5(c)	Non-Complying activity rule for subdivision that creates building platforms within the Stream Corridor area of the Flood Hazard Overlay.

Why these amendments are included in the plan change

Section 11.1.3 sets the District Plan's objectives and policies regarding subdivision and natural hazard risk. The proposed amendments to the objectives and policies are included in the proposed plan change to align the subdivision chapter with the general approach of the proposed plan change for managing natural hazard risk, and in particular, the approach in *Chapter 14H: Natural Hazards*.

These objectives and policies are implemented through several rules that address the potential increase in natural hazard risk that can be enabled through subdivision. This is the existing approach of the operative District Plan. However, the proposed plan change would result in amendments to the rules to apply a more restrictive activity status to subdivision, based on the risk associated with the hazard. In particular:

- Subdivision in the following areas would be a restricted discretionary activity:
 - Overland Flowpath area of the Flood Hazard Overlay, and
 - Medium Coastal Hazard areas of the Coastal Hazard Overlays (for both tsunami and inundation).
- Subdivision in the following areas would be a discretionary activity:
 - Wellington Fault Hazard Overlay, and
 - High Coastal Hazard Overlay (for both tsunami and inundation).
- Subdivision in the Stream Corridor area of the Flood Hazard Overlay would be a non-complying activity.

In addition, subdivision in the Petone Commercial and Suburban Mixed Use Activity Areas would be a restricted discretionary activity for the parts of the zones that are also in the Coastal Hazard Overlays, but only for subdivision that:

- Is associated with the construction of new buildings which will be occupied by members of the public or employees, or
- Would result in the creation of a vacant allotment.

The RMA sets additional evaluation requirements for accommodating qualifying matters in an IPI. The additional information required for incorporating historic heritage as a qualifying matter in the proposed plan change is provided in Appendix 5 of this report.

How the objective achieves the purpose of the RMA

The objective primarily provides for the health and safety of people and communities. In addition, avoiding or reducing the risk from natural hazards contributes to social and economic wellbeing by seeking an urban form that is more resilient when natural hazard events occur.

The objective also provides for the management of significant risk from natural hazards (section 6(h) of the RMA).

Efficiency and effectiveness

The efficiency and effectiveness of the policies and associated rules at implementing the objective in section 11.1.3 is high as they specifically address natural hazard risk for identified natural hazard risk areas, while providing a resource consent pathway for developments where it can be demonstrated that the level of risk is acceptable.

Benefits

- Addresses increase in risk to natural hazard from land use that may be enabled through subdivision.

Costs

- As the rules constrain development to an extent, the benefits of development are also constrained by the rules.

Other reasonably practicable options for achieving the objectives

The alternative options for subdivision in natural hazard areas relate to applying rules with either more or less enabling activity statuses for subdivision in natural hazard areas.

At one extreme, the proposed plan change could apply more enabling rules, by providing for subdivision in the identified natural hazard areas as a controlled activity. Under this approach, Council would not be able to decline an application for subdivision in the identified natural hazard areas unless it was found that there is a significant risk from natural hazards (under s106(1)(a) of the RMA). As a result, while this option would be more enabling of development, there is the potential for an increase in natural hazard risk.

At the other extreme, the proposed plan change could apply less-enabling rules, by providing for subdivision in identified natural hazard areas as either a discretionary or non-complying activity. This option was not adopted as the consenting requirements for some subdivision would be overly onerous for the level of hazard risk that is present.

Section 11.1.4 Special Areas

Objective 2

Historic heritage values of identified heritage precincts are protected from inappropriate subdivision.

Policy

(b) Protect the historic heritage values in the Historic Residential Precinct and Patrick Street-Riddlers Crescent by managing density of development enabled by subdivision of land.

Associated rules

Rule 11.2.4(da) Discretionary rule for subdivision in the Historic Residential Precinct and Patrick Street-Riddlers Crescent Precinct.

Why these amendments are included in the plan change

Section 11.1.4 of the District Plan sets the objectives and policies of the Plan for subdivision of special areas.

The proposed plan change would add a new objective and policy to this section to address subdivision in identified heritage precincts.

Proposed Rule 11.2.4(e) would make subdivision of identified heritage precincts a discretionary activity.

This objective, policy and rule are included in the proposed plan change to ensure that the historic heritage values of the areas identified can be protected (through a resource consent process) from the increase in density that would be enabled through subdivision. This is part of the proposed plan change’s approach to protecting historic heritage from inappropriate subdivision, use and development as a qualifying matter.

This approach was included in the proposed plan change in part as it is a continuation of the existing District Plan approach for managing subdivision in residential historic heritage areas. However, the existing approach applies to the Historic Residential Activity Areas, where the proposed approach would apply to historic heritage precincts.

The RMA sets additional evaluation requirements for accommodating qualifying matters in an IPI. The additional information required for incorporating historic heritage as a qualifying matter in the proposed plan change is provided in Appendix 5 of this report.

How the objective achieves the purpose of the RMA

The objective contributes to enabling people and communities to provide for their social and cultural wellbeing by protecting areas with identified historic heritage values.

Through the objective, the proposed plan recognises and provides for the protection of historic heritage from inappropriate subdivision, use and development (s6(h) of the RMA).

Efficiency and effectiveness

The efficiency and effectiveness of the policy and rule at implementing the objective in section 11.1.4 is high as they address potential impacts on historic heritage values but only to the extent necessary to address the areas that have been identified as historic heritage areas, based on the criteria set by Policy 21 of the RPS.

Benefits

- Enables Council to address the impacts of development on historic heritage values that is enabled through subdivision.

Costs

- As the rules constrain development to an extent, the benefits of development are also constrained by the rules.

Other reasonably practicable options for achieving the objectives

The alternative options for subdivision in historic heritage areas relate to applying rules with either more or less enabling activity statuses for subdivision in natural hazard areas.

The proposed plan change could apply more enabling rules, by providing for subdivision in the identified historic heritage areas as a controlled activity. Under this approach, Council would not be able to decline an application for subdivision in the identified areas. As a result, while this option would be more enabling of development, there is the potential for impacts on historic heritage values.

Conversely, the proposed plan change could apply less-enabling rules, by providing for subdivision in identified historic heritage areas as a non-complying activity.

A third alternative option would be to provide for the subdivision as a restricted discretionary activity, with the District Plan specifying the matters to consider for subdivision in the identified areas.

7.3.13 Chapter 12: Financial Contributions

(158) This section evaluates the proposed amendments to Chapter 12: Financial Contributions.

Note: Some changes to Chapter 12 are solely for the purpose of relocating rules so they are presented in a more logical order, rather than amending the rules. This includes the following amendments:

- Relocation of Rule 12.2.2.1 (Traffic Impact Fee for retail activities in all activity areas and places of assembly in all residential and rural activity areas) to Rule 12.2.1.2, and
- Relocation of Rule 12.2.2.2 (Reserve Impact Fee for all activities in the business and commercial activity areas) to Rule 12.2.1.9.

As the contents of the rules would not change, they are not evaluated below.

7.3.13.1 Evaluation of objectives, policies, and rules

<p>Section 12.1.1 Provision of Utility Services and Reserves when land is subdivided</p> <p>Objective</p> <p>To ensure that subdividers or developers and the Council make fair and reasonable contributions for the provision of utility services and land for reserves.</p> <p>Policy</p> <p>(a) Subdividers and developers should bear the cost of providing all utility services within the land being subdivided or developed where the benefits accrue to the land being subdivided or developed.</p> <p>(b) In circumstances where the existing services outside the land being subdivided <u>or developed</u> are adequate but, the proposed subdivision or development will require upgrading or provision of new services and facilities, the subdivider or developer shall pay the full and actual cost of such upgrading or new utility services and facilities.</p> <p>(c) Where Council has provided the necessary utility services in advance of land being subdivided <u>or developed</u>, it is necessary for owners of such land to make a fair and reasonable contribution when the land is subdivided or developed.</p> <p>(d) Subdivision or development of land can lead to an increase in demand or need for reserves and open space and have adverse effects on the environment. It is important that subdividers or developers make a fair and reasonable contribution, either in cash or land, so that demand or need can be met and adverse effects can be avoided, remedied or mitigated.</p>	
<p>Associated rules</p> <p>Rule 12.2.1.1 Financial Contributions relating to roads, private ways, service lanes, accessways, footpaths and walkways</p> <p>Rule 12.2.1.3 Financial Contributions relation to road lighting</p> <p>Rule 12.2.1.4 Financial Contributions relating to water supply</p> <p>Rule 12.2.1.5 Financial Contributions relating to disposal of waste water and stormwater</p> <p>Rule 12.2.1.8 Financial Contributions relating to reserves</p>	
<p>Why these amendments are included in the plan change</p> <p>The proposed amendments to the objective and policy of section 12.1.1 are included in the proposed plan change to:</p> <ul style="list-style-type: none"> • Ensure financial contributions can be required for all developments, not just developments that involved subdivision, • Ensure financial contributions can cover the full and actual costs for upgrading transport facilities (Rule 12.2.1.1), and • Update Rules 12.2.1.1, 12.2.1.4, 12.2.1.5 and 12.2.1.8 to clarify when payments for financial contributions under these rules are to be paid. 	
<p>How the objective achieves the purpose of the RMA</p> <p>The objective of section 12.1.1 is an existing objective of the operative District Plan.</p>	

Efficiency and effectiveness

The effectiveness and efficiency of the policies and rules are high as they apply financial contributions clearly. In addition, effectiveness is improved by the proposed amendments by ensuring financial contributions can be required for development that does not involve subdivision.

Benefits

- Contributes to the provision of infrastructure, which in turn contributes to sustainable management of the environment, including economic, cultural and social wellbeing.
- Contributes to health and safety of the community.
- Contributes to amenity of the urban environment.

Costs

- Imposes a cost on development, which ultimately impacts the amount of development that is enabled by the District Plan, which in turn has flow on effects on housing choice and affordability.

Other reasonably practicable options for achieving the objectives

Other reasonably practicable options for the financial contributions chapter include:

- More specific financial contribution requirements (such as targeted requirements for specific areas or types of development),
- Financial contributions for a wider range of infrastructure and services, and
- Increasing or decreasing the amount of a financial contribution.

However, each of these options would require a comprehensive assessment to support the approach and to justify the financial contribution that developers would need to make as a result. As this assessment has not taken place, these options have not been adopted.

7.3.14 Chapter 14F Heritage Buildings and Structures

(159) This section evaluates the proposed amendments to Chapter 14F: Heritage Buildings and Structures.

7.3.14.1 Evaluation of objectives, policies and rules

<p>Section 14F 1.1 Retention of Heritage Values</p> <p>Objective</p> <p>To ensure that the heritage values of identified heritage buildings and structures are not unnecessarily lost through demolition or relocation, or compromised by any additional work.</p> <p>Policies</p> <p>(a) To protect the exterior of buildings and structures from inappropriate repairs, alterations or additions that adversely affect heritage values.</p> <p>(b) To ensure that where the demolition or relocation of listed heritage buildings and structures is proposed, a thorough assessment and determination is made of the need for that demolition or relocation and of the alternatives available.</p>	
<p>Associated rules</p> <p>Rule 14F 2.1 Permitted activity rule for alteration, repair or modification of identified buildings</p> <p>Rule 14F 2.2 Restricted discretionary activity rule for alteration, repair or modification of identified buildings/structures</p> <p>Rule 14F 2.3 Discretionary activity rule for activities in identified buildings and structures, demolition and relocation</p>	
<p>Why these amendments are included in the plan change</p> <p>The objective and policies of Section 14F 1.1 set the outcome sought regarding retention of heritage buildings and structures and policy direction for how this would be achieved. These would be unchanged by the proposed plan change.</p> <p>However, the proposed plan change would amend the extent of the historic heritage area for Patrick Street, Petone to better identify the area with historic heritage values that warrant protection. The identification of heritage areas has been based on the criteria of Policy 21 of the RPS. In addition, as the historic heritage area around Patrick Street includes some properties that are not on Patrick Street itself, Chapter 14F has been updated to refer to the area as the Heretaunga Settlement Heritage Precinct.</p> <p>The proposed plan change would also reorganise the appendices of Chapter 14F. This amendment is solely for the purpose of presenting historic heritage areas in a separate appendix from specific historic heritage buildings and structures, and is included in the proposed plan change to improve clarity of the chapter.</p> <p>The RMA sets additional evaluation requirements for accommodating qualifying matters in an IPI. The additional information required for incorporating historic heritage as a qualifying matter in the proposed plan change is provided in Appendix 5 of this report.</p>	
<p>How the objective achieves the purpose of the RMA</p> <p>The objective of section 14F 1.1 is an existing objective of the operative District Plan.</p>	
<p>Efficiency and effectiveness</p> <p>As a result of the proposed amendments to the rules and appendices of Chapter 14F, the proposed plan change would more effectively implement the objective of section 14F 1.1 by more accurately identifying the areas in and around Patrick Street with historic heritage values that meet the criteria set by Policy 21 of the RPS.</p> <p>Benefits</p> <ul style="list-style-type: none"> Improves clarity of the District Plan. Better protects the heritage values of the area in and around Patrick Street, Petone (the Heretaunga Settlement Heritage Precinct). <p>Costs</p>	

- Impacts development potential for sites added to the Heretaunga Settlement Heritage Precinct by imposing an additional resource consent requirement and potentially limiting the level of development that could occur on the site with a resource consent.
- Adds an additional cost on development for sites added to the Heretaunga Settlement Heritage Precinct.

Other reasonably practicable options for achieving the objectives

No amendments to the Patrick Street historic heritage area

The proposed plan change could take the approach of not amending the Patrick Street historic heritage area identified in Chapter 14F. This option was not adopted as it would result in the District Plan not reflecting the most recent knowledge on heritage values for the area, and the heritage values of the area would not be protected by the Plan.

7.3.15 Chapter 14H: Natural Hazards

- (160) Proposed Chapter 14H replaces the operative District Plan's Chapter 14H. This is to ensure that the addition of flood and coastal hazards is integrated in an efficient and effective way to provide clarity for plan users. The existing objective and rule have been largely retained, while policies have been revised to provide greater clarity and direction between the objective and rules. The proposed provisions only apply to activity areas that are subject to Proposed Plan Change 56. The exception to this is the Wellington Fault overlay which is an existing overlay within the operative District Plan and affects a wider area than Proposed Plan Change 56.
- (161) Proposed Chapter 14H Natural Hazards sets the objective and policies regarding natural and coastal hazards. The chapter includes rules to manage impacts of subdivision, land use and development in hazard areas, which are identified through the chapter and overlays on the accompanying District Plan maps.
- (162) The hazards addressed in the plan change are:
- Fault Rupture (Wellington Fault)
 - Flood Hazards (stream corridors, overland flowpaths and inundation areas)
 - Coastal Hazards (tsunami and coastal inundation)
- (163) The proposed policies and rules address an overarching objective to avoid or reduce the risk to people, and their property, and infrastructure from natural hazards and coastal hazards. This is achieved through the application of natural and coastal hazard overlays to inform the level of risk applicable to a property.
- (164) The proposed changes to the fault rupture hazard include an updated overlay and largely retains the operative District Plan rule to ensure higher risk buildings are sufficiently separated from the best-known location of the fault.
- (165) Policies and rules relating to flooding and coastal hazards are introduced in this plan change to manage the added risk that would otherwise be applied to the affected sites through the implementation of the Medium Density Residential Standards and National Policy Statement on Urban Development as required by the RMA (Enabling Housing Supply and Other Matters) Amendment Act 2021. These are applied as qualifying matters under s77G, 77I and 77J of the act.
- (166) Flood hazards are proposed to be managed through mitigation (low hazards) or site-specific assessment through resource consent (for medium and high hazards).
- (167) Coastal hazards (high and medium) are managed through:
- a. the retention of the operative District Plan rule relating to the number of units permitted on the site (which is below that of the MDRS); and
 - b. requiring hazard mitigation and access to evacuation for commercial activities over a certain size.
- (168) The objectives and policies in Chapter 1.10.11 set the strategic direction for the management of natural hazards in the District Plan.
- (169) The operative District Plan addresses flood hazards, tsunami and coastal hazards through Policies 14H 1.1.1(b), (d) and (e). There are no accompanying rules to manage these hazards. An operative policy and rule apply to address fault rupture risk for the Wellington fault.

7.3.15.1 Evaluation of objective

Objective 14H 1.1

To avoid or reduce the risk to people, and their property, and infrastructure from natural hazards and coastal hazards.

Why this objective is included in the plan

This proposed objective amends the objective in the operative District Plan to include consideration of infrastructure and simplifies the objective by combining seismic action, landslides and flooding into the term 'natural hazards'. The objective seeks to ensure that development within areas prone to natural hazards requires consideration to ensure that the risks to people, property, and infrastructure either avoided, or are managed such that they are reduced, through future development. This is consistent with the outcomes sought under higher order direction and the strategic objectives. The proposed objectives take a consistent approach for both natural hazards and coastal hazards.

How this objective achieves the purpose of the RMA

The higher order documents (section 6(h) of the RMA, New Zealand Coastal Policy Statement (NZCPS) and RPS) require a risk-based approach to the management of natural hazards. The proposed objective is consistent with this higher order direction to the extent possible within the scope of s77G, 77I, 77J and 77K for the provision and assessment of qualifying matters applied through the IPI process.

7.3.15.2 Evaluation of policies and rules

Natural Hazards – Policies and rules associated with fault rupture hazard risk

The proposed policies and rules associated with fault rupture hazard risk are:

- Policy 14H 1.1 Levels of Risk
- Policy 14H 1.2 Structures and Buildings within the Wellington Fault Overlay
- Rule 14H 2.1 Structures and buildings within the Wellington Fault Overlay

These policies and rule require resource consent to ensure that development in Wellington Fault Overlay is designed and located to mitigate or avoid risk to people, property, and infrastructure.

Why these amendments are included in the plan change

The policies and rules associated with fault rupture hazards risk maintain the existing District Plan approach to management of this hazard. These have been reformatted to provide clarity and consistency with the proposed natural hazard provisions for flood and coastal hazards.

Updated information has been provided by GNS science which has modified the overlay from the existing mapped Wellington Fault Special Study Area. This update provides greater clarity and accuracy regarding the fault rupture risk for property owners and occupiers within and adjacent to these areas to ensure the risk of fault rupture is appropriately managed.

The RMA sets additional evaluation requirements for accommodating qualifying matters in an IPI. The additional information required for incorporating natural hazards as a qualifying matter in the proposed plan change is provided in Appendix 5 of this report.

How these provisions achieve the purpose of the RMA

Section s6(h) of the RMA and the RPS provide direction on how natural hazard risk needs to be managed and addressed within District Plans. The proposed provisions are consistent with this higher order direction to the extent possible within the scope of s77G, 77I and 77K for the provision and assessment of qualifying matters applied through the IPI process.

Benefits (including Opportunities for Economic Growth and Employment)

Economic

- The update results in a reduction in the number of properties affected by the fault hazard overlay. This could reduce the cost of development and may remove a resource consent requirement for these properties.
- Reduced costs to recover from natural hazards (such as clean-up, repairing damage, loss of productivity).
- Communities that experience less damage in a natural hazard event are able to recover faster. This reduces economic impacts when a natural hazard event occurs as the loss of productivity and employment opportunities are not as large or significant.
- Greater public awareness of fault rupture risk may help to prepare communities for hazard events. Increased community preparedness for fault hazards can help to minimise damage or loss to property and infrastructure in hazard events.

Social

- The risk from fault rupture events will not increase when compared to the existing situation. This will reduce the potential for future social costs such as stress, strain on mental health, illness, and loss of work days.
- The construction of buildings that respond to the fault rupture risk will make them less susceptible to damage during a fault rupture event, increasing the safety of the occupants, and reducing the social impacts that come from the hazard event.
- Greater public awareness of fault rupture risk may help to prepare communities for hazard events. Increased community preparedness for fault hazards can help to minimise injury and loss of life in hazard events.

Costs

Economic

- There will be increased costs to development within the fault hazard area because of the need to locate habitable buildings at least 20m from the fault, and/or incorporate sufficient mitigation measures. These costs may be significant in the context of the overall development.
- For a small number of properties, there will be a greater requirement to go through the resource consent process when compared to the operative District Plan as the updated overlay increases the area of the property affected. As such, there will be the direct costs associated with this process. However, 132 properties are no longer within the proposed hazard area. This means that the collective cost to development is less than that of the operative District Plan.
- There may be a cost from not being able to develop a property because of the hazards present on the site. These costs could be significant but are small in number and largely comparable to that of the operative District Plan.

Cultural

- It is recognised that the proposed provisions may impact on tangata whenua aspirations to further develop their land which may be located within the Wellington Fault Hazard Overlay. The proposed provisions are also likely to increase costs where development is possible.

Risk of Acting or Not Acting if Information is Uncertain or Insufficient

The information used to inform the proposed policies and methods is considered to be certain and sufficient. This is because:

- The operative District Plan and updated expert assessment provided shows the extent of known fault rupture hazard from the Wellington Fault that affects the City and represents a significant risk to life and property.
- Section 6(h) of the RMA and other higher order documents (RPS) provide direction on how natural hazard risk needs to be managed and addressed within District Plans. The proposed policies and methods maintain the existing District Plan approach to fault rupture hazard, and are consistent with higher order guidance.
- The proposed provisions allow Council to undertake its function under s31(1)(b)(i) of the RMA.
- The existing District Plan overlay no longer represents the best known location of the Wellington Fault. The proposed updated overlay provides greater certainty for those in or adjacent to the current overlay. 14 properties have had additional area of their property added which would have otherwise not been required to address the risk, meanwhile 132 properties are no longer within the hazard area.

Efficiency and Effectiveness

The proposed provisions are considered to be the most efficient and effective in achieving the proposed objectives because:

- While acknowledging that a more comprehensive review of natural hazards is needed to give full effect to higher order direction (s6(h) and RPS), the proposed provisions give effect to these to the extent possible within the scope of s77G, 77I and 77J for the provision and assessment of qualifying matters applied through the IPI process and implement a clear, transparent, and consistent framework within the District Plan.
- While the proposed provisions will result in some additional economic costs, these are limited to a small number of affected properties. The removal of 132 properties from the current overlay will reduce economic costs for those sites. Furthermore, it is considered that the resulting benefits to future occupants and the recovery of the city following a natural hazard event outweigh these costs.
- It is recognised that there are potential significant cultural costs to be borne by the local tanga whenua community due to lost development potential of cultural land. Consideration was given to whether an alternative framework was required to allow for the cultural aspirations of these communities to be met. However, this was decided against because:
 - the proposed provisions maintain the existing level of permitted development in fault hazard areas;
 - Alternative frameworks would not give sufficient consideration to the higher order direction; and
 - Being more permissive in the Wellington Fault Hazard Overlay could put life and future developments at considerable risk, which would result in worse outcomes for these communities in the longer term.
- While acknowledging that a more comprehensive review of natural hazards is needed to give full effect to higher order direction (s6(h) and RPS), the proposed provisions maintain the existing District Plan approach, while updating the mapped overlay to reflect the most up-to-date information available.
- The Wellington fault rupture hazard has the potential to have a large impact on the City of Lower Hutt.
- The provisions take a nuanced approach to the management of fault rupture hazard risk and development, where higher risk activities require consent and the resulting matters of discretion are directly relative to the risk presented by the development.
- The proposed policies and rules will ensure there is no increase in the fault rupture hazard risk experienced as a result of the implementation of the MDRS and NPS-UD Policy 3.

Other Reasonably Practicable Options for Achieving the Objectives

Retaining the existing District Plan approach and mapping of fault rupture hazards.

- The structure of the existing policy and rule is inconsistent with the proposed natural hazard provisions. This inconsistency may create unnecessary confusion for District Plan users.
- While the spatial extent of the existing fault hazard overlay is largely the same as the proposed overlay, the proposed overlay adds a small number of properties, for which the risk is otherwise unaddressed.
- Retaining the operative Wellington Fault Special Study Area does not represent the most up-to-date information regarding the location of the Wellington Fault. The proposed Wellington Fault Overlay narrows the band in some areas, thus removing some properties from the overlay and generating more certainty for District Plan users and reducing costs for these landowners.

Natural Hazards – Policies and rules associated with flood hazard risk

The proposed policies and rules associated with flood hazard risk are:

Policies:

- 14H 1.1 Levels of Risk
- 14H 1.3 Additions to Buildings in an identified Inundation Area of the Flood Hazard Overlay
- 14H 1.4 Additions to Buildings within the Overland Flowpaths and Stream Corridors of the Flood Hazard Overlays
- 14H 1.5 New residential units, commercial activities or retail activities within the identified Inundation Areas of the Flood Hazard Overlays
- 14H 1.6 New residential units, commercial activities or retail activities within the Overland Flowpaths of the Flood Hazard Overlays
- 14H 1.7 New residential units, commercial activities or retail activities within the Stream Corridors of the Flood Hazard Overlay

Rules

- 14H 2.2 Additions to residential buildings in the Inundation Area, Overland Flow Path or Stream Corridor Flood Hazard Overlays
- 14H 2.3 New residential units, commercial activities or retail activities in the Inundation Area of the Flood Hazard Overlay
- 14H 2.4 New residential units, commercial activities or retail activities that are within the Overland Flow paths of the Flood Hazard Overlay
- 14H 2.5 New residential units, commercial activities or retail activities that are within the Stream Corridors of the Flood Hazard Overlay

These policies and rules require mitigation to address low level flood risk (Inundation Areas) through a minimum floor level condition. Resource consent is required to ensure that development in medium or high flood hazards (Overland Flowpaths or Stream Corridors) is designed to mitigate or avoid risk to people, property, and infrastructure. The proposed policies and rules only apply to sites affected by the MDRS and NPSUD Policy 3 intensification requirements that are also located within a flood hazard overlay.

Why these amendments are included in the plan change

Flooding is the most widespread hazard to affect the city, the majority of suburbs are impacted by this hazard in some form. Flood modelling has been undertaken by Wellington Water to map a 1:100 year rainfall event

(incorporating an assumed 20% increase in rainfall to account for climate change). The flood modelling that has been undertaken informs the following mapped flood hazard overlays:

- Stream Corridors (High Hazard Areas)
- Overland Flowpaths (Medium Hazard Area) and
- Inundation Area (Low Hazard Area).

Flood hazards are not currently addressed in the operative District Plan. When considering the intensification requirements of the MDRS and NPS-UD, it is necessary to address the risk to people, and their property, and infrastructure from flood hazards to ensure the level of development enabled is appropriate and provides community resilience into the future. Flood hazard mapping was already underway to inform the City's planned full District Plan review. The flood modelling that is included in Proposed Plan Change 56 covers the following catchments:

- Stokes Valley,
- Eastern Lower Hutt (east of the Hutt River),
- Petone (includes Western Hills to Tirohanga), and
- Wainuiomata (north of Moores Valley Road).

As such, flood hazard areas, policies and rules have been added to the plan to ensure development mitigates or avoids these hazard risks. The Stream Corridor (High Hazard Area) and Overland Flow Path (Medium Hazard Area) overlays and supporting objectives, policies and rules have been included as qualifying matters as these provisions limit the MDRS by requiring resource consent to address the risk from natural hazards.

For the Inundation Area (Low Hazard Risk) areas, the policies and rules require mitigation as a permitted activity condition to ensure building floor heights appropriately mitigate the flood risk. The MDRS will still apply in these areas, and as such the Inundation Area (Low Hazard Risk) overlay is not a qualifying matter for the purposes of this plan change.

This ensures that any limitation to what would otherwise be enabled through the MDRS is confined to the matters necessary to address the flood risk.

The RMA sets additional evaluation requirements for accommodating qualifying matters in an IPI. The additional information required for incorporating natural hazards as a qualifying matter in the proposed plan change is provided in Appendix 5 of this report.

How these provisions achieve the purpose of the RMA

Section 6(h) of the RMA and the RPS provide direction on how natural hazard risk must be managed and addressed within District Plans. The proposed provisions are consistent with this higher order direction to the extent possible within the scope of s77G, 77I and 77J for the provision and assessment of qualifying matters applied through the IPI process.

Benefits (including Opportunities for Economic Growth and Employment)

Environmental

- Reduced levels of development may assist with stormwater management.
- Incorporation of mitigation measures may result in increased natural drainage, reduced volume of water to watercourses or net positive environmental outcomes such as incorporation of swales or other stormwater management systems that provide habitat for indigenous flora and fauna as well as localised resilience to flood risk.

Economic

- Reducing the damage to future properties and developments from natural hazard events as a result of incorporated mitigation measures.

- Likely ability to retain insurance cover for future properties as they have been able to be designed to mitigate the risks from natural hazards.
- Reduced costs to recover from natural hazards (such as clean-up, repairing damage, loss of productivity).
- Communities that experience less damage in a natural hazard event are able to recover faster. This ensures significantly reduced economic impacts from when a natural hazard event occurs as the loss of productivity and employment opportunities are not as large or significant.
- Reduced costs for property owners, the community and the Council to respond to future flood hazard events as they have been planned for. This includes the modelled impact of climate change now and into the future.
- Greater public awareness of flood hazard risk may help to prepare communities for hazard events. Increased community preparedness for flood hazards can help to minimise damage or loss to property and infrastructure in hazard events.

Social

- The construction of buildings that respond to the flood hazard risk will make them less susceptible to damage during a flood hazard event, increasing the safety of the occupants, and reducing the social impacts that come from flood hazard events, such as displacement of residents and subsequent health and wellbeing issues.
- Lower socioeconomic groups are often disproportionately located in areas that are susceptible to natural hazards. These groups have the least ability to recover from natural hazard events due to their limited resources. The proposed provisions will ensure that future housing is designed to take into account natural hazard risk. This will have the indirect benefit of ensuring that those that are most vulnerable are not disproportionately affected by future natural hazard events.
- Greater public awareness of flood hazard risk may help to prepare communities for hazard events. Increased community preparedness for flood hazards can help to minimise injury and loss of life in hazard events.

Cultural

- No direct or indirect cultural benefits have been identified with the proposed provisions

Costs

Economic

The following direct economic costs have been identified:

- There will be increased costs to development within flood hazard areas because of the need to incorporate mitigation measures. These costs may not be significant in the context of the overall development as many of the proposed measures would include matters such as:
 - Increased floor heights
 - Setting buildings back from high and medium hazards areas.
- These measures may be able to be incorporated into developments at the time of construction, without presenting significant additional costs.
- There will be a greater requirement to go through the resource consent process when compared to the operative District Plan. As such, there will be the direct costs associated with this process and reduced certainty of development potential.
- For some property owners there may be a loss of development potential for their property because of the hazards present on the site.

Cultural

- It is recognised that the proposed provisions may impact on tangata whenua aspirations to further develop their land which may be located within a Flood Hazard Overlay. The proposed provisions are also likely to increase costs where development is possible.

Risk of Acting or Not Acting if Information is Uncertain or Insufficient

The information used to inform the proposed policies and methods is considered to be certain and sufficient. This is because:

- The expert assessment provided shows that flood hazards affect the City and that some of the potential impacts represent a significant risk to life and property.
- The expert assessments also show that for each flood hazard, the severity of the hazard varies within each overlay. As such, a nuanced approach is required where in high hazard areas development generally needs to be avoided, whereas in low and medium hazard areas development should be able to proceed providing appropriate mitigation measures are implemented to address the risk from the hazard. This has been conservatively applied to align with the scope provided for in the IPI.
- Section 6(h) of the RMA and other higher order documents (RPS) provide direction on how natural hazard risk must be managed and addressed within District Plans. To fully implement this direction, a comprehensive review of Natural Hazards in the District Plan is required but is unable to be achieved through the scope of the IPI. As such, the proposed policies and methods are consistent with higher order direction to the extent possible to manage building density under s77G, 77I and 77J of the RMA.
- The proposed provisions allow Council to undertake its function under s31(1)(b)(i) of the RMA.
- The operative District Plan does not currently include consideration of some of the proposed coastal and flood hazards. There is a risk associated with increasing density within these areas without due consideration of known hazard risks. As such, the status quo is not a realistic option and new provisions (as proposed) are required to ensure that intensification required through the MDRS and NPS-UD Policy 3 address natural hazard risk within the area affected by the plan change.
- New Zealand has experienced a significant number of large natural hazard events in the last decade (Christchurch Earthquake Sequence, Kaikoura Earthquake, Gisborne Floods, Dunedin Floods, West Coast Floods and Southland Floods). There have been significant social and economic costs from these events. Some of these costs could have been avoided if there had been better recognition of natural hazard risks when some of the impacted communities were developed. The proposed provisions seek to ensure that future development is undertaken in a manner to ensure that these future social and economic costs do not continue to increase.

Efficiency and Effectiveness

Efficiency

The proposed provisions are considered to be the most efficient in achieving the proposed objectives because:

- Acknowledging that a more comprehensive review of natural hazards is needed to give full effect to higher order direction (s6(h) and RPS), the proposed provisions give effect to these to the extent possible within the scope of s77G, 77I and 77J for the provision and assessment of qualifying matters applied through the IPI process and implement a clear, transparent, and consistent framework within the District Plan;
- While the proposed provisions will result in some additional economic costs, it is considered that the resulting benefits to future occupants and the recovery of the City following a natural hazard event outweigh these costs;
- The proposed provisions would assist with the transfer of costs for addressing natural hazard risk from future property owners and local and central government onto developers at the time the developments are undertaken;

- It is recognised that there are potential significant cultural costs to be borne by the local tanga whenua community due to lost development potential of cultural land. Consideration was given to whether an alternative framework was required to allow for the cultural aspirations of these communities to be met. However, this was decided against because:
 - the proposed provisions largely maintain the existing level of permitted development in hazard areas;
 - Alternative frameworks would not give sufficient consideration to the higher order direction; and
 - Being more permissive in the Natural Hazard Overlays could put life and future developments at considerable risk, which would result in worse outcomes for these communities in the longer term.

Effectiveness

The proposed provisions are considered to be the most effective in achieving the proposed objectives because:

- Acknowledging that a more comprehensive review of natural hazards is needed to give full effect to higher order direction (s6(h) and RPS), the proposed provisions give effect to these to the extent possible within the scope of s77G, 77I and 77J for the provision and assessment of qualifying matters applied through the IPI process;
- The proposed provisions relate to the natural hazards that have the potential to have the greatest impact on the City of Lower Hutt;
- They take a nuanced approach to the management of natural hazard risk and development, where the activity status of the consent and the resulting direction provided within the policy is directly relative to the risk presented by the development;
- The proposed policies and rules will ensure there is no increase in the natural hazard risk experienced as a result of the implementation of the MDRS and NPS-UD Policy 3 when compared to the status quo. This is achieved by either discouraging development beyond existing permitted levels in high hazard areas or by requiring mitigation measures to address the risk from the natural hazard.

Other Reasonably Practicable Options for Achieving the Objectives

No flood hazard provisions

While this is the simplest approach for plan users, this approach would enable higher density development than the proposed provisions in areas of significant flood hazard risk. In doing so, Council would not be executing its responsibilities under s31(1)(b)(i).

More restrictive flood hazard provisions

Acknowledging that a more comprehensive review of natural hazards is needed to give full effect to higher order direction (s6(h) and RPS), the proposed plan change is restricted under sections 77G, 77I and 77J to only apply modifications of the MDRS to extent necessary to accommodate the qualifying matter.

Natural Hazards – Policies and rules associated with coastal hazard risk

The proposed policies and rules associated with coastal hazard risk are:

Policies

- 14H 1.1 Levels of Risk
- 14H 1.8 Additions to buildings within the Medium Coastal Hazard Area and High Coastal Hazard Area
- 14H 1.9 New residential units within the Low Coastal Hazard Areas

- 14H 1.10 New residential units in the Medium Coastal Hazard Area
- 14H 1.11 New residential units in the High Coastal Hazard Area
- 14H 1.12 Subdivision, Use and Development in the Petone Commercial Activity Area and Suburban Mixed Use Activity Area which will not be occupied by members of the public and within the Coastal Hazards Overlays
- 14H 1.13 Subdivision, Use and Development in the Petone Commercial Activity Area and Suburban Mixed Use Activity Area which will be occupied by members of the public and within the Coastal Hazards Overlays

Rules

- 14H 2.6 Additions to building within the Coastal Hazard Overlays
- 14H 2.7 New residential units in the Low Coastal Hazard Area
- 14H 2.8 New residential units in the Medium Coastal Hazard Area
- 14H 2.9 New residential units in the High Coastal Hazard Area
- 14H 2.10 Commercial activities or retail activities that are within the Petone Commercial Activity Area and Suburban Mixed Use Activity Area and within the Medium or High Coastal Hazard Overlays

These policies and rules limit the permitted number of units per site to 2 in medium or high coastal hazard areas. In low coastal hazard areas 3 units per site are permitted. Development over and above these thresholds requires resource consent to mitigate or avoid risk to people, property, and infrastructure. The proposed policies and rules only apply to sites affected by the MDRS and NPSUD Policy 3 intensification requirements that are also located within a coastal hazard overlay.

Why these amendments are included in the plan change

Coastal hazards will have an increasing impact on the city into the future. The NZCPS requires the risk from coastal hazards with at least a 1:100 return period to be managed. This includes tsunami and coastal inundation hazards (including sea level rise). Modelling of these two coastal hazards has been undertaken.

A series of probabilistic tsunami scenarios were mapped for the following return periods:

- 1:100 years;
- 1:500 years; and
- 1:1000 years.

Tsunami hazards can have limited warning time and the potential impacts on properties and life can be severe. Because of this, it is appropriate to consider tsunami risk from a range of scenarios. All modelled coastal areas (modelling has not been completed for the Pencarrow and Wainuiomata Coasts) are impacted by this hazard.

A series of sea level rise maps have been modelled to identify the City's coastal inundation hazards. The sea level rise was based on the MfE guidance (Coastal Hazards and Climate Change: A Guidance Manual for Local Government in New Zealand 2017). While the full extent of modelled sea level rise is occurring over a longer time frame, relative sea level is currently rising at an increasing rate and will continue into the future. As such, current decisions about future development in coastal areas must factor in sea level rise to ensure that the risk from this hazard does not increase with time.

Coastal hazards are not currently addressed in the operative District Plan, and, when considering the effects of climate change, will have an increasingly significant impact on the city into the future. When considering the intensification requirements of the MDRS and NPS-UD, it is therefore necessary to address the risk to people, and their property, and infrastructure from coastal hazards to ensure the level of development enabled is appropriate and resilient to impacts from coastal hazards into the future. Fully implementing the MDRS and NPS-UD Policy 3 in these areas will lead to increased environmental, economic, social and cultural risk over time.

As such, coastal hazards have been added to the plan as a qualifying matter and limit the MDRS (to the extent possible through the IPI process) to address the risk. The policies and rules largely maintain the existing level of development enabled by the operative District Plan but provide restrictions on the number of dwellings that would otherwise be enabled through the MDRS and the intensity of commercial use otherwise enabled through the NPS-UD. This is important to ensure that the risk to coastal communities is managed when implementing the IPI, while additional hazard assessment beyond the scope of this plan change is ongoing.

The RMA sets additional evaluation requirements for accommodating qualifying matters in an IPI. The additional information required for incorporating natural hazards as a qualifying matter in the proposed plan change is provided in Appendix 5 of this report.

How these provisions achieve the purpose of the RMA

Section 6(h) of the RMA, the NZCPS, and the RPS provide direction on how natural hazard risk needs to be managed and addressed within District Plans. The proposed provisions are consistent with this higher order direction to the extent possible within the scope of s77G, 77I and 77J for the provision and assessment of qualifying matters applied through the IPI process.

Benefits (including Opportunities for Economic Growth and Employment)

Environmental

- Application of this qualifying matter will help to protect areas that contain high value and sensitive ecosystems.
- Increased awareness of risk may lead to natural resilience measures and restoration of coastal areas

Economic

The direct economic benefits derived from the proposed provisions include:

- Reducing the damage to future properties and developments from coastal hazard events by limiting the number of dwellings enabled in high and medium hazard areas;
- Reduced costs to recover from coastal hazards (such as clean-up, repairing damage, loss of productivity);
- Communities that experience less damage in a coastal hazard event are able to recover faster. This ensures significantly reduced economic impacts from when a coastal hazard event occurs as the loss of productivity and employment opportunities are not as large or significant;
- Reduced costs for property owners, the community and the Council to respond to future coastal hazard events as they have been planned for. This includes the modelled impact of climate change now and into the future; and
- Greater public awareness of coastal hazard risk may help to prepare coastal communities for hazard events. Increased community preparedness for coastal hazards can help to minimise damage or loss to property and infrastructure in hazard events.

Social

- The risk from coastal hazard events will not increase when compared to the existing situation. As such, new developments greater than 2 dwellings that are in Coastal Hazard Overlays will have mitigation measures built in to ensure that the development and its occupiers are not as significantly impacted by, and can evacuate from, future coastal hazard events. This will reduce the potential for future social costs such as displacement of residents and subsequent health and wellbeing issues.
- The construction of buildings that respond to the coastal hazard risk will make them less susceptible to damage during a coastal hazard event, increasing the safety of the occupants, and reducing the social impacts that come from coastal hazard events.
- Greater public awareness of coastal hazard risk may help to prepare coastal communities for hazard events. Increased community preparedness for coastal hazards can help to minimise injury and loss of life in hazard events.

Costs

Economic

- There will be increased costs for development of more than 2 dwellings within coastal hazard areas because of the need to incorporate mitigation measures. These costs may not be significant in the context of the overall development as many of the proposed measures could include matters such as:
 - Increased floor heights
 - Setting buildings back from high and medium hazards areas
 - Ensuring safe evacuation routes
- These measures may be able to be incorporated into developments at the time of construction, without presenting significant additional costs;
- There will be a greater requirement to go through the resource consent process when compared to the operative District Plan. As such, there will be the direct costs associated with this process;
- For some property owners there may be a loss of development potential due to the hazards present on the site.

Social

- Most coastal communities are aware of coastal hazards to some extent. However, for many parties this will be the first time this information will be readily accessible and visually portrayed on a map. The incorporation of climate change modelling also means the extent of coastal hazards may be greater than these communities may expect, particularly for low lying areas that are further inland, such as Moera, Alicetown and Waiwhetū. This new information may impact on the social wellbeing of owners and occupiers of properties that are within the Coastal Hazard Overlays.

Cultural

- It is recognised that the proposed provisions may impact on tangata whenua aspirations to further develop their land which may be located within a Coastal Hazard Overlay. The proposed provisions are also likely to increase costs where development is possible.

Risk of Acting or Not Acting if Information is Uncertain or Insufficient

The information used to inform the proposed policies and methods is considered to be certain and sufficient. This is because:

- The expert assessment provided shows that coastal hazards affect the City and that some of the potential impacts represent a significant risk to life and property.
- The expert assessments also show that for each coastal hazard, the severity of the hazard varies within each overlay. As such, a nuanced approach is required where in high hazard areas development generally needs to be avoided, whereas in low and medium hazard areas development should be able to proceed providing appropriate mitigation measures are implemented to address the risk from the hazard. This has been conservatively applied to align with the scope provided for in the IPI.
- Section 6(h) of the RMA and higher order guidance (NZCPS and RPS) provides direction on how natural hazard risk must be managed and addressed within District Plans. To fully implement this direction, a comprehensive review of Natural Hazards in the District Plan is required but is unable to be achieved through the scope of the IPI. As such, the proposed policies and methods are consistent with higher order guidance to the degree possible to manage building density under s77G, 77I and 77J of the RMA.
- The proposed provisions allow Council to undertake its function under s31(1)(b)(i) of the RMA.
- The existing District Plan provisions are resulting in an increase in risk with time as they currently have little or no consideration of some of the coastal and natural hazards proposed for inclusion in

this plan change. As such, the status quo is not a realistic option and new provisions (as proposed) are required to ensure that intensification required through the MDRS and NPS-UD Policy 3 address natural hazard risk within the City.

- New Zealand has experienced a significant number of large natural hazard events in the last decade (Christchurch Earthquake Sequence, Kaikoura Earthquake, Gisborne Floods, Dunedin Floods, West Coast Floods and Southland Floods). There have been significant social and economic costs from these events. Some of these costs could have been avoided if there had been better recognition of natural hazard risks when some of the impacted communities were developed. The proposed provisions seek to ensure that future development is undertaken in a manner to ensure that these future social and economic costs do not continue to increase.

Efficiency and Effectiveness

The proposed provisions are considered to be the most efficient and effective in achieving the proposed objectives because:

- Acknowledging that a more comprehensive review of natural hazards is needed to give full effect to higher order direction (s6(h), NZCPS and RPS), the proposed provisions give effect to these to the extent possible within the scope of s77G, 77I and 77J for the provision and assessment of qualifying matters applied through the IPI process and implement a clear, transparent, and consistent framework within the District Plan;
- While the proposed provisions will result in some additional economic costs, it is considered that the resulting benefits to future occupants and the recovery of the City following a natural hazard event outweigh these costs. It is also noted that the additional costs to a development to incorporate mitigation measures into the design are often considerably less than the costs that result from damage (or repeated damage) from a natural hazard event;
- The proposed provisions would assist with the transfer of costs for addressing natural hazard risk from future property owners and local and central government onto developers at the time the developments are undertaken;
- It is recognised that there are potential significant cultural costs to be borne by the local tanga whenua community due to lost development potential of cultural land. Consideration was given to whether an alternative framework was required to allow for the cultural aspirations of these communities to be met. However, this was decided against because:
 - the proposed provisions largely maintain the existing level of permitted development in hazard areas;
 - Alternative frameworks would not give sufficient consideration to the higher order direction; and
 - Being more permissive in the Natural Hazard Overlays could put life and future developments at considerable risk, which would result in worse outcomes for these communities in the longer term.
- Acknowledging that a more comprehensive review of natural hazards is needed to give full effect to higher order direction (s6(h), NZCPS and RPS), the proposed provisions give effect to these to the extent possible within the scope of s77G, 77I and 77J for the provision and assessment of qualifying matters applied through the IPI process;
- The proposed provisions relate to the natural hazards that have the potential to have the greatest impact on the City of Lower Hutt;
- They take a nuanced approach to the management of natural hazard risk and development, where the activity status of the consent and the resulting direction provided within the policy is directly relative to the risk presented by the development;
- The proposed policies and rules will ensure there is no increase in the natural hazard risk experienced as a result of the implementation of the MDRS and NPS-UD Policy 3 when compared to

the status quo. This is achieved by either discouraging development beyond existing permitted levels in high hazard areas or by requiring mitigation measures to address the risk from the natural hazard.

Other Reasonably Practicable Options for Achieving the Objectives

No coastal hazard provisions

While this is the simplest approach for plan users, this approach would enable higher density development than the proposed provisions in areas of significant coastal hazard risk. Council would not be executing its responsibilities under s31(1)(b)(i).

More restrictive coastal hazard provisions

Acknowledging that a more comprehensive review of coastal hazards is needed to give full effect to higher order direction (s6(h) and RPS), the proposed plan change is restricted under sections 77G, 77I and 77J to only apply modifications of the MDRS to extent necessary to accommodate these as a qualifying matter.

7.3.16 Chapter 14M: Wind

(170) The following tables evaluate the proposed new Chapter 14M: Wind.

7.3.16.1 Summary of approach for the Wind chapter

- Continue to apply wind effects assessments in those areas where they are currently required.
- Apply wind effects assessments to new buildings of over 12 metres in areas where buildings of this height are not provided for in the operative District Plan.
- Apply wind effects assessments to new buildings of over 22 metres in all other areas.
- Consolidate the wind provisions into a single, consistent chapter, including a new overarching objective to replace existing zone-specific objectives.
- Update and clarify the performance standards. This includes slightly more permissive performance standards to better enable development and align with the approach of the Proposed Wellington City District Plan.
- Provide clearer direction on when quantitative rather than qualitative assessment is needed, and the contents of the assessment.

7.3.16.2 Evaluation of objective

<p>Objective 14M 1.1</p> <p><u>Within public places in Commercial Activity Areas, High Density Residential and Medium Density Residential Activity Areas, and other urban non-residential activity areas that enable buildings taller than 12 metres:</u></p> <p>(a) <u>Wind conditions remain safe, and where possible, existing unsafe wind conditions are improved,</u></p> <p>(b) <u>In key commercial centre locations, wind conditions are comfortable for pedestrians, and</u></p> <p>(c) <u>The pedestrian wind environment is protected from gradual degradation over time.</u></p>
<p>Why this objective is included in the proposed plan change</p> <p>New buildings and alterations to existing buildings can change the pattern and speeds of wind in public spaces. This can affect the comfort of people using public spaces, and at more extreme levels can cause safety issues for pedestrians and traffic. The risk is greater for taller buildings, or where the pattern of building heights is significantly varied.</p> <p>As the overall direction of the plan change will provide for taller buildings, it is appropriate to ensure that as part of enabling buildings taller than those provided for in the operative plan, or as a supporting matter in environments likely to see a significant variation in buildings heights (such as the city centre), those new buildings have assessments to minimise the likelihood of producing unacceptably extreme wind conditions.</p> <p>This objective is a new objective where it applies to the Medium Density Residential, High Density Residential, Petone Commercial 1, Suburban Mixed Use, General Business, Community Iwi, and Community Health Activity Areas. Where it applies to the Central Commercial Activity Area it effectively re-implements Objective 5A 1.2.2. Where it applies to Area 2 of the Petone Commercial Activity Area it effectively re-implements Objective 5B 1.2.3.</p> <p>How this objective achieves the purpose of the RMA</p> <p>Provides for people’s health and safety by managing significant risks from natural hazards and for their social wellbeing by maintaining and enhancing amenity values in potentially windy areas.</p>

7.3.16.3 Evaluation of policies and rules

<p>Policy 14M 1.1</p> <p>(a) <u>Encourage consideration of wind during the early stages of building design to achieve high quality design for wind that minimises the adverse impact on public spaces, with wind mitigation measures contained on site.</u></p>
--

(b) Require that larger buildings, including significant alterations and additions, are designed to manage adverse wind effects, by meeting specified performance standards.

(c) Ensure that where wind effects have been managed through wind mitigation measures, that those mitigation measures are retained and maintained.

Rule 14M 2.1(a)	Buildings and Structures over specified heights (new)
Rule 14M 2.1(b)	Alteration or removal of off-site wind mitigation measures (new)
Condition 14M 2.1.3(a)	Safety: maximum 3-second gust speed (new)
Condition 14M 2.1.3(b)	Deterioration of the wind environment (new)
Condition 14M 2.1.3(c)	Comfort: number of hours mean hourly wind speed exceeds 2.5m/s (new)
Condition 14M 2.1.3(d)	Wind report (new)
Rule 14M 2.2	Developments not meeting performance standards (new)

Why these provisions are included in the plan change

Policy 14M 1.1 is a new policy, except where it relates to the Central Commercial Activity Area, re-implementing part of Policy 5A 1.2.2(e), and the Petone Commercial Activity Area, re-implementing part of Policy 5B 1.2.3(h) and (j).

As a package, the rule framework in rules 14M 2.1 and 2.2 collectively implement these policies.

The rules:

- Recognise that assessing wind effects requires specific technical expertise, and detail how this is to be provided
- Set performance standards that set the expected level of wind performance
- Encourage high-quality developments through retaining discretion over the design of developments
- Set a consenting pathway for developments to obtain resource consent as a discretionary activity, if the performance standards are not met, or it is not practical to demonstrate whether they are met

The rules are a condition of development for buildings of over 12 metres in zones that have not previously allowed buildings of this height. The rules are supporting rules for the Central Commercial and Petone Commercial areas where the greater building heights will increase the risks from wind effects arising from large variations in height. The provisions relating to wind in those chapters are consequentially removed.

The wind standards are updated based on Council’s experience in applying the performance standards in the past, engagement with local wind experts (WSP), and a combination of the existing standards for the Central Commercial and Petone Commercial areas. Council has also taken the opportunity to provide cross-boundary consistency where possible with the provisions of the Proposed Wellington City District Plan. Triggers and thresholds are also informed by alignment with other limits in the plan, and the legal scope of the IPI.

Efficiency and effectiveness

The policies and rules of the District Plan need to strike a balance between:

- being enabling of commercial activities, community facilities, and residential living, while
- managing the potential adverse effects of development.

Wind effects can generally be managed without significant impact on development capacity, particularly if wind is considered as part of the design from the outset. However, designing for wind and assessing the resulting wind environment has costs in and of itself. The proposed approach strikes a balance for efficiency by permitting low-risk developments, requiring a relatively inexpensive qualitative assessment for moderate-risk developments, and only requires the most expensive quantitative assessment for large-scale developments where the risks are highest, and the cost can be more easily absorbed.

The benefits and costs for this policy and associated rules are as follows.

Benefits

- Amenity benefits in public space
- Safety effects in public space and for transport network users
- Benefits from activities that are enabled in public space (such as temporary activities) which are not subject to extreme wind environments

Costs

- Increases the cost to design buildings and assess the environmental effects
- Potential in some circumstances to limit development capacity

Other reasonably practicable options for achieving the objectives**A more discretionary system for assessing new developments.**

This would increase cost and uncertainty for developments. It removes the advantage that can come from designing for wind earlier in the process, as applicants and designers do not have targets to design to.

Retain existing wind provisions for existing areas, develop new provisions for new areas

Wind provisions are relatively rarely applied. Continuing to have wind provisions that are different in different areas, and inconsistent with adjoining Wellington City, would be inefficient and creates uncertainty for developers in applying the standards. The inconsistency also adds cost and complexity to Council in administering the plan.

Provide for developments meeting standards as a controlled or permitted activity where they meet the performance standards

This would also achieve the performance standards, but it would remove the ability of Council to critically assess the trade-offs made in designs and whether the best outcome has been achieved, rather than simply relying on a third-party assessment.

8 Conclusion

- (171) The proposed plan change has been evaluated under the requirements of Section 32 of the RMA. The objectives of the proposed plan change are the most appropriate way to achieve the purpose of the RMA and the policies and rules are the most appropriate way to implement these objectives, particularly in light of the RMA requirements for Intensification Planning Instruments.

9 Appendices

Proposed District Plan Change 56

Enabling Intensification in Residential and Commercial Areas

**Appendix 1 – Policies 3 and 4 of the NPS-UD and
the Medium Density Residential Standards**

Proposed District Plan Change 56 must:

- Incorporate the Medium Density Residential Standards (a set of development standards specified in Schedule 3A of the Resource Management Act) into the District Plan for every relevant residential zone, and
- In the case of tier 1 territorial authorities (which includes Hutt City Council), give effect to Policies 3 and 4 of the National Policy Statement on Urban Development.

The Medium Density Residential Standards and Policies 3 and 4 of the National Policy Statement are below.

Medium Density Residential Standards

Schedule 3A

MDRS to be incorporated by specified territorial authorities

Part 1

General

1 Interpretation

- (1) In this schedule, unless the context otherwise requires,—

construction includes construction and conversion, and additions and alterations to an existing building

density standard means a standard setting out requirements relating to building height, height in relation to boundary, building setbacks, building coverage, outdoor living space, outlook space, windows to streets, or landscaped area for the construction of a building

subdivision means the subdivision of land, as defined in section 218(1).

- (2) Terms used in this schedule that are defined in section 77F have the same meaning in this schedule as they do in that section.
- (3) Terms used in this schedule that are defined in the national planning standards have the same meaning in this schedule as they do in those standards.

2 Permitted activities

- (1) It is a permitted activity to construct or use a building if it complies with the density standards in the district plan (once incorporated as required by section 77G).
- (2) There must be no other density standards included in a district plan additional to those set out in Part 2 of this schedule relating to a permitted activity for a residential unit or building.

3 Subdivision as controlled activity

Subdivision requirements must (subject to section 106) provide for as a controlled activity the subdivision of land for the purpose of the construction and use of residential units in accordance with clauses 2 and 4.

4 Restricted discretionary activities

A relevant residential zone must provide for as a restricted discretionary activity the construction and use of 1 or more residential units on a site if they do not comply with the building density standards in the district plan (once incorporated as required by section 77G).

5 Certain notification requirements precluded

- (1) Public notification of an application for resource consent is precluded if the application is for the construction and use of 1, 2, or 3 residential units that do not comply with 1 or more of the density standards (except for the standard in clause 10) in the district plan (once incorporated as required by section 77G).
- (2) Public and limited notification of an application for resource consent is precluded if the application is for the construction and use of 4 or more residential units that comply with the density standards (except for the standard in clause 10) in the district plan (once incorporated as required by section 77G).
- (3) Public and limited notification of an application for a subdivision resource consent is precluded if the subdivision is associated with an application for the construction and use of residential units described in subclause (1) or (2).

6 Objectives and policies

- (1) A territorial authority must include the following objectives in its district plan:

Objective 1

- (a) a well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future:

Objective 2

- (b) a relevant residential zone provides for a variety of housing types and sizes that respond to—
 - (i) housing needs and demand; and
 - (ii) the neighbourhood's planned urban built character, including 3-storey buildings.

- (2) A territorial authority must include the following policies in its district plan:

Policy 1

- (a) enable a variety of housing types with a mix of densities within the zone, including 3-storey attached and detached dwellings, and low-rise apartments:

Policy 2

- (b) apply the MDRS across all relevant residential zones in the district plan except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga):

Policy 3

- (c) encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance:

Policy 4

- (d) enable housing to be designed to meet the day-to-day needs of residents:

Policy 5

- (e) provide for developments not meeting permitted activity status, while encouraging high-quality developments.

Subdivision requirements

7 General subdivision requirements

Any subdivision provisions (including rules and standards) must be consistent with the level of development permitted under the other clauses of this schedule, and provide for subdivision applications as a controlled activity.

8 Further rules about subdivision requirements

Without limiting clause 7, there must be no minimum lot size, shape size, or other size-related subdivision requirements for the following:

- (a) any allotment with an existing residential unit, if—
 - (i) either the subdivision does not increase the degree of any non-compliance with the density standards in the district plan (once incorporated as required by section 77G) or land use consent has been granted; and
 - (ii) no vacant allotments are created:
- (b) any allotment with no existing residential unit, where a subdivision application is accompanied by a land use application that will be determined concurrently if the applicant for the resource consent can demonstrate that—
 - (i) it is practicable to construct on every allotment within the proposed subdivision, as a permitted activity, a residential unit; and
 - (ii) each residential unit complies with the density standards in the district plan (once incorporated as required by section 77G); and
 - (iii) no vacant allotments are created.

9 Rules about common walls

For the purposes of clause 8(a)(i), if a subdivision is proposed between residential units that share a common wall, the requirements as to height in relation to boundary in the district plan (once incorporated as required in section 77G) do not apply along the length of the common wall.

Part 2

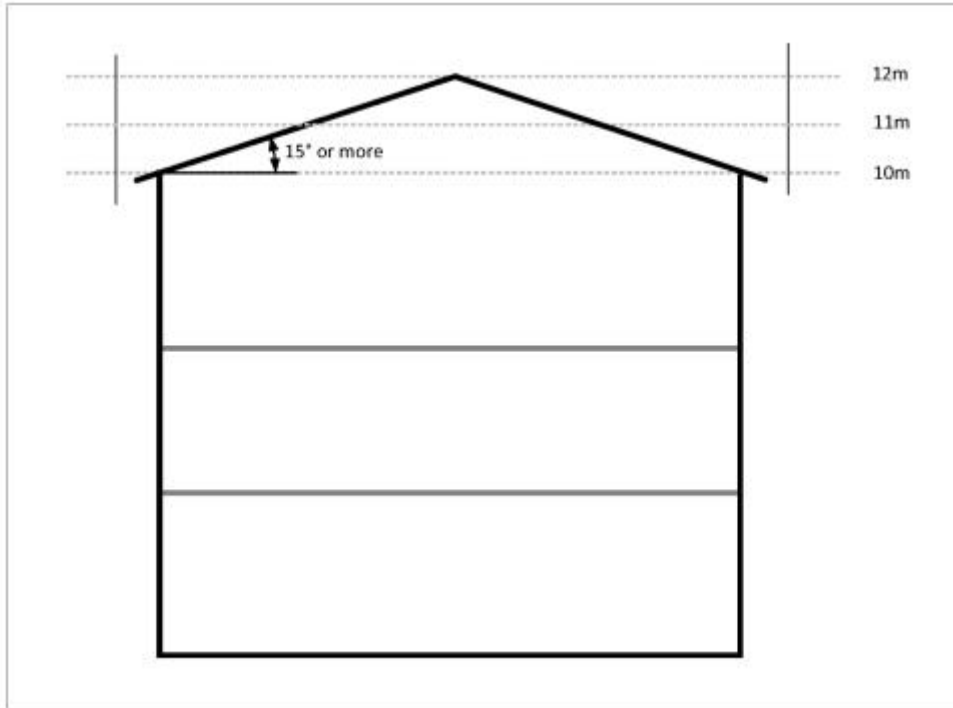
Density standards

10 Number of residential units per site

There must be no more than 3 residential units per site.

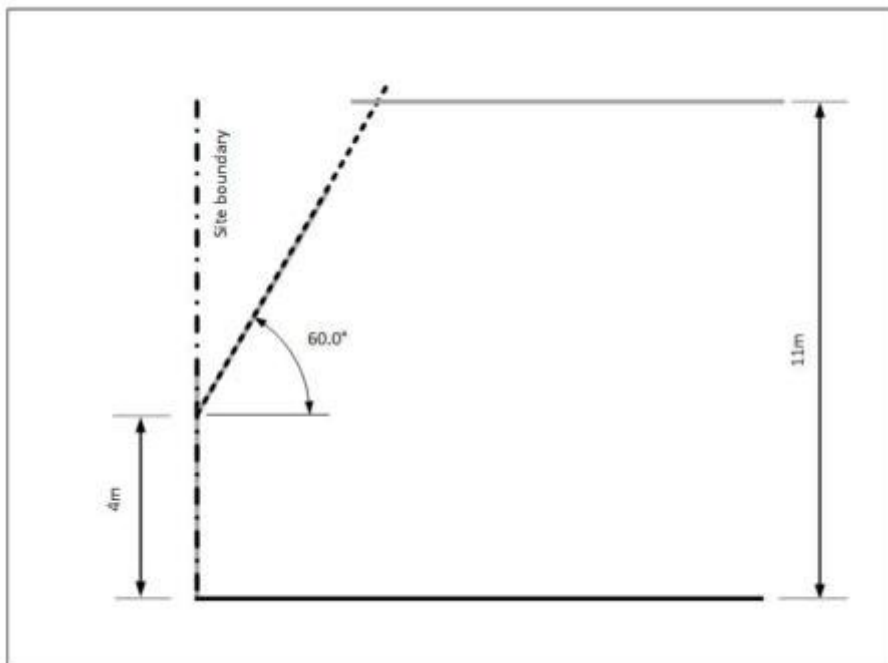
11 Building height

Buildings must not exceed 11 metres in height, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15° or more, as shown on the following diagram:



12 Height in relation to boundary

- (1) Buildings must not project beyond a 60° recession plane measured from a point 4 metres vertically above ground level along all boundaries, as shown on the following diagram. 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.



- (2) This standard does not apply to—
- (a) a boundary with a road;
 - (b) existing or proposed internal boundaries within a site;
 - (c) site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.

13 Setbacks

- (1) Buildings must be set back from the relevant boundary by the minimum depth listed in the yards table below:

Yard	Minimum depth
Front	1.5 metres
Side	1 metre
Rear	1 metre (excluded on corner sites)

- (2) 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.

14 Building coverage

The maximum building coverage must not exceed 50% of the net site area.

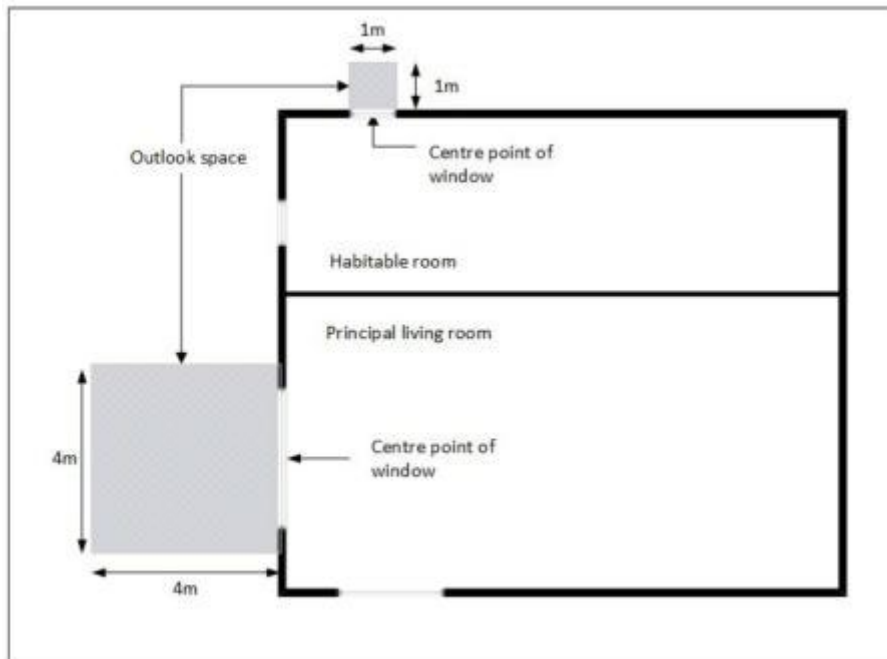
15 Outdoor living space (per unit)

- (1) A residential unit at ground floor level must have an outdoor living space that is at least 20 square metres and that comprises ground floor, balcony, patio, or roof terrace space that,—
- (a) where located at ground level, has no dimension less than 3 metres; and
 - (b) where provided in the form of a balcony, patio, or roof terrace, is at least 8 square metres and has a minimum dimension of 1.8 metres; and
 - (c) is accessible from the residential unit; and
 - (d) may be—
 - (i) grouped cumulatively by area in 1 communally accessible location; or
 - (ii) located directly adjacent to the unit; and
 - (e) is free of buildings, parking spaces, and servicing and manoeuvring areas.
- (2) A residential unit located above ground floor level must have an outdoor living space in the form of a balcony, patio, or roof terrace that—
- (a) is at least 8 square metres and has a minimum dimension of 1.8 metres; and
 - (b) is accessible from the residential unit; and
 - (c) may be—
 - (i) grouped cumulatively by area in 1 communally accessible location, in which case it may be located at ground level; or
 - (ii) located directly adjacent to the unit.

16 Outlook space (per unit)

- (1) An outlook space must be provided for each residential unit as specified in this clause.

- (2) An outlook space must be provided from habitable room windows as shown in the diagram below:



- (3) The minimum dimensions for a required outlook space are as follows:
- a principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and
 - all other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width.
- (4) The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.
- (5) Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.
- (6) Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building.
- (7) Outlook spaces may be under or over a balcony.
- (8) Outlook spaces required from different rooms within the same building may overlap.
- (9) Outlook spaces must—
- be clear and unobstructed by buildings; and
 - not extend over an outlook space or outdoor living space required by another dwelling.

17 Windows to street

Any residential unit facing the street must have a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors.

18 Landscaped area

- A residential unit at ground floor level must have 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.
- The landscaped area may be located on any part of the development site, and does not need to be associated with each residential unit.

Policies 3 and 4 of the National Policy Statement on Urban Development

Policy 3: In relation to tier 1 urban environments, regional policy statements and district plans enable:

- (a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and
- (b) in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and
- (c) building heights of at least 6 storeys within at least a walkable catchment of the following:
 - (i) existing and planned rapid transit stops
 - (ii) the edge of city centre zones
 - (iii) the edge of metropolitan centre zones; and
- (d) within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and densities of urban form commensurate with the level of commercial activity and community services.

Policy 4: Regional policy statements and district plans applying to tier 1 urban environments modify the relevant building height or density requirements under Policy 3 only to the extent necessary (as specified in subpart 6) to accommodate a qualifying matter in that area.

Proposed District Plan Change 56

Enabling Intensification in Residential and Commercial Areas

Appendix 2 – Statutory and Strategic Context

1. Introduction

- (1) This plan change is to fulfil Council’s requirements under the provisions added to the Resource Management Act (“RMA”) in the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (“RMA-EHS”). The RMA-EHS seeks to accelerate the supply of housing in urban areas where demand for housing is high, including the Wellington urban area, of which Lower Hutt is a part.
- (2) The RMA-EHS accordingly modifies the RMA and the National Policy Statement on Urban Development to require a specific plan change known as an Intensification Planning Instrument.
- (3) This appendix discusses the national, regional, and local policy framework relevant to the proposed plan change.
- (4) Where a more detailed discussion is needed of how individual elements of this policy have been incorporated into the proposed plan change, this has been discussed in the main body of the report.

2. Resource Management Act 1991

- (5) The purpose of the RMA is set out in Section 5. The purpose is to promote the sustainable management of natural and physical resources:

[S]ustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

- (6) In achieving this purpose, decision-makers need to also recognise and provide for the matters of national importance identified in section 6, have particular regard to the other matters identified in section 7, and take into account the principles of the Treaty of Waitangi as provided for in section 8.
- (7) The section 6 matters of most relevance to this plan change are:

Section	Matter
s6(e)	the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga

Section	Matter
s6(f)	the protection of historic heritage from inappropriate subdivision, use, and development
s6(h)	the management of significant risks from natural hazards

(8) The section 7 matters of most relevance are:

Section	Matter
s7(b)	the efficient use and development of natural and physical resources
s7(ba)	the efficiency of the end use of energy
s7(c)	the maintenance and enhancement of amenity values
s7(f)	maintenance and enhancement of the quality of the environment
s7(g)	any finite characteristics of natural and physical resources
s7(i)	the effects of climate change

- (9) Section 8 provides that decision-makers must take into account the principles of the Treaty of Waitangi. In developing this plan change, and in the full district plan review that has been running concurrently, the Council has used its partnerships with mana whenua to develop provisions in this proposed plan change that recognise and protect cultural and tikanga values from possible impacts of intensification.
- (10) In applying the purpose and principles of the Act, Council also has considered how the purpose and principles have been given effect to by higher order national and regional policy documents.

3. National Planning Standards

- (11) Section 75(3)(ba) of the RMA requires district plans to give effect to any national planning standards.
- (12) The purpose of the National Planning Standards is set out in section 58B(1):

The purposes of national planning standards are—

(a) to assist in achieving the purpose of this Act; and

(b) to set out requirements or other provisions relating to any aspect of the structure, format, or content of regional policy statements and plans to address any matter that the Minister considers—

(i) requires national consistency:

(ii) is required to support the implementation of a national environmental standard, a national policy statement, a New Zealand coastal policy statement, or regulations made under this Act:

(iii) is required to assist people to comply with the procedural principles set out in section 18A.

- (13) The first set of national planning standards was published in April 2019, with additional changes being incorporated into the standards since then. This set of standards requires Hutt City Council to implement the standards by November 2024.
- (14) The operative District Plan does not currently give effect to the national planning standards.
- (15) The Intensification Planning Instrument would only change specific parts of the District Plan. In addition, the scope of what can be included in the proposed plan change is restricted by the RMA. As a result, Plan Change 56 needs to be incorporated into the existing structure and format of the District Plan and is unable to fully conform to the National Planning Standards.
- (16) The National Policy Statement on Urban Development and Medium Density Residential Standards do rely on the National Planning Standards, including definitions. Both also include provisions for how to apply their requirement to plans that do not yet give effect to the National Planning Standards. More detail about the application of these requirements to the proposed plan change is in the main report.
- (17) The proposed plan change has taken the opportunity to adopt part of the National Planning Standards where practical, particularly in the choices for new or changed definitions.
- (18) Council is concurrently undertaking a full review of the District Plan. Through this review, Council will be able to ensure that the District Plan fully conforms to the National Planning Standards. Council intends to notify a new plan in 2024.

4. National Policy Statements and the New Zealand Coastal Policy Statement

- (19) There are five National Policy Statements currently in force:
 - NPS for Electricity Transmission 2008 (NPS-ET)
 - New Zealand Coastal Policy Statement 2010 (NZCPS)
 - NPS for Renewable Electricity Generation 2011 (NPS-REG)
 - NPS for Freshwater Management 2020 (NPS-FM)
 - NPS on Urban Development 2020 (NPS-UD)
- (20) The Coastal and Renewable Electricity Generation policy statements are of limited relevance to the plan change and are not discussed in detail.
- (21) The NPS-ET is of relevance to this plan change only as a qualifying matter and the importance of electricity transmission is covered in the main report's section on qualifying matters.
- (22) The NPS-FM is of significant relevance to urban development, but is largely implemented through regional councils. Relevant Regional Policy Statement and Regional Plan changes/variations have not yet been notified. However, the NPS-FM is addressed through provisions that address stormwater runoff from development.

- (23) The Ministry for the Environment has also been developing national policy statements on Indigenous Biodiversity (“NPS-IB”) and Highly Productive Land (“NPS-HPL”) and has recently consulted on each. At the time of notification of this plan change, neither of these NPS had been finalised or gazetted. Accordingly, the District Plan does not yet need to give effect to them.
- (24) The key piece of relevant national direction is the NPS-UD.

National Policy Statement on Urban Development 2020 (NPS-UD)

- (25) The NPS-UD sets out the objectives and policies for planning for well-functioning urban environments under the RMA. The NPS-UD also includes an implementation section that sets a non-exhaustive list of things that local authorities must do to give effect to the objectives and policies.
- (26) The NPS-UD is of high relevance to the proposed plan change as the purpose of the plan change includes implementing policies 3, 4, and 5 of the NPS-UD.
- (27) The objectives of the NPS-UD seek that:

Number	Objective
Objective 1	New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.
Objective 2	Planning decisions improve housing affordability by supporting competitive land and development markets.
Objective 3	Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply: <ul style="list-style-type: none"> (a) the area is in or near a centre zone or other area with many employment opportunities (b) the area is well-serviced by existing or planned public transport (c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.
Objective 4	New Zealand’s urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.
Objective 5	Planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).
Objective 6	Local authority decisions on urban development that affect urban environments are: <ul style="list-style-type: none"> (a) integrated with infrastructure planning and funding decisions; and

Number	Objective
	<p>(b) strategic over the medium term and long term; and</p> <p>(c) responsive, particularly in relation to proposals that would supply significant development capacity.</p>
Objective 7	Local authorities have robust and frequently updated information about their urban environments and use it to inform planning decisions.
Objective 8	<p>New Zealand's urban environments:</p> <p>(a) support reductions in greenhouse gas emissions; and</p> <p>(b) are resilient to the current and future effects of climate change.</p>

(28) The relevant to implement these are:

Number	Policy
Policy 1	<p>Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:</p> <p>(a) have or enable a variety of homes that:</p> <p style="padding-left: 40px;">(i) meet the needs, in terms of type, price, and location, of different households; and</p> <p style="padding-left: 40px;">(ii) enable Māori to express their cultural traditions and norms; and</p> <p>(b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and</p> <p>(c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and</p> <p>(d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and</p> <p>(e) support reductions in greenhouse gas emissions; and</p> <p>(f) are resilient to the likely current and future effects of climate change.</p>
Policy 2	Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.

Number	Policy
Policy 3	<p>In relation to tier 1 urban environments, regional policy statements and district plans enable:</p> <ul style="list-style-type: none"> (a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and (b) in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and (c) building heights of at least 6 storeys within at least a walkable catchment of the following: <ul style="list-style-type: none"> (i) existing and planned rapid transit stops (ii) the edge of city centre zones (iii) the edge of metropolitan centre zones; and (d) within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and densities of urban form commensurate with the level of commercial activity and community services.
Policy 4	<p>Regional policy statements and district plans applying to tier 1 urban environments modify the relevant building height or density requirements under Policy 3 only to the extent necessary (as specified in subpart 6) to accommodate a qualifying matter in that area.</p>
Policy 6	<p>When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:</p> <ul style="list-style-type: none"> (a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement (b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes: <ul style="list-style-type: none"> (i) 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 (ii) are not, of themselves, an adverse effect

Number	Policy
	<p>(c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)</p> <p>(d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity</p> <p>(e) the likely current and future effects of climate change</p>
Policy 8	<p>Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:</p> <p>(a) unanticipated by RMA planning documents; or</p> <p>(b) out-of-sequence with planned land release.</p>
Policy 9	<p>Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must:</p> <p>(a) involve hapū and iwi in the preparation of RMA planning documents and any FDSs by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and</p> <p>(b) when preparing RMA planning documents and FDSs, take into account the values and aspirations of hapū and iwi for urban development; and</p> <p>(c) provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders, including in relation to sites of significance to Māori and issues of cultural significance; and</p> <p>(d) operate in a way that is consistent with iwi participation legislation.</p>
Policy 10	<p>Tier 1, 2, and 3 local authorities:</p> <p>(a) that share jurisdiction over urban environments work together when implementing this National Policy Statement; and</p> <p>(b) engage with providers of development infrastructure and additional infrastructure to achieve integrated land use and infrastructure planning; and</p>

Number	Policy
	(c) engage with the development sector to identify significant opportunities for urban development.

- (29) Of these policies, the intensification planning instrument must specifically give effect to Policies 3, 4 and 5, which in the case of Lower Hutt is likely to also indirectly give effect to Policy 2.
- (30) Policies 1, 8, 9, and 10 relate to all planning decisions and are implemented in the plan change process.
- (31) Policies 7 and 11 have been given effect to by making changes under section 55 of the RMA without using the plan change process in Schedule 1. However, some minor amendments are proposed in the Plan Change to design guides and explanations that help integrate the requirements of Policy 3 and Policy 11.
- (32) Policy 6 relates to all planning decisions and is implemented in the plan change process, but has also informed the wording of objectives and policies in the proposed plan change that relate to planned urban built form and amenity values.
- (33) Given the importance of Policies 3 and 4 in particular, these are discussed in detail in the main report.

5. National Environmental Standards

- (34) There are nine National Environmental Standards currently in force:
- NES for Air Quality 2004
 - NES for Sources of Human Drinking Water 2007
 - NES for Electricity Transmission Activities 2009
 - NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
 - NES for Telecommunication Facilities 2016
 - NES for Plantation Forestry 2017
 - NES for Freshwater 2020
 - NES for Marine Aquaculture 2020
 - NES for Storing Tyres Outdoors 2021
- (35) The proposed plan change does not include anything that would make the District Plan inconsistent with these standards.

6. Regional Policy Statement for the Wellington Region 2013

- (36) The relevant provisions of the Policy Statement, where not already covered by the Act or national direction, are

Number	Policy
Objective 4, Policy 22, Policy 46	<p>These provisions relate to the protection of historic heritage.</p> <p>Historic heritage has been applied as a qualifying matter to limit building heights and density, and the identification of heritage values has been in accordance with the RPS's criteria.</p>
Policy 29, Policy 51	<p>These provisions relate to avoiding development in areas at high risk from natural hazards.</p> <p>Natural hazards have been applied as a qualifying matter to limit building density.</p>
Policy 30, Policy 31	<p>These provisions relate to the regional hierarchy of commercial centres and promoting higher density and mixed use development.</p> <p>This objective is largely redundant given the more specific direction of the NPS-UD, but has been used to inform the approach to applying the NPS-UD to the existing commercial centres hierarchy.</p>
Policy 49	<p>These provisions relate to matters of significance to tangata whenua.</p> <p>Sites of significance to tangata whenua have been applied as a qualifying matter to limit building height and density to retain protection for these sites in an environment of increased intensification.</p>
Policy 57	<p>These provisions relate to the integration of land use and transport planning.</p> <p>Council has worked with Waka Kotahi / NZTA and the Wellington Regional Council in its role as public transport operator, and infrastructure providers to inform the application of the NPS-UD's principles.</p>

7. Operative and proposed regional plans

- (37) There are five operative regional plans and one partly operative proposed regional plan for the Wellington region.
- Regional Freshwater Plan for the Wellington Region 1999
 - Regional Plan for Discharges to Land 1999
 - Regional Air Quality Management Plan for the Wellington Region 2000
 - Regional Coastal Plan for the Wellington Region 2000
 - Regional Soil Plan for the Wellington Region 2000
 - Proposed Natural Resources Plan (partly operative 2021)
- (38) The proposed Natural Resources Plan replaces the five operative regional plans, with provisions mostly operative other than a limited number still under appeal.
- (39) The proposed plan change does not include anything that would make the District Plan inconsistent with these plans.

8. Iwi management plans

- (40) Section 74(2A) of the Act requires territorial authorities to take into account planning documents that have been prepared by an iwi authority and lodged with the territorial authority.
- (41) Iwi authorities may also have other planning documents which are not mandatory considerations but should still be taken into account as a source of information on the intentions and aspirations of the iwi authority.
- (42) There are no iwi management plans currently in place for the urban area of Lower Hutt.

9. Other management plans and strategies

- (43) The following Council plans, policies, and strategies are relevant for the proposed plan change:

Name	Summary
Long Term Plan 2021-2031	<p>Long term plans are required under the Local Government Act 2002.</p> <p>The purpose of a long term plan is to:</p> <ul style="list-style-type: none">• Describe the activities of the local authority,• Describe the community outcomes of the local authority's district or region,• Provide integrated decision-making and co-ordination of the resources of the local authority, and• Provide a long-term focus for the decisions and activities of the local authority, and• Provide a basis for accountability of the local authority to the community. <p>The Long Term Plan sets out Council's planned investments to provide infrastructure and public facilities to support growth in population, housing, and economic activity.</p>
Development and Financial Contributions Policy 2021-2031	<p>A policy on development contributions and financial contributions is required under the Local Government Act. The proposed plan change's chapter on Financial Contributions is intended to give effect to this policy.</p>
Infrastructure Strategy 2015	<p>Infrastructure strategies are required as part of long term plans under the Local Government Act. This strategy is an important input into the Long Term Plan's decisions on infrastructure spending and provision.</p>
Urban Growth Strategy 2012	<p>This strategy sets out Lower Hutt's goals to support population growth with housing and economic development.</p>

Name	Summary
Taonga Tuku Iho – The Heritage Policy 2021	Council’s heritage policy has informed the approach to the use of heritage protection as a qualifying matter proposed by the plan change.
Integrated Transport Strategy 2022	Guides Council’s approach to the integration of land use and transport planning and integration of transport planning with other agencies.
Central City Transformation Plan 2019	Sets out Council’s goals for development and urban design in the Central City.
Parking Policy 2017	Governs the management of Council’s street parking resources and fulfils the role of a comprehensive parking management plan encouraged by Policy 11 of the NPS-UD.
Significance and Engagement Policy 2018	This policy has governed Council’s pre-notification engagement on the proposed plan change.
Future Development Strategy (in development)	<p>In addition to these documents, all tier 1 and 2 local authorities must prepare a future development strategy (FDS). This is required by the NPS-UD. The purpose of an FDS is:</p> <p style="padding-left: 40px;"><i>(a) to promote long-term strategic planning by setting out how a local authority intends to:</i></p> <p style="padding-left: 80px;"><i>(i) achieve well-functioning urban environments in its existing and future urban areas; and</i></p> <p style="padding-left: 80px;"><i>(ii) provide at least sufficient development capacity, as required by clauses 3.2 and 3.3 [of the NPS-UD], over the next 30 years to meet expected demand; and</i></p> <p style="padding-left: 40px;"><i>(b) assist the integration of planning decisions under the [RMA] with infrastructure planning and funding decisions.</i></p> <p>Currently there is no FDS in place for Lower Hutt or the Wellington region, although the Wellington Regional Growth Framework performs a similar function. An FDS must be in place to inform Council’s next long-term plan, in 2024. This FDS will need to inform Council’s future decisions on the District Plan.</p>

10. District plans of adjacent territorial authorities

(44) The following territorial authorities are adjacent to Lower Hutt or also form part of the Wellington urban area:

- Kāpiti Coast District

- Porirua City
 - Upper Hutt City
 - Wellington City
- (45) All of those authorities must also prepare an intensification planning instrument and all intend to notify them at a similar time to Hutt City Council.
- (46) Given the level of change expected to their district plans, there is no value in consistency with those councils' operative plans.
- (47) At time of preparing the plan change, those councils' intensification planning instruments had not yet been proposed. Officers have collaborated with officers of the other authorities in developing the proposed plan change, but it was not possible to consider their plans or plan changes as proposed.
- (48) Therefore, while Council has not yet been able to have regard to the consistency with those other intensification planning instruments, it will need to as the plan change process continues.
- (49) Lower Hutt is also adjacent to South Wairarapa District. However, the connection is not part of the urban area of Lower Hutt, there is no direct connection for motor vehicles or public transport, and South Wairarapa does not form part of the Tier 1 Wellington Urban Area. Accordingly, consistency with South Wairarapa's District Plan has not been considered.

11. Other legislation

- (50) There is no other relevant legislation to this plan change.

12. Other plans, policies, and strategies

- (51) The only other significant policy that has informed the proposed plan change is the Wellington Regional Growth Framework (WRGF).
- (52) The WRGF is a spatial plan, developed by local government, central government and iwi partners in the Wellington region and Horowhenua region, to provide councils and iwi in the region with an agreed regional direction for growth and investment, and to deliver on the Urban Growth Agenda objectives of the Government.
- (53) The WRGF identifies how the Wellington region and Horowhenua could accommodate a future population of 780,000 and an additional 100,000 jobs in the next 30 years. This would represent an additional 200,000 people. The scenario of 200,000 people was developed to understand what would be required to accommodate this level of growth, and consider potential infrastructure needs beyond the 30-year growth scenario.
- (54) The development of the WRGF took account of key development constraints, including:
- Water-collection areas
 - Ecological areas,
 - Culture and heritage
 - Natural Hazards,
 - High-class soils,
 - Infrastructure (including community infrastructure)

(55) The objectives of the WRGF are:

- Increase housing supply, and improve housing affordability and choice.
- Enable growth that protects and enhances the quality of the natural environment and accounts for a transition to a low/no carbon future.
- Improve multi modal access to and between housing, employment, education and services.
- Encourage sustainable, resilient and affordable settlement patterns/urban forms that make efficient use of existing infrastructure and resources.
- Build climate change resilience and avoid increasing the impacts and risks from natural hazards.
- Create employment opportunities.

(56) The WRGF also identifies the following challenges to growth in the Wellington region and Horowhenua:

- The region lacks sufficient and affordable housing supply and choice, housing affordability is declining and a significant investment in infrastructure is needed to enable enough housing and quality urban environments.
- Many of the urban areas in the region are vulnerable to the impacts of natural hazards and climate change, and as the region grows and becomes more densely settled, it will become increasingly important to improve resilience and protect and enhance the region's natural environment.
- There is inequitable access to social, educational and economic opportunities across the region.
- Mana whenua and Māori in the region have poor access to affordable housing choices.

(57) The WRGF identifies the following key moves for the Wellington-Horowhenua region:

- Harness growth to make the region's housing and urban areas more affordable and liveable and provide more housing choice – 'walkable neighbourhoods'.
- Make better use of the region's limited supply of well-located greenfield land.
- Fully unlock the urban development potential of current and future rapid transit orientated corridors particularly the Let's Get Wellington Moving corridor.
- Unlock new areas for housing and urban development and deliver greater regional resilience with a major west-east multi-modal corridor.
- Deliver transformational housing and development outcomes for iwi/Māori.
- Address the urban development challenges of climate change and transitioning to a zero-carbon economy at a regional scale.

(58) The WRGF identifies future development areas and projects. For Lower Hutt, these are:

- Urban Renewal Areas for Petone North, Central Hutt triangle (Woburn to Naenae Station) and Taitā, and
- A Future Urban Area in Wainuiomata.

(59) The direction of the NPS-UD for growth broadly lines up with the goals and constraints identified in the WRGF for urban intensification, and so the proposed plan change will assist with implementation of the WRGF.

Proposed District Plan Change 56

Enabling Intensification in Residential and Commercial Areas

Appendix 3 – Summary of Feedback from Engagement

Combined Mana Whenua Feedback Summary

- Inclusive of Port Nicholson Block Settlement Trust, Te Rūnanga o Toa Rangatira, Te Rūnanga o Āti Awa, Wellington Tenth Trust and Palmerston North Māori Reserve Trust.

Topic	Comment	Response	Reasoning
Te Tatau o Te Pō Marae	Though not in a residential or commercial zone, still subject to 6 storey developments around the site as it is in a walkable catchment. Mana Whenua seeks that the potential for high density development adjoining or adjacent to the marae be restricted to protect the site from overlooking which may impact on cultural processes and practices that occur at the site.	Recession plane (2.5m x 45°) and setback (3m) triggers have been applied to surrounding sites. Any breach will become a restricted discretionary activity and require a Resource Consent.	This is the same recession plane and setback that exists for Te Puni Urupā. This will protect the marae from overshadowing, visual dominance and noise which may impact on the cultural safety and tikanga of the site. The Resource Consent process will ensure engagement with Mana Whenua occurs in relation to proposals for development on surrounding sites.
Other marae and kōkiri centres in the Community Iwi Activity Area	Other marae and kōkiri centres will mostly be in the Medium Density Residential Activity Area with the potential for 3 storey developments on neighbouring sites. Mana Whenua have concern over the impacts of intensification on these existing structures and surrounds, particularly privacy, presence, and the use of these sites for cultural activities.	Recession plane (2.5m x 45°) and setback (1m) triggers have been applied to surrounding sites. Any breach will become a restricted discretionary activity and require a Resource Consent.	These provisions have been carried over from the existing General Residential Activity Area zone. This will protect the marae from overshadowing, visual dominance and noise which may impact on the cultural safety and tikanga of the site. The Resource Consent process will ensure engagement with marae trustees occurs in relation to potential development on surrounding sites.
Te Puni Urupā	As a key site of significance to Mana Whenua, this site needs to be protected from high density development surrounding it to preserve the cultural values associated with the site.	No change.	Te Puni Urupā has an existing recession plane (2.5m x 45°) trigger for adjacent sites, and setback (3m) and height limit standard for adjoining sites (8m). These provisions will remain in the IPI.
Owhiti and Korokoro urupā	As key sites of significance to Mana Whenua, these sites need to be protected from future rezoning that may enable high density development around it and impact on cultural values.	No change.	This is a matter to work through with Mana Whenua during the District Plan review as both sites are out of scope for the IPI. Owhiti is located in the General Business Activity

			Area and Korokoro is not yet a Site of Significance or in the Community Iwi Activity Area.
Sites of Significance	Concern over the inaccurate scope of sites of significance in the current District Plan. Enabling intensification places a great risk on the maintenance and protection of these sites without providing for appropriate visual and spatial controls to mitigate this.	No change.	A lack of new data and short timeframes meant this work could not be addressed through the IPI. This topic will be worked through with Mana Whenua partners during the District Plan review.
IPI timeframe	Section 4A of the Act requires that Mana Whenua are given reasonable, adequate time, and opportunity to engage and make comment. Mana Whenua believe the timeframe for the IPI process has been unreasonable for conducting in-depth engagement.	No change required for IPI. This concern has been fed back to the Ministry for the Environment.	The timeframes for the IPI have been set by the legislation.
ISPP appeal rights	A lack of appeal rights in the streamlined process is a great concern as it reduces the opportunity for mana whenua partners to mitigate potential negative changes on sites/areas of importance.	No change. This concern has been fed back to the Ministry for the Environment. Officers will also work with Mana Whenua partners to select a Tikanga Māori Hearing Commissioner.	The streamlined process for the IPI have been set by the legislation. However, a Tikanga Māori Hearing Commissioner is a prerequisite for this process. Working with Council's Mana Whenua partners to appoint this person may increase the opportunity for their perspectives to be more regarded in the absence of appeal rights.
Traffic issues	Increasing traffic due to intensification around marae is a concern for general on-site operations, e.g., tangihanga.	No action required for IPI.	This is not something that can be addressed through the District Plan. However, traffic management is an issue that officers can investigate with other teams at Council (e.g., transport), though not in the timeframes for the IPI.
Infrastructure	General concern over the impact of intensification of current infrastructure, particularly infrastructure related to water access, water quality and implementing Te Mana o Te Wai. Also concerns	The IPI will continue to include two primary stormwater controls - the min 30% permeable surface rule	The aquifer concern has not been addressed in the IPI as the aquifer is already protected in the Regional Plan via a maximum depth requirement for earthworks in the aquifer

	about the impact of intensification and required earthworks on the aquifer.	(residential developments), and the requirement for rainwater tanks (residential zones and the Suburban Mixed Use Activity Area). The IPI will also introduce financial contributions to support unforeseen infrastructure upgrades and the provision of new reserves.	zone (no more than 5m). Additional concerns regarding water access, water quality and Te Mana o Te Wai will be addressed in the full review through broader conversations with Mana Whenua partners and GWRC.
Suburban Change	Concern over the possible displacement of Māori and the reduction of cultural practices from areas with high Māori populations. Wants Council to prioritise monitoring to assess these outcomes.	No change.	As this isn't strictly a resource management issue it sits outside the District Plan. However, housing is an issue that officers can investigate with other teams at Council (e.g., Urban Development).
Papakāinga Provisions	Papakāinga are multi-purpose developments that provide connection between mana whenua and their ancestral lands. Not including provisions for papakāinga development is a missed opportunity and could result in Mana Whenua being pushed out of particular areas.	No change.	A lack of new data and short timeframes meant this work could not be addressed through the IPI. This topic will be worked through with Mana Whenua partners, in conjunction with broader kōrero concerning the current Community Iwi Activity Area, during the District Plan review.
Natural Hazards	Coastal areas require protective provision in relation to climate change, sea level rise and flood risk. There is particular concern over the environment, people and sites of significance without these protections.	New modelling addressing flood, tsunami and sea level rise risk has been incorporated, with associated provisions placed on development to reduce risk.	The timeframe for the IPI meant that not all modelling and associated provisions were complete for engagement with Mana Whenua partners or the wider community.

Summary Table of Written Feedback

Theme	Comment	Response	Reasoning
Heritage	Mixed response regarding the use of historic heritage and residential character as a qualifying matter for restricting intensification.	Historic heritage has been applied as a qualifying matter through the introduction of 6 additional precincts. Residential character has not met the threshold for application as a qualifying matter.	<p>Protection of historic heritage is specifically identified as a qualifying matter (as a matter identified in s6 of the RMA). As a result, Council is able to limit building height and density to the extent necessary to accommodate the protection of historic heritage.</p> <p>However, residential character is not specifically identified as a qualifying matter, and an assessment of the specific characteristics of Lower Hutt's residential areas has found that these characteristics are not an additional qualifying matter (under s771 of the RMA). As a result, building height and density cannot be limited to protect these characteristics.</p>
Heritage	A number of submitters requested greater recognition of heritage and character in Petone.	Of the 6 heritage precincts being introduced through the IPI, 3 are located in Petone and 2 are adjacent.	<p>Heritage precincts are based on the assessments undertaken as part of the full District Plan Review. Building heights and density can be limited to the extent necessary to accommodate this protection as a qualifying matter.</p> <p>However, residential character is not specifically identified as a qualifying</p>

			matter, and an assessment of the specific characteristics of Lower Hutt's residential areas has found that these characteristics are not an additional qualifying matter (under s771 of the RMA). As a result, building height and density cannot be limited to protect these characteristics.
Heritage	Some submissions speak to the need for building height restrictions in adjoining areas to the Jackson St Heritage Area and others suggest applying a graduated approach to height limits around all heritage precincts. This is proposed to ensure surrounding development is sympathetic to the heritage values of these precincts.	This was investigated alongside Council's heritage experts who agreed with the current approach to not apply graduated height limits around heritage precincts.	The recent historic heritage evaluation completed by Council's heritage experts took into account the impacts of adjacent development to the extent the legislative requirements allowed.
Walkable catchments	Suggestions for alternative walkable catchment distances and suburbs for inclusion/exclusion.	No change.	Suggestions of suburbs for inclusion/exclusion outside those already indicated did not give effect to the NPS-UD or the RMA.
Walkable catchments	Some suggestions to use this Plan Change as an opportunity to review the hierarchy and scope of commercial zones to ensure they are fit for purpose.	These suggestions have been addressed through the removal of the Suburban Commercial Activity Area and Special Commercial Activity Area. These have been rezoned into the Suburban Mixed Use Activity Area. More wide-reaching changes will be left for the full review.	After applying height limit changes the policies and standards would have been very similar creating unnecessary duplication in the plan. Larger changes would risk being out of scope of the IPI and would benefit from a more holistic treatment as part of the full plan review.
Walkable catchments	Some support for higher levels of	Higher levels of intensification	Decisions followed direction from

	intensification within walkable catchments than what was proposed.	provided for in Petone West and the Commercial precinct in the city centre. No more intensification provided for in residential areas.	councillors.
Walkable catchments	Some suggested a number of different criteria (e.g., footpath conditions and pedestrian safety) should be included in determining walkable catchments.	No specific action required.	These are all considerations that sit outside the District Plan.
Height and Density	A number of suggestions were made regarding intensification being focused in particular suburbs, including Wainuiomata, Kelson, Naenae, Avalon and the rural area of Normandale.	No change.	Suggestions of suburbs for inclusion/exclusion outside those already indicated did not give effect to the NPS-UD or the RMA.
Height and Density	One submitter suggested that variable height and density provisions should apply across the Medium Density Residential Activity Area as appropriate.	No variation in building height and density provisions within the Medium Density Residential Activity Area (or High Density Residential Activity Area).	Council could vary building heights and density throughout the Medium Density Residential Activity Area. However, any variation would need to meet the minimum requirements set by the RMA, including permitting three residential units per site and three-storey buildings. Officer's recommended approach is for a simpler building height and density provisions, with no variation in the provisions. However, variation in building height and density would still be provided for, including through the variety of development that would be permitted within the zone.

Height and Density	Some commentary questioned the exclusion of both the Hill Residential and Landscape Protection zones and suggested that an evaluation of whether some sites were suitable for intensification should be undertaken.	No change.	These zones were initially excluded from the scope of the IPI as we consider them to be the equivalent of 'large lot residential' sites. The level of analysis required to determine whether some of the sites within these zones should be included in the scope of the IPI has not been possible given the short timeframe for this plan change.
Natural Hazards	There was significant concern regarding the omission of natural hazards as a qualifying matter, particular with regard to seismic risk, sea level rise and coastal hazards.	The recommended plan change includes natural hazards as qualifying matters based on up-to-date modelling of seismic, flood, tsunami and sea level rise risk.	The new modelling was not complete at the time public engagement occurred. Officers agree that natural hazards should be included as a qualifying matter.
Building and Design Standards	Mixed opinions about the ways that building and design standards should be applied. Suggestions included adding a maximum units per site standard across the Medium Density Residential Activity Area and minimum height and site coverage standards to encourage consolidation and consistency.	The Medium Density Residential and High Density Residential Activity Area chapters of the draft IPI have been updated to incorporate all the Medium Density Residential Standards (minimum building and design standards required by the RMA) with very few modifications. The only modifications have been where it is considered appropriate to enable buildings of at least six storeys in the High Density Residential Activity Area.	Incorporating the Medium Density Residential Standards through the IPI with the few modifications would ensure Council can manage the impacts of development while still meeting its legal requirements to both incorporate the Standards into the District Plan and enable buildings of at least six-storeys in the areas identified.
Building and Design Standards	Other suggestions of standards for inclusion were design assessments above 4 storeys, stormwater management and earthworks.	The existing District Plan includes provisions on design assessment, stormwater management and earthworks. These provisions would	The existing District Plan addresses these matters. In addition, the scope of what can be included in the IPI is limited, and as a

		continue to be included in the District Plan, either through the new provisions of the IPI or provisions in chapters that are unaffected by the IPI.	result, some matters will be better addressed through the full District Plan Review, which provides for a more comprehensive consideration of these matters.
Building and Design Standards	Some concern about the impact of taller buildings on access to sunlight for neighbouring sites.	The height in relation to boundary controls included in the draft IPI are the minimum requirements.	Given the concern of the impacts of taller buildings, the draft IPI only includes the minimum requirements for height in relation to boundary.
Building and Design Standards	A submitter supports Council's inclusion of additional standards beyond those prescribed by the MDRS (landscaping, outlook space, street facing facade).	The recommended plan change includes these additional standards.	NA
Building and Design Standards	A submitter suggested the inclusion of a non notification clause for developments up to three storeys in the General Residential Activity Area and up to six storeys in the Medium Density Residential Activity Area.	The recommended plan change includes a non-notification clause for developments up to three storeys in the Medium Density Residential Activity Area (formerly the General Residential Activity Area), and up to six storeys in the High Density Residential Activity Area (formerly the Medium Density Residential Activity Area).	This is a requirement of the Act.
Building and Design Standards	Some comments were made about design guidelines. One submitter indicated concern over Council's approach to delay updates to these guidelines until the District Plan review. Another indicated their preference for design guidance to appear outside the District Plan.	No change.	The review and update of the design guides is a detailed piece of work that was unable to be undertaken in the short timeframe for this plan change. A comprehensive review will be undertaken as part of the full District Plan Review scheduled for late 2023/early 2024.

Infrastructure	Support for financial contributions to be sought from developers to manage the increased pressure on infrastructure.	No change.	NA
Infrastructure	Concern by a number of submitters about the capacity of the existing infrastructure network, such as the three waters, electricity and roading. One submitter suggested rezoning areas above the minimum legislated levels in conjunction with current or planned increase in capacity.	No change.	This is the general approach that has been taken in the recommended Plan Change. The plan change has been designed to limit intensification to the minimum required by the NPS-UD and MDRS except in areas with planned infrastructure expansions or previously signalled for intensification (e.g., central area), and retains the ability to consider infrastructure issues particularly at subdivision stage.
Miscellaneous	While recognising the prescribed timeframes, greater regional consistency with regard to approaches to jurisdictional boundaries was raised by one submitter.	Engagement with other councils has been undertaken in response to this concern and has informed the recommended Plan Change. Officers consider that while there are slight differences in application, at a general level there is consistency across the councils particularly in relation to walkable catchments. No significant changes to the approach have been made.	There are local differences that warrant a more nuanced approach for example, topography and the nature and scale of suburban commercial centres.
Miscellaneous	Also in regard to regional consistency, the same submitter suggested amending the zone names to 'Medium Density Residential' and 'High Density Residential' as has	The recommended plan change adopts this approach.	Officers agree that this is important for regional consistency and speaks further to the intent of each zone.

	been applied by PCC and UHCC.		
Miscellaneous	A suggestion was made to include areas partially or completely surrounded by upzoning within the same zone to ensure neighbourhood consistency.	The recommended plan change has adopted this approach in areas where it was logical to do so.	The proposed zone boundaries have been adjusted by up to a block or within 100m-200m where necessary to meet natural boundaries such as streets and public space, including “filling in” small holes surrounded by another zone.

Proposed District Plan Change 56

Enabling Intensification in Residential and Commercial Areas

Appendix 4 – Interpretation of key terms in the MDRS and NPS-UD

Several of the terms in the MDRS and Policy 3 of the NPS-UD require interpretation in order to incorporate the MDRS and give effect to the Policy 3 of the NPS-UD. This interpretation needs to be informed by the operative City of Lower Hutt District Plan and the existing urban environment of Lower Hutt.

The following table summarises the interpretation of these terms for the proposed plan change.

Interpretation of key terms from the Medium Density Residential Standards and National Policy Statement on Urban Development.
<p>Medium Density Residential Standards</p> <p>Relevant residential zone</p> <p>The District Plan must incorporate the MDRS for all relevant residential zones.</p> <p>The RMA includes the following definitions of relevant residential zone, and supporting definitions for residential zone and equivalent zone:</p> <p><i>relevant residential zone—</i></p> <p>(a) <i>means all residential zones; but</i></p> <p>(b) <i>does not include—</i></p> <p>(i) <i>a large lot residential zone:</i></p> <p>(ii) <i>an area predominantly urban in character that the 2018 census recorded as having a resident population of less than 5,000, unless a local authority intends the area to become part of an urban environment:</i></p> <p>(iii) <i>an offshore island:</i></p> <p>(iv) <i>to avoid doubt, a settlement zone</i></p> <p><i>residential zone</i> <i>means all residential zones listed and described in standard 8 (zone framework standard) of the national planning standard or an equivalent zone.</i></p> <p><i>equivalent zone</i> <i>means the zone in a district plan that is the nearest equivalent zone to the zone described in standard 8 (zone framework standard) of the national planning standards that would apply if those standards had been implemented.</i></p> <p>As the District Plan does not yet implement standard 8 of the National Planning Standards, an interpretation is required on which zones of the District Plan are relevant residential zones.</p> <p>Based on these definitions, the following the zones are interpreted to be the relevant residential zones for the City of Lower Hutt District Plan:</p> <ul style="list-style-type: none"> • General Residential Activity Area • Special Residential Activity Area • Historic Residential Activity Area • Medium Density Residential Activity Area <p>The District Plan also includes:</p> <ul style="list-style-type: none"> • The Hill Residential Activity Area, and • Landscape Protection Residential Activity Area. <p>However, these zones have been interpreted to be equivalent to the large lot residential zone of the National Planning Standards, which are specifically excluded from the RMA definition of relevant residential zone.</p> <p>The Landscape Protection Residential and Hill Residential Activity Areas are equivalent to the large lot residential zone for the following reasons:</p> <ul style="list-style-type: none"> • The Large Lot Residential Zone is described in the National Planning Standards as:

Areas used predominantly for residential activities and buildings such as detached houses on lots larger than those of the Low density residential and General residential zones, and where there are particular landscape characteristics, physical limitations or other constraints to more intensive development.

- The zones provide for a lower density than what is provided for by the Special Residential Activity Area, which is the zone that is most equivalent to the Low Density Residential Zone. Density is primarily addressed through permitted activity standards on the minimum net site area per permitted activity. In the current District Plan, these standards are:
 - Special Residential Activity Area: 700m²
 - Hill Residential Activity Area: 1000m² (with some exceptions for specific areas)
 - Landscape Protection Residential Activity Area: 2000m²
- The District Plan includes provisions that manage particular landscape characteristics, physical limitations and other constraints to more intensive development. In particular:
 - Natural features, landforms and topography, and
 - Slope instability.

Policy 3 of the National Policy Statement on Urban Development

City Centre Zone

Policy 3(a) sets building height and density requirements for *City Centre Zones*. Policy 3(c)(ii) sets requirements for areas within at least a walkable catchment of the zone.

As the Plan does not yet implement the National Planning Standards, Council must determine which zones are equivalent to the City Centre Zone. The National Planning Standards description of the zone is *“Areas used predominantly for a broad range of commercial, community, recreational and residential activities. The zone is the main centre for the district or region.”*

Based on this description, the only equivalent zone is the Central Commercial Activity Area.

Metropolitan Centre Zone

Policy 3(b) sets building height and density requirements for *Metropolitan Centre Zones*. Policy 3(c)(iii) set requirements for areas within at least a walkable catchment of the zone.

As the Plan does not yet implement the National Planning Standards, Council must determine which zones are equivalent to the Metropolitan Centre Zone. The National Planning Standards description of the zone is *“Areas used predominantly for a broad range of commercial, community, recreational and residential activities. The zone is a focal point for sub-regional urban catchments.”*

Based on this description, and the policy direction in the District Plan and Regional Policy Statement, the only equivalent zone is the Petone Commercial Activity Area.

Rapid Transit Stops

Policy 3(c)(i) sets building height requirements for areas within at least a walkable catchment of existing and planned rapid transit stops.

The NPS-UD defines Rapid Transit Stop as *“...a place where people can enter or exit a rapid transit service, whether existing or planned”*, and a Rapid Transit Service as *“means any existing or planned frequent, quick, reliable and high-capacity public transport service that operates on a permanent route (road or rail) that is largely separated from other traffic.”*

The Regional Land Transport Plan 2021 and Regional Public Transport Plan 2021 both define the rapid transit network (relevant to Lower Hutt) as including the Hutt and Melling rail corridors. This is based on an effectively identical definition in the Government Policy Statement on Transport, and those plans explicitly draw the connection to the NPS-UD. Council shares this interpretation and adopting this common interpretation also assists in achieving planning that is integrated

between land use and transport.

No bus services are included as there are no existing or planned routes that are “largely separated from other traffic”. Ferry services are not included as they do not operate on road or rail, and do not operate frequent services. On-demand, taxi, rideshare, or other door-to-door services are not included as they are not high-capacity.

Walkable Catchments

Policy 3(c) sets building height requirements for areas within at least a *walkable catchment* of some specific locations.

“*Walkable catchment*” is not defined in the NPS-UD. Council’s interpretation is that a walkable catchment is that part of the urban area within a walkable distance of the reference point. Those walkable distances are:

- Within 1200 metres / 15 minutes of the City Centre
- Within 800 metres / 10 minutes of the Metropolitan Centre
- Within 800 metres / 10 minutes of Rapid Transit Stops

These distances were selected by Council based on:

- The hierarchy of centres set out in the Regional Policy Statement and the operative District Plan, which place the City Centre as the most significant centre for Lower Hutt
- The expected walking distances that are implied from the existing spacing of stations on the rail network
- The Ministry for the Environment’s guidance document “Understanding and implementing intensification provisions for the National Policy Statement on Urban Development”
- The results of Council’s community consultation

These distances are followed along all existing public roads and accessways, including roads that do not currently have footpaths but to which footpaths could be added. It does not include roads outside the urban area, that do not permit pedestrians, or for which no safe provision for walking is possible. The distances are modified to account for the additional time taken to ascend or descend sloping paths.

The walkable catchments are then adjusted outwards to meet natural boundaries. This provides a plan that is easier to apply and provides more of a sense of natural justice by avoiding appearing arbitrary. The adjustment is outwards, as the NPS-UD requires walkable catchments to be a minimum, but allows Council to be more enabling.

Neighbourhood Centre, Local Centre and Town Centre Zones

Policy 3(d) requires the District Plan to enable, within and adjacent to neighbourhood centre, local centre and town centre zones building heights and densities of urban form commensurate with the level of commercial activity and community services.

As the Plan does not yet implement the National Planning Standards, Council must determine which zones are equivalent to the Neighbourhood Centre, Local Centre, and Town Centre Zones. The National Planning Standards description of the zones are:

- “Areas used predominantly for small-scale commercial and community activities that service the needs of the immediate residential neighbourhood.”
- “Areas used predominantly for a range of commercial and community activities that service the needs of the residential catchment.”
- “Areas used predominantly for:
 - in smaller urban areas, a range of commercial, community, recreational and

residential activities.

- in larger urban areas, a range of commercial, community, recreational and residential activities that service the needs of the immediate and neighbouring suburbs.”

To implement Policy 3(d) of the NPS-UD it is not necessary to determine which of these three zones a part of the Plan is equivalent to.

Council’s interpretation is that these three zones, collectively, are equivalent to the area covered by the Commercial Activity Areas that are not covered by the Central Commercial or Petone Commercial activity areas, that is, the:

- Suburban Commercial Activity Area
- Special Commercial Activity Area
- Suburban Mixed Use Activity Area

For the avoidance of doubt, no particular National Planning Standards zone corresponds to a particular District Plan activity area.

Building heights and densities of urban form commensurate with the level of commercial activity and community services

Policy 3(d) requires the District Plan to enable, within and adjacent to neighbourhood centre, local centre and town centre zones. building heights and densities of urban form commensurate with the level of commercial activity and community services.

The NPS-UD leaves both the determination of commercial activity and community services, and the appropriate commensurate level of building height and density, up to interpretation.

Determining the level of commercial activity and community services

The term commensurate implies that the building heights and densities should be proportionate to the level of commercial activity and community services, and therefore centres should be considered relative to each other.

Council has based its interpretation on part of an evaluation that was done in preparing District Plan Change 43: Residential and Suburban Mixed Use, as this was relatively recent and had considered the issue in detail. This evaluation is included in Attachment 1 to Part 8: Section 32 Evaluation of Plan Change 43, “Urban Development Plan for Hutt City Residential Intensification”, which conducted a multi-criteria analysis on the relative attributes of local commercial centres.

Not all the evaluation is still relevant in light of the NPS-UD, including considerations of character (which is not a qualifying matter), and access to public transport (which is handled by Policy 3(c)). However, these could be discounted from the multi-criteria analysis.

Using the elements of that multi-criteria analysis relevant to Policy 3(d) , the five highest scoring centres that were not also subject to Policy 3(c) were Avalon, Eastbourne, Moera, Stokes Valley, and Wainuiomata. These also had overall scores consistent with the higher-scoring centres on the rail network. There was a considerable gap to the lower scored centres of Maungaraki, Fairfield, and Boulcott.

Determining commensurate building heights and densities

This policy needs to be considered in light of the directions also provided for under Policy 3(c), and the Medium Density Residential Standards. The implication of these policies is that some areas do not meet the level of accessibility needed to automatically justify a need for 6 storey buildings, but at least some areas of the district that are outside the walkable catchments need to provide for a greater level of either density or height than provided for by the Medium Density Residential Standards. This means either a height limit of at least 4 storeys, or an increase to site coverage or other bulk and location standards to enable a greater level of development than provided for by the MDRS.

Conclusion

Council's interpretation is that this requires building heights of at least 4 storeys, and consequential density, within and adjacent to those centres that are not on the rapid transit network but which have a comparable level of commercial activity and community services to the largest centres that are on the rapid transit network. These centres are Avalon, Eastbourne, Moera, Stokes Valley, and Wainuiomata.

Building heights of at least 3 storeys are required in and adjacent to all other centres, as the Medium Density Residential Standards set a minimum baseline for the general urban area, other than large lot residential zones.

"Adjacent to"

"Adjacent" is not defined in the NPS-UD but implies a narrower area than the broader "walkable catchment". However, in context, it does suggest a wider area than just those areas abutting the centre.

Where available, Council reused the assessment of adjacent area conducted as part of Plan Change 43: Residential and Suburban Mixed Use. These generally started with a 400 metre circle, and then applied a discretionary assessment based on the neighbourhood layout and natural boundaries. For this plan change Council has re-used those assessments in the following way:

- For areas included in the final Plan Change 43, these are included.
- For areas included in the *Hutt City: Planning For The Future* report but were not included in Plan Change 43 on character or natural hazards grounds, the final draft area was included.
- If the Plan Change 43 area did not include them, the area was also expanded or defined to include all properties in the city blocks that included, or were opposite from, the suburban centre.

Proposed District Plan Change 56

Enabling Intensification in Residential and Commercial Areas

Appendix 5 – Additional Information for Qualifying Matters

Contents

Introduction	3
Additional information requirements.....	4
Additional information for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.....	6
Significant Cultural Resources (an existing qualifying matter)	6
Sites adjacent to Marae and Urupā (a new qualifying matter)	8
Additional information for protection of historic heritage from inappropriate subdivision, use and development.....	10
Jackson Street Heritage Precinct (an existing qualifying matter)	10
Heretaunga Settlement and Riddlers Crescent Heritage Precincts (existing qualifying matter).....	12
Historic Residential Precinct (a new qualifying matter)	13
Additional information for management of significant risk from natural hazards.....	15
Flood Hazard - Inundation (a new qualifying matter).....	15
Flood Hazard – Overland Flowpath (a new qualifying matter).....	17
Flood Hazard – Stream Corridor (a new qualifying matter)	19
Coastal Hazard – Tsunami, medium hazard area (a new qualifying matter).....	21
Coastal Hazard – Tsunami, high hazard area (a new qualifying matter)	23
Coastal Hazard – Inundation, medium hazard area (a new qualifying matter).....	25
Coastal Hazard –Inundation, high hazard area (a new qualifying matter)	27
Fault Rupture Hazard – Wellington Fault (an existing qualifying matter)	29
Additional information for the ensuring the safe or efficient operation of the National Grid (nationally significant infrastructure)	30
National Grid Corridor (an existing qualifying matter)	30
Additional information for open space provided for public use	32
Recreation Activity Areas (an existing qualifying matter)	32

Introduction

Under section 77G of the Resource Management Act (the RMA), Hutt City Council must notify a plan change to:

- Incorporate the Medium Density Residential Standards (a set of development standards specified in the RMA), and
- Give effect to policies 3 of the National Policy Statement on Urban Development (NPS-UD).

Proposed District Plan Change 56 has been prepared for this purpose.

Despite these intensification requirements, the proposed plan change may limit building height or density requirements of the MDRS and Policy 3 of the NPS-UD to the extent necessary to accommodate qualifying matters described ss77I and 77O of the RMA.

These sections provide for the following qualifying matters:

- (a) *A matter of national importance that decision makers are required to recognise and provide for under section 6 of the RMA:*
- a. *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.*
 - b. *The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.*
 - c. *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.*
 - d. *The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers.*
 - e. *The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*
 - f. *The protection of historic heritage from inappropriate subdivision, use, and development.*
 - g. *The protection of protected customary rights.*
 - h. *The management of significant risks from natural hazards.*
- (b) *A matter required in order to give effect to a national policy statement (other than the NPS-UD) or the New Zealand Coastal Policy Statement 2010.*
- (c) *A matter required to give effect to Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River.*
- (d) *A matter required to give effect to the Hauraki Gulf Marine Park Act 2000 or the Waitakere Ranges Heritage Area Act 2008.*
- (e) *A matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure.*
- (f) *Open space provided for public use, but only in relation to land that is open space.*
- (g) *The need to give effect to a designation or heritage order, but only in relation to land that is subject to the designation or heritage order.*
- (h) *A matter necessary to implement, or to ensure consistency with, iwi participation legislation.*
- (i) *The requirement in the NPS-UD to provide sufficient business land suitable for low density uses to meet expected demand.*
- (j) *Any other matter that makes higher density, as provided for by the MDRS or Policy 3 of the NPS-UD, inappropriate in an area, but only if supported by an evaluation report described in s77J, s77K and s77L of the RMA.*

The relevant qualifying matters that have been identified for the proposed plan change are:

- The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga,
- Protection of historic heritage from inappropriate subdivision, use, and development,
- Management of significant risks from natural hazards, including risk from:
 - Fault rupture,
 - Flood hazards, and
 - Coastal hazards.
- Ensuring the safe or efficient operation of the National Grid (nationally significant infrastructure), and
- Open space provided for public use.

However, to accommodate a qualifying matter in the proposed plan change, additional information needs to be included in the evaluation report for the proposed plan change.

This report presents this additional information for the qualifying matters accommodated in the proposed plan change.

Additional information requirements

The additional information that is required for a qualifying matter depends on whether the qualifying matter is:

- An existing matter of the district plan,
- A new qualifying matter, or
- Any other matter (as provided for by s771(j) or 770(j) of the RMA).

The additional information requirements for these three cases are summarised in the following table:

Additional information requirements for qualifying matters
Existing qualifying matters
<p>An existing qualifying matter is a qualifying matter listed in section 771(a) to (i) that is included in the relevant operative district plan when the IPI is notified.</p> <p>Accommodating an existing qualifying matter requires a lesser assessment compared to that required to accommodate a new or other qualifying matter.</p> <p>To accommodate an existing qualifying matter the specified territorial authority (TA) must include in its section 32 evaluation report the information set out in section 77K (residential zones) or 77Q (non-residential zones). This includes:</p> <ul style="list-style-type: none"> • The location where the qualifying matter applies • Why one or more qualifying matters applies to that location • Alternative height and density standards for that area • A general assessment based on a typical site of the level of development prevented by accommodating the existing qualifying matter (as compared to the level of development enabled by policy 3 or the MDRS).
New qualifying matters

A new qualifying matter is one that is listed in sections 77I(a-i) and 77O(a-i) but not included in the relevant operative district plan when the IPI is notified.

To accommodate a new qualifying matter the specified TA must include in its section 32 evaluation report the information set out in section 77J (residential zones) or 77P (non-residential zones). This includes:

- Why the area is subject to a qualifying matter
- Why the level of development permitted by the MDRS or policy 3 is incompatible with that area
- An assessment of the impact that the qualifying matter will have on the provision of development capacity
- An assessment of the costs and broader impacts of imposing those limits.

Other qualifying matters

To accommodate any other matter as provided for by section 77I(j) or 77O(j) the specified TA must include in its section 32 evaluation report the information set out in section 77J (residential zones) or 77P (non-residential zones) and the information set out in 77L (residential zones) and 77R (non-residential zones). This includes:

- Identifying the specific characteristics that make the level of development provided by the MDRS or policy 3 inappropriate in the area.
- Justifying why the level of development is inappropriate in light of the national significance of urban development and the objectives of the NPS-UD.
- Providing a site-specific analysis that includes:
 - Identifying the site,
 - Evaluating the specific characteristic on a site-specific basis, and
 - Evaluating an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS or provided for by policy 3 while managing the specific characteristics.

Additional information for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga

The qualifying matter areas for the proposed plan change regarding the relationship of Māori and their culture and traditions with their lands, water, sites, waahi tapu and other taonga are:

- The locations of Significant Cultural Resources (an existing qualifying matter), and
- Sites adjacent to Marae and Urupā (a new qualifying matter).

Significant Cultural Resources (an existing qualifying matter)

Additional information under sections 77K and 77Q of the RMA

1(a) Location of existing qualifying matter

The Significant Cultural Resource (SCR) overlay identifies 26 locations of cultural significance on the District Plan maps. However, only 24 relate to sites of significance to Māori.

Of the sites of significance to Māori, only eight are in areas that would be affected by the proposed plan change (most sites are in open space zones or residential zones that are equivalent to a large lot residential zone).

The SCR overlay identifies four locations that include sites in the Petone Commercial Activity Area. And five locations that include sites that would be in either the Medium Density Residential or High Density Residential Activity Area through the proposed plan change (one location includes sites in both the Petone Commercial Activity Area and the proposed High Density Residential Activity Area).

However, each SCR can apply to multiple sites, with some sites being only partially within the overlay.

For the Petone Commercial Activity Area, approximately 25 sites are at least partially within the SCR overlay, with six of these sites being entirely in the overlay.

For the Medium Density Residential and High Density Residential Activity Area, approximately 40 sites are at least partially within the SCR overlay, with only six sites being entirely in the overlay (excluding access legs).

1(b) Alternative density standards proposed

Rather than applying an alternative standard, the proposed plan change would continue the existing District Plan approach for development in these areas, which is to require resource consent for any new development.

1(c) Why the territorial authority considers the existing qualifying matter applies to those areas identified

The Significant Cultural Resources overlay identifies a range of locations that were identified during the development of the District Plan (in the 1990s and early 2000s) as being significant to Māori, often sites of Pā and Urupā. The feature of significance at each location is specified in

Appendix Significant Natural, Cultural and Archaeological Resources 1 of the operative District Plan.

1(d) Description for a typical site, the level of development that would be prevented by accommodating the qualifying matter, in comparison with the level of development that would have been permitted by the MDRS and policy 3

There is significant variation in the sites within the SCR overlay. This includes variation in:

- The existing use of the site (typically either residential or commercial),
- The level of built development (nearly all sites in the overlay with a residential or commercial zone include built development),
- The size of the site (ranges from approximately 500m² to approximately 4,000m²)
- The proportion of the site that is in the SCR layer (some sites are entirely in the overlay, where other sites have a relatively small corner or sliver of land in the overlay.
- Additional development constraints (some sites are in natural hazard areas or include slopes and vegetation cover).

As a result, the overlay does not include a *typical site*.

However, the following paragraphs describe the impact of the qualifying matter on the level of development in these locations

Sites in the Petone Commercial Activity Area

The impact on the level of development from the qualifying matter would be minimal as:

- Under the proposed plan change (and operative District Plan) all development within the zone requires resource consent, regardless of whether the site is in the SCR overlay.
- The approach of the proposed plan change would continue the approach of the operative District Plan regarding development in the zone and the SCR overlay, which has not prevented development from occurring in these locations.
- There are other constraints to development in these areas, particularly natural hazard risk.

Sites in the Medium Density Residential and High Density Residential Activity Area

The qualifying matter will impact the level of development permitted on the residential zoned sites in the SCR overlay.

For the six residential zoned sites that are entirely in the SCR overlay, no dwellings would be permitted (where three would be permitted for site if the qualifying matter did not apply).

In addition, the qualifying matter may impact the level of development that can occur on sites that are partially within the SCR overlay.

However, there are other constraints that may prevent development from occurring on these sites, particularly natural hazard risk.

Sites adjacent to Marae and Urupā (a new qualifying matter)

Additional information under sections 77J and 77P of the RMA

3(a)(i) Why the area is subject to a qualifying matter

Development on sites adjacent to Marae and Urupā can impact the cultural values of the Marae and Urupā, including through taller buildings that enable a greater number of onlookers for cultural processes at the sites.

3(a)(ii) Why the qualifying matter is incompatible with the level of development permitted by the MDRS or as provided for by policy 3 for that area

Any increase in building heights on sites adjoining marae and Urupā can increase the number of onlookers for the Marae/Urupā. The building heights that must be either permitted or enabled through the proposed plan change is an increase from what is currently enabled through the operative District Plan.

3(b) Impact that limiting development capacity to accommodate the qualifying matter will have on the provision of development capacity

For sites adjoining specific Marae and Urupā, and sites directly opposite Urupā, the proposed plan change would effectively continue the height in relation to boundary and boundary setback standards of the operative District Plan.

This would impact development for 45 properties, including:

- Two properties in the proposed High Density Residential Activity Area,
- 43 properties in the proposed Medium Density Residential Activity Area,
- Eight properties in the Petone Commercial Activity Area, and
- Two properties in the General Business Activity Area.

While these standards would impact development on these 45 properties, as the standards do not directly address the number of residential units or commercial/business development that could occur on a site, the standards would not necessarily limit development capacity. Instead, the standards may influence the design of future development on the site.

However, for some specific residential properties the standards may limit the level of built development that is permitted as the height in relation to boundary standard may prevent buildings with a height that would otherwise be permitted from being able to fit on the site.

3(c) Costs and broader impacts

While the additional standards for sites adjacent to Marae and Urupā would not necessarily impact the development capacity of the sites, the standards will impact the design of development on these sites, including the location and design of new buildings.

The additional standards would also increase the likelihood that a specific development of a site would require a resource consent, which would add to the overall cost of the development. The added cost for a development could prevent the development from occurring.

However, the standards would have a positive impact on the cultural values of the Marae and Urupā.

4(b) How modifications to the MDRS as applied to the relevant residential zones are limited to only those modifications necessary to accommodate qualifying matters and how they apply to any spatial layers including:

- **any operative district plan spatial layers; and**
- **any new spatial layers proposed for the district plan.**

The modifications of the MDRS are limited to those modifications necessary to accommodate the qualifying matter by applying the additional standards to sites adjoining Marae and Urupā, and only for the boundaries of the sites with the Marae and Urupā. In addition, the proposed plan change provides a resource consent pathway for development that would not meet the standard.

Additional information for protection of historic heritage from inappropriate subdivision, use and development

The qualifying matter areas for the proposed plan change regarding the protection of historic heritage from inappropriate subdivision, use and development are:

- The Jackson Street Heritage Precinct (an existing qualifying matter),
- Heretaunga Settlement Heritage Precinct (an existing qualifying matter),
- Riddlers Crescent Heritage Precinct (an existing qualifying matter), and
- Residential Heritage Precinct (a new qualifying matter).

<p>Jackson Street Heritage Precinct (an existing qualifying matter)</p> <p>Additional information under sections 77K and 77Q of the RMA</p>
<p>1(a) Location of existing qualifying matter</p>
<p>The Jackson Street Heritage Precinct would apply to an area of Jackson Street, Petone between Victoria Street and Cuba Street. The precinct is within the Petone Commercial Activity Area – Area 1.</p> <p>In the operative District Plan, this area is identified by a heritage area overlay (the Jackson Street Historic Area, Petone).</p>
<p>1(b) Alternative density standards proposed</p>
<p>The proposed plan change would apply a maximum height standard for buildings and structures within the precinct of 10m (the remainder of the Petone Commercial Activity Area – Area 1 would have maximum height standard of 22m).</p> <p>However, all new built development within the Petone Commercial Activity Area requires resource consent (except for internal alterations that are not visible from the road and minor repair, alterations and maintenance that do not require building consent).</p>
<p>1(c) Why the territorial authority considers the existing qualifying matter applies to those areas identified</p>
<p>As part of the full District Plan review, the Council has undertaken a technical review of the heritage buildings, sites and areas that are identified and protected through the District Plan, based on criteria from Policy 21 of the RPS.</p> <p>A report from this technical review for the proposed plan change is available on Council’s website (hutt.city/pc56).</p> <p>This assessment identified the Jackson Street commercial area as a historic heritage area. However, the review identified a modified area for the historic heritage area for Jackson Street. The proposed plan change would replace the heritage area overlay for Jackson Street with the Jackson Street Heritage Precinct, to reflect the findings of this assessment.</p>

1(d) Description for a typical site, the level of development that would be prevented by accommodating the qualifying matter, in comparison with the level of development that would have been permitted by the MDRS and policy 3

The proposed plan change would provide for a two-storey building (with the maximum building height standard of 10m) for a typical site in the Jackson Street Heritage Precinct.

By comparison, if the proposed plan change did not incorporate the Jackson Street Heritage Precinct as a qualifying matter, the proposed plan change would provide for a six-storey building in this area (although, resource consent would be required regardless).

Heretaunga Settlement and Riddlers Crescent Heritage Precincts (existing qualifying matter)

Additional information under sections 77K and 77Q of the RMA

1(a) Location of existing qualifying matter

The Heretaunga Settlement and Riddlers Crescent Heritage Precincts would apply to the area that is identified in the operative District Plan through the Historic Residential Activity Area. These precincts apply to two residential areas in Petone, in Patrick Street and Riddlers Crescent.

The proposed plan change would delete the Historic Residential Activity Area, and these areas would be rezoned to the High Density Residential Activity Area. The specific provisions for the Heretaunga Settlement and Riddlers Crescent Heritage Precincts would be in the High Density Residential Activity Area chapter.

1(b) Alternative density standards proposed

The proposed plan change would require resource consent for any development that would increase building height or density within the precincts. In addition, the standards of the operative District Plan on the size, location and design of buildings within these areas would be retained.

1(c) Why the territorial authority considers the existing qualifying matter applies to those areas identified

As part of the full review of the District Plan, Council has undertaken a technical review of the heritage buildings, sites and areas that are identified and protected through the District Plan, based on criteria from Policy 21 of the RPS.

A report from this technical review for the proposed plan change is available on Council's website (hutt.city/pc56).

This assessment identified the areas in the Heretaunga Settlement and Riddlers Crescent Heritage Precincts as historic heritage areas.

1(d) Description for a typical site, the level of development that would be prevented by accommodating the qualifying matter, in comparison with the level of development that would have been permitted by the MDRS and policy 3

A typical site within the precincts is a residential site with a single dwelling and a lot size between 250m² and 400m².

As a result of the accommodating this qualifying matter, only one residential unit would be permitted for each site. By comparison, if the proposed plan change did not accommodate qualifying matter, the proposed plan change would provide for three residential units for each site.

In addition, while the proposed plan change would enable six-storey buildings in the High Density Residential Activity Area as a permitted activity, the maximum permitted building height within these precincts would be the maximum height of the principal building that currently exists on the site, which is typically a one-storey building.

Historic Residential Precinct (a new qualifying matter)

Additional information under sections 77J and 77P of the RMA

3(a)(i) Why the area is subject to a qualifying matter

As part of the full review of the District Plan, Council has undertaken a technical review of the heritage buildings, sites and areas that are identified and protected through the District Plan, based on criteria from Policy 21 of the RPS.

A report from this technical review for the proposed plan change is available on Council's website (hutt.city/pc56).

This assessment identified the areas in the Historic Residential Precinct as historic heritage areas.

3(a)(ii) Why the qualifying matter is incompatible with the level of development permitted by the MDRS or as provided for by policy 3 for that area

The heritage values of these areas are, in part, derived from the level of built development within the areas.

For most of the areas within the precinct, existing built development predominantly one-storey, standalone houses. However, the areas of Hardham Crescent (HA-01) and Schoefield Street (HA-09) include two and three-storey buildings.

3(b) Impact that limiting development capacity to accommodate the qualifying matter will have on the provision of development capacity

The precinct covers approximately 300 residential zoned sites, most of which would be in the High Density Residential Activity Area. Most of these sites contain a single, one-storey, residential unit.

The proposed plan change would include new rules that would require resource consent (as a restricted discretionary activity) for new development that would increase the building height or density for sites within the Historic Residential Precinct.

As a result, for most sites within the precinct accommodating the qualifying matter would have the impact of only permitting a single residential unit, where three residential units would be permitted on these sites if the qualifying matter was not accommodated. In addition, the proposed plan change would enable six-storey buildings in some of the areas if the proposed plan change did not accommodate the qualifying matter.

However, some areas in the precinct include multi-unit developments, particularly the areas of Hardham Crescent and Schoefield Street.

An additional factor for some areas in the Historic Residential Precinct is these sites are often also in qualifying matter areas for natural hazards. This is particularly for the parts of the precinct in the coastal hazard area overlays (in Petone and Moera) and the Wellington Fault Hazard overlay (in Petone).

3(c) Costs and broader impacts

The primary impacts of applying the Historic Residential Precinct are:

- A reduction in development capacity for the identified sites, which can limit the benefits of increased housing supply and variety, and
- Protection of historic heritage values of the identified areas.

An added factor for these areas is that while the proposed plan change would introduce controls on building heights and density within the identified areas, for most buildings within the precinct there are no controls on alterations to the buildings or demolition (except for buildings specifically identified in *Chapter 14F: Heritage Buildings and Structures*). As a result, there is still a risk that development occurs that would impact the historic heritage values of these areas through alteration of buildings and demolition.

4(b) How modifications to the MDRS as applied to the relevant residential zones are limited to only those modifications necessary to accommodate qualifying matters and how they apply to any spatial layers including:

- **any operative district plan spatial layers; and**
- **any new spatial layers proposed for the district plan.**

The modifications of the MDRS are limited to those modifications necessary to accommodate the qualifying matter by applying the additional controls solely to sites that have been identified in the Historic Residential Precinct. These areas were determined as part of a technical review of the heritage buildings, sites and areas that are identified and protected through the District Plan, based on criteria from Policy 21 of the RPS.

Additional information for management of significant risk from natural hazards

The qualifying matter areas for the proposed plan change regarding the management of significant risk from natural hazards are:

- Flood Hazard – Inundation (a new qualifying matter)
- Flood Hazard – Overland Flowpath (a new qualifying matter)
- Flood Hazard – Stream Corridor (a new qualifying matter)
- Coastal Hazard – Tsunami, medium hazard area (a new qualifying matter)
- Coastal Hazard – Tsunami, high hazard area (a new qualifying matter)
- Coastal Hazard – Coastal Inundation, high hazard area (a new qualifying matter)
- Coastal Hazard – Coastal Inundation, medium hazard area (a new qualifying matter)
- Fault Rupture Hazard – Wellington Fault (an existing qualifying matter)

<p>Flood Hazard - Inundation (a new qualifying matter)</p> <p>Additional information under sections 77J and 77P of the RMA</p>
<p>3(a)(i) Why the area is subject to a qualifying matter</p>
<p>Flood modelling from Wellington Water has identified areas where land is likely to be inundated during a 1% Annual Exceedance Probability (AEP) flood event (incorporating an anticipated increased intensity of rainfall). It is important to consider climate change impacts as new development is likely to have an anticipated lifespan in which the modelled climate change scenarios are expected to occur.</p>
<p>3(a)(ii) Why the qualifying matter is incompatible with the level of development permitted by the MDRS or as provided for by policy 3 for that area</p>
<p>The level of development permitted by the MDRS and policy 3 are inappropriate if the risk of inundation is not addressed. In particular, incorporating additional development into areas at risk of flooding without requiring mitigation measures to ensure minimum floor heights are above the expected inundation level will place people, property and infrastructure at risk during a potential flood event.</p>
<p>3(b) Impact that limiting development capacity to accommodate the qualifying matter will have on the provision of development capacity</p>
<p>The application of this qualifying matter is expected to have minimal limitation to development capacity. This is because the MDRS is enabled but with addition of a minimum floor height to mitigate the risk. In some instances, this may result in less usable height than would otherwise be available through the MDRS.</p>
<p>3(c) Costs and broader impacts</p>
<p>Implementing a minimum floor level may add additional cost to development in the areas affected. The amount of usable building height within the MDRS may be reduced and could result in only 2 storey development being feasible in some particularly flood-prone areas.</p>

Overall, the economic and social benefits to addressing inundation risk to ensure risk to people, property and infrastructure is managed, outweigh any lost opportunity costs to development. Further assessment of these can be found in the evaluation of the proposed policies and rules of the proposed plan change, in the Section 32 evaluation report.

4(a) How the provisions of the district plan allow the same or a greater level of development than the MDRS

The proposed provisions implement a permitted activity condition to apply a minimum floor level above the modelled 1% AEP inundation level. If this condition is met, resource consent is not required and the MDRS fully applies.

4(b) How modifications to the MDRS as applied to the relevant residential zones are limited to only those modifications necessary to accommodate qualifying matters and how they apply to any spatial layers including:

- any operative district plan spatial layers; and
- any new spatial layers proposed for the district plan.

The qualifying matter is limited to the proposed Flood Hazard – Inundation Area spatial overlay. This is the area identified to be at risk of inundation during a modelled 1% AEP flood event.

Flood Hazard – Overland Flowpath (a new qualifying matter)

Additional information under sections 77J and 77P of the RMA

3(a)(i) Why the area is subject to a qualifying matter

Flood modelling from Wellington Water has identified areas where land is subject to an overland flowpath during a 1% AEP flood event (incorporating an anticipated increased intensity of rainfall). It is important to consider these climate change impacts as new development is likely to have an anticipated lifespan in which the modelled climate change scenarios are expected to occur.

3(a)(ii) Why the qualifying matter is incompatible with the level of development permitted by the MDRS or as provided for by policy 3 for that area

Overland flowpaths identify the path of stormwater as it concentrates and flows over the land. The volume and or flow of water can place occupiers of properties at risk during flood events.

The level of development enabled by the MDRS and Policy 3 are inappropriate as incorporating additional development into areas at risk of high volume and velocity of water flow during a flood event requires site specific mitigation to manage the risk. An assessment of the impact of new development on the flow of water during a flood event, including that which could displace water to other properties is necessary. The incorporation of mitigation measures such as minimum floor heights, location of buildings and structures on a site and ensuring areas of high flow remain unimpeded are necessary to ensure people, property and infrastructure are not put at additional risk during the potential hazard event.

3(b) Impact that limiting development capacity to accommodate the qualifying matter will have on the provision of development capacity

In the overall context of what is enabled, approximately 2100 properties are identified as subject to this qualifying matter to some extent. The restricted discretionary activity status means that the MDRS are not restricted if the matters of discretion are sufficiently addressed.

3(c) Costs and broader impacts

Managing development within an identified overland flow path prevents the obstruction or diversion of flowing floodwaters onto adjacent sites, compounding flood issues for the surrounding area.

While this may restrict the siting or floor levels of buildings on a site, managing development within an overland flowpath ensures that the flow is confined to existing paths and therefore does not create adverse effects on adjoining properties. The restricted discretionary status means that the MDRS could be fully applies if the matters of discretion are sufficiently addressed.

Overall, the economic and social benefits to addressing overland flowpath risk to ensure risk to people, property and infrastructure is managed, outweigh the lost opportunity costs to development. Further assessment of these can be found in the evaluation of the proposed policies and rules of the proposed plan change, in the Section 32 evaluation report.

4(a) How the provisions of the district plan allow the same or a greater level of development than the MDRS

The proposed provisions require resource consent to ensure the risks associated with overland flowpaths is appropriately managed. The restricted discretionary status means that the MDRS are not restricted if the matters of discretion are sufficiently addressed.

4(b) How modifications to the MDRS as applied to the relevant residential zones are limited to only those modifications necessary to accommodate qualifying matters and how they apply to any spatial layers including:

- **any operative district plan spatial layers; and**
- **any new spatial layers proposed for the district plan.**

The qualifying matter is limited to the proposed Flood Hazard – Overland Flowpath spatial overlay. This is the area identified to be at risk of flooding due to overland flowpaths during a modelled 1% AEP flood event.

Flood Hazard – Stream Corridor (a new qualifying matter)

Additional information under sections 77J and 77P of the RMA

3(a)(i) Why the area is subject to a qualifying matter

Flood modelling from Wellington Water has identified areas where land contains a stream corridor. The modelling provides the extent of stream corridor flow during a 1% AEP flood event (incorporating an anticipated increased intensity of rainfall). It is important to consider these climate change impacts as new development is likely to have an anticipated lifespan in which the modelled climate change scenarios are expected to occur.

3(a)(ii) Why the qualifying matter is incompatible with the level of development permitted by the MDRS or as provided for by policy 3 for that area

Stream corridor overlays are areas which contain local streams and models the extent of their concentrated flow areas during a 1% AEP storm event. As such, the volume and or flow of water puts occupiers of properties and infrastructure at high risk during flood events. The level of development enabled by the MDRS and Policy 3 are inappropriate given the level of risk due to high volume and velocity of water flow during a flood event. Any development, except for parks facilities and structures that are non-habitable nor used as places of employment is inappropriate in these areas.

3(b) Impact that limiting development capacity to accommodate the qualifying matter will have on the provision of development capacity

In the overall context of what is enabled, the number of properties that contain a stream corridor is low (approximately 1720). These generally represent existing streams and areas immediately adjacent and unlikely to have been or be planned to be developed. While development within the overlay is a non-complying activity, development can still occur to the levels permitted by the MDRS elsewhere on the site (subject to meeting the requirements of other qualifying matters where applicable).

3(c) Costs and broader impacts

Managing development within an identified stream corridor prevents the obstruction or diversion of flowing floodwaters onto adjacent sites, and addresses the significant risk to people, property and infrastructure from the velocity and volume of stormwater flow anticipated during a flood event.

While this may restrict development within the overlay, these areas usually form only part of a site and are generally well formed, existing watercourses. The MDRS could be fully applied on the site outside of the stream corridor (subject to meeting the requirements of other qualifying matters where applicable).

Overall, the economic and social benefits to addressing inundation risk to ensure risk to people, property and infrastructure is managed, outweigh the costs identified. Further assessment of these costs can be found in the evaluation of the proposed policies and rules of the proposed plan change, in the Section 32 evaluation report.

4(a) How the provisions of the district plan allow the same or a greater level of development than the MDRS

The proposed provisions will discourage development within the overlay. However, this overlay does not discourage development elsewhere on the site. A site containing a stream corridor overlay could still fully implement the MDRS in areas outside of the stream corridor.

4(b) How modifications to the MDRS as applied to the relevant residential zones are limited to only those modifications necessary to accommodate qualifying matters and how they apply to any spatial layers including:

- **any operative district plan spatial layers; and**
- **any new spatial layers proposed for the district plan.**

The qualifying matter is limited to the proposed Flood Hazard – Stream Corridor spatial overlay. This is the area identified to be at risk of concentrated stream flow during a modelled 1% AEP flood event.

Coastal Hazard – Tsunami, medium hazard area (a new qualifying matter)

Additional information under sections 77J and 77P of the RMA

3(a)(i) Why the area is subject to a qualifying matter

Probabilistic tsunami modelling has been undertaken by GNS Science. This includes the inundation extent for a 1-in-500-year tsunami event, identified as a medium coastal hazard risk due to the potential impacts and its recurrence interval. This modelling incorporates 1m of sea level rise.

The New Zealand Coastal Policy Statement 2010 states that, in areas potentially affected by coastal hazards over at least the next 100 years:

- avoid increasing the risk of social, environmental and economic harm from coastal hazards
- avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards (policy 25 (b)) and
- consider the potential effects of tsunami and how to avoid or mitigate them (policy 25 (f)).

For these reasons, the tsunami coastal hazard has been considered a qualifying matter.

3(a)(ii) Why the qualifying matter is incompatible with the level of development permitted by the MDRS or as provided for by policy 3 for that area

The MDRS and policy 3 would enable a high level of development in areas where guidance states that an increase in risk from natural hazards should be avoided. Due to the level of risk to people, property and infrastructure, and that the impacts of climate change will exacerbate these risks, it is inappropriate to fully enable the MDRS or policy 3 in the tsunami medium hazard area. For this reason, the number of units per site enabled by the MDRS is proposed to be reduced to 2 within the tsunami medium hazard overlay and a restricted discretionary activity introducing matters of discretion to incorporate mitigation measures and provide for safe evacuation routes for commercial sites with more than 10 employees and/or accessibility to the public.

While the NZCPS requires avoidance of social, environmental and economic harm within this area, s77J is limited to an assessment of the degree of application of the MDRS and policy 3. As such the application of this qualifying matter largely retains the existing level of development provided for in the Operative District Plan which is 2 units per site within the operative General Residential Activity Area.

3(b) Impact that limiting development capacity to accommodate the qualifying matter will have on the provision of development capacity

Application of this qualifying matter will affect approximately 3610 residential properties. Of these sites, 1160 are subject to the medium tsunami hazard risk overlay. Taking into account the operative District Plan provisions which generally permit 2 dwellings on the affected sites, reducing the density of development required by the MDRS from 3 dwellings to 2 will result in approximately 1160 potential dwellings that would have been permitted under the MDRS not being enabled due to medium tsunami hazard risk.

3(c) Costs and broader impacts

Reducing the permitted level of development within the identified medium tsunami hazard area addresses the significant risk to people, property and infrastructure from a potential tsunami event.

While this restricts development within the overlay, higher levels of development are a restricted discretionary activity to ensure the risk to people, property and infrastructure is appropriately managed. Subject to the matters of discretion, levels of development consistent with the MDRS may be able to occur.

Applying this qualifying matter ensures that the number of dwellings beyond what is currently enabled in the operative District Plan addresses the significant economic and social risks relevant to the hazard.

Overall, the economic and social benefits to addressing tsunami risk to ensure risk to people, property and infrastructure is managed, outweigh the costs of restricting development. Further assessment of these can be found in the evaluation of the proposed policies and rules of the proposed plan change, in the Section 32 evaluation report.

4(a) How the provisions of the district plan allow the same or a greater level of development than the MDRS

The proposed provisions provide a lower level of permitted development than the MDRS on affected sites by controlling the number of dwellings permitted. Within the medium tsunami hazard overlay, there are approximately 2430 residential properties affected to some degree, 870 of these are also subject to the high tsunami hazard overlay. 39 properties within the operative Special Residential Activity Area are affected by this hazard to some degree. These are noted because the proposed plan change increases the number of dwellings permitted from one to two per site. This is to ensure simplicity and consistency of provisions for the proposed Medium Density Residential Activity Area.

4(b) How modifications to the MDRS as applied to the relevant residential zones are limited to only those modifications necessary to accommodate qualifying matters and how they apply to any spatial layers including:

- any operative district plan spatial layers; and
- any new spatial layers proposed for the district plan.

The qualifying matter is limited to the proposed Coastal Hazard Overlay – Tsunami, Medium Coastal Hazard Area spatial overlay. This is the area identified to be at risk of a 1-in-500-year tsunami event.

Coastal Hazard – Tsunami, high hazard area (a new qualifying matter)

Additional information under sections 77J and 77P of the RMA

3(a)(i) Why the area is subject to a qualifying matter

Probabilistic tsunami modelling has been undertaken by GNS Science. This includes the inundation extent for a 1-in-100-year tsunami event, identified as a medium coastal hazard risk due to the potential impacts and its recurrence interval. This modelling incorporates 1m of sea level rise.

The New Zealand Coastal Policy Statement 2010 states that, in areas potentially affected by coastal hazards over at least the next 100 years:

- avoid increasing the risk of social, environmental and economic harm from coastal hazards
- avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards (policy 25 (b)) and
- consider the potential effects of tsunami and how to avoid or mitigate them (policy 25 (f)).

For these reasons, the tsunami coastal hazard has been considered a qualifying matter.

3(a)(ii) Why the qualifying matter is incompatible with the level of development permitted by the MDRS or as provided for by policy 3 for that area

The MDRS and Policy 3 of the NPS-UD would enable a high level of development in areas where higher order direction states that the risk from natural hazards should be avoided. Due to the level of risk to people, property and infrastructure, and that the impacts of climate change will exacerbate these risks, it is inappropriate to fully enable the MDRS or Policy 3 in the tsunami high hazard area. For this reason, the number of units per site enabled by the MDRS is proposed to be reduced within the tsunami high hazard overlay and a restricted discretionary activity introducing matters of discretion to incorporate mitigation measures and provide for safe evacuation routes for commercial sites with more than 10 employees and/or accessibility to the public.

While the NZCPS requires avoidance of social, environmental and economic harm within this area, s77J is limited to an assessment of the degree of application of the MDRS and Policy 3. As such the application of this qualifying matter largely retains the existing level of development provided for in the Operative District Plan which is 2 units per site within the operative General Residential Activity Area.

3(b) Impact that limiting development capacity to accommodate the qualifying matter will have on the provision of development capacity

Application of this qualifying matter will affect approximately 870 residential properties. This will result in approximately 870 potential dwellings that would otherwise be permitted under the MDRS not being enabled due to high tsunami hazard risk.

3(c) Costs and broader impacts

Reducing the permitted level of development within the identified tsunami high hazard area addresses the significant risk to people, property and infrastructure from a potential tsunami event.

While this restricts development within the overlay, higher levels of development are a non-complying activity due to the significance of the risk to people, property and infrastructure from a 1-in-100-year tsunami event. Because of this, higher levels of development in the high tsunami hazard area are discouraged.

Applying this qualifying matter largely ensures that the number of dwellings beyond what is currently enabled in the operative District Plan addresses the significant economic and social risks relevant to the hazard and/or is avoided.

Overall, the economic and social benefits to addressing tsunami risk to ensure risk to people, property and infrastructure is managed, outweigh the costs of restricting development. Further assessment of these can be found in the evaluation of the proposed policies and rules of the proposed plan change, in the Section 32 evaluation report.

4(a) How the provisions of the district plan allow the same or a greater level of development than the MDRS

The proposed provisions provide a lower level of permitted development than the MDRS on affected sites by controlling the number of dwellings permitted. Within the tsunami high hazard overlay, there are approximately 870 residential properties affected to some degree. 17 (12 excluding access legs) properties within the operative Special Residential Activity Area are affected by this hazard to some degree. These are noted because the proposed plan change increases the number of dwellings permitted to two per site. This is to ensure simplicity and consistency of provisions for the proposed medium density activity area.

4(b) How modifications to the MDRS as applied to the relevant residential zones are limited to only those modifications necessary to accommodate qualifying matters and how they apply to any spatial layers including:

- any operative district plan spatial layers; and
- any new spatial layers proposed for the district plan.

The qualifying matter is limited to the proposed Coastal Hazard Overlay – Tsunami, High Coastal Hazard Area spatial overlay. This is the area identified to be at risk of a 1% AEP storm event, incorporating 1.5m modelled sea level rise.

Coastal Hazard – Inundation, medium hazard area (a new qualifying matter)

Additional information under sections 77J and 77P of the RMA

3(a)(i) Why the area is subject to a qualifying matter

Coastal inundation modelling has been undertaken for Hutt City by NIWA. This includes the inundation extent for a 1% AEP storm event incorporating modelled relative sea level rise. Sea level rise has been modelled to 2130, incorporating vertical land movement and using the Shared Socioeconomic Pathway (SSP) 8.5. This has produced a mapped area identified as a medium coastal hazard risk due to the uncertainty of the rate of sea level rise (due to global emissions reduction) and the potential for mitigation measure to be implemented before the hazard is fully realised. This is the area that, during the lifetime of a new building is likely to be impacted by coastal inundation during a 1% AEP storm event.

The New Zealand Coastal Policy Statement 2010 states that, in areas potentially affected by coastal hazards over at least the next 100 years:

- avoid increasing the risk of social, environmental and economic harm from coastal hazards
- avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards (policy 25 (b)) and
- consider the potential effects of tsunami and how to avoid or mitigate them (policy 25 (f)).

For these reasons, the coastal inundation - medium coastal hazard area has been considered a qualifying matter.

3(a)(ii) Why the qualifying matter is incompatible with the level of development permitted by the MDRS or as provided for by policy 3 for that area

The MDRS and Policy 3 of the NPS-UD would enable a high level of development in areas where guidance states that an increase in risk from natural hazards should be avoided. Due to the level of risk to people, property and infrastructure, and that the impacts of climate change will exacerbate these risks, it is inappropriate to fully enable the MDRS or Policy 3 in the coastal inundation medium hazard area. For this reason, the number of units per site enabled by the MDRS is proposed to be reduced within the medium hazard overlay and a restricted discretionary activity introducing matters of discretion to incorporate mitigation measures and provide for safe evacuation routes for commercial sites with more than 10 employees and/or accessibility to the public.

While the NZCPS requires avoidance of social, environmental and economic harm within this area, s77J is limited to an assessment of the degree of application of the MDRS and Policy 3. As such the application of this qualifying matter largely retains the existing level of development provided for in the Operative District Plan which is 2 units per site within the operative General Residential Activity Area.

3(b) Impact that limiting development capacity to accommodate the qualifying matter will have on the provision of development capacity

Application of this qualifying matter will affect approximately 4610 residential properties. Taking into account the operative District Plan provisions which generally permit 2 dwellings on the affected sites, reducing the density of development required by the MDRS from 3 dwellings to 2,

this will result in approximately 4610 potential dwellings that would otherwise be permitted under the MDRS not being enabled due to high tsunami hazard risk.

3(c) Costs and broader impacts

Reducing the permitted level of development within the identified coastal inundation medium hazard area addresses the significant risk to people, property and infrastructure from a coastal inundation event.

While this restricts development within the overlay, higher levels of development are a restricted discretionary activity to ensure the risk to people, property and infrastructure is appropriately managed. Subject to the matters of discretion, levels of development consistent with the MDRS may be able to occur.

Applying this qualifying matter largely ensures that the number of dwellings beyond what is currently enabled in the operative District Plan, addresses the significant economic and social risks relevant to the hazard and/or is avoided.

Overall, the economic and social benefits to addressing coastal inundation risk to ensure risk to people, property and infrastructure is managed, outweigh the costs identified. Further assessment of these can be found in the evaluation of the proposed policies and rules of the proposed plan change, in the Section 32 evaluation report.

4(a) How the provisions of the district plan allow the same or a greater level of development than the MDRS

The proposed provisions provide a lower level of permitted development than the MDRS on affected sites by controlling the number of dwellings permitted. Within the medium coastal inundation hazard overlay, there are approximately 4610 residential properties affected to some degree. Of these, 18 properties are within the Special Residential Activity Area of the operative District Plan and are affected by this hazard to some degree. These are noted because the proposed plan change rezones this area to Medium Density Residential and therefore increases the number of dwellings permitted from one to two per site in this area. This is to ensure simplicity and consistency of provisions for the proposed Medium Density Residential Activity Area.

Similarly, approximately 48 properties are currently within the Medium Density Residential Activity Area for which the existing District Plan has no limit on the number of dwellings on a site. Most of these sites contain existing medium density development and are therefore less likely to redevelop in the short term. As such, it is proposed that a limit of 2 units per site can be introduced for these sites which is more restrictive than the operative District Plan.

4(b) How modifications to the MDRS as applied to the relevant residential zones are limited to only those modifications necessary to accommodate qualifying matters and how they apply to any spatial layers including:

- any operative district plan spatial layers; and
- any new spatial layers proposed for the district plan.

The qualifying matter is limited to the proposed Coastal Hazard Overlay – Inundation, Medium Coastal Hazard Area spatial overlay. This is the area identified to be at risk of inundation during a modelled future 1% AEP inundation event, accounting for sea level rise.

Coastal Hazard –Inundation, high hazard area (a new qualifying matter)

Additional information under sections 77J and 77P of the RMA

3(a)(i) Why the area is subject to a qualifying matter

Coastal inundation modelling has been undertaken for Hutt City by NIWA. This includes the inundation extent for a 1% AEP storm event at current sea level (2022). This has produced a mapped area identified as a high coastal hazard risk due to the current level of inundation risk and that it will be exacerbated due to future sea level rise. In this area it is reasonably anticipated that, during the lifetime of a new building it will be impacted by coastal inundation during a 1% AEP storm event.

The New Zealand Coastal Policy Statement 2010 states that, in areas potentially affected by coastal hazards over at least the next 100 years:

- avoid increasing the risk of social, environmental and economic harm from coastal hazards
- avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards (policy 25 (b)) and
- consider the potential effects of tsunami and how to avoid or mitigate them (policy 25 (f)).

For these reasons, the coastal inundation - high coastal hazard area has been considered a qualifying matter.

3(a)(ii) Why the qualifying matter is incompatible with the level of development permitted by the MDRS or as provided for by policy 3 for that area

The MDRS and Policy 3 would enable a high level of development in areas where guidance states that an increase in risk from natural hazards should be avoided. Due to the level of risk to people, property and infrastructure, and that the impacts of climate change will exacerbate these risks, it is inappropriate to fully enable the MDRS or Policy 3 in the coastal inundation high hazard area. For this reason, the number of units per site enabled by the MDRS is proposed to be reduced within the high hazard overlay and a restricted discretionary activity introducing matters of discretion to incorporate mitigation measures and provide for safe evacuation routes for commercial sites with more than 10 employees and/or accessibility to the public.

While the NZCPS requires avoidance of social, environmental and economic harm within this area, s77J is limited to an assessment of the degree of application of the MDRS and Policy 3. As such the application of this qualifying matter largely retains the existing level of development provided for in the Operative District Plan which is 2 units per site within the operative General Residential Activity Area.

3(b) Impact that limiting development capacity to accommodate the qualifying matter will have on the provision of development capacity

The application of this qualifying matter will affect 4 residential properties. This will result in 4 potential dwellings that would otherwise be permitted under the MDRS not being enabled due to high coastal inundation hazard risk.

3(c) Costs and broader impacts

Reducing the permitted level of development within the identified coastal inundation high hazard area addresses the significant risk to people, property and infrastructure from a coastal inundation event.

This restricts development within the overlay and proposes that higher levels of development are a non-complying activity due to the significance of the risk to people, property and infrastructure from a 1% AEP inundation event. This is to ensure that higher levels of development in the high coastal inundation hazard area are discouraged.

Applying this qualifying matter largely ensures that the number of dwellings beyond what is currently enabled in the operative District Plan, addresses the significant economic and social risks relevant to the hazard and/or is avoided.

Overall, the economic and social benefits to addressing coastal inundation risk to ensure risk to people, property and infrastructure is managed, outweigh the costs identified. Further assessment of these can be found in the evaluation of the proposed policies and rules of the proposed plan change, in the Section 32 evaluation report.

4(a) How the provisions of the district plan allow the same or a greater level of development than the MDRS

The proposed provisions provide a lower level of permitted development than the MDRS on affected sites by controlling the number of dwellings permitted. Within the coastal inundation high hazard overlay, there are 4 residential properties affected to some degree. This approach maintains the level of development (in terms of number of dwellings permitted) in the operative District Plan.

4(b) How modifications to the MDRS as applied to the relevant residential zones are limited to only those modifications necessary to accommodate qualifying matters and how they apply to any spatial layers including:

- any operative district plan spatial layers; and
- any new spatial layers proposed for the district plan.

The qualifying matter is limited to the proposed Coastal Hazard Overlay – Inundation, Medium Coastal Hazard Area spatial overlay. This is the area identified to be at risk of inundation during a modelled 1% AEP inundation event.

Fault Rupture Hazard – Wellington Fault (an existing qualifying matter)

Additional information under sections 77K and 77Q of the RMA

1(a) Location of existing qualifying matter

The qualifying matter is limited to the proposed Wellington Fault Hazard Overlay. This is an update to the operative Wellington Fault Special Study Area.

1(b) Alternative density standards proposed

Provided that the matter of discretion is met, the MDRS could be fully applied on an affected site.

1(c) Why the territorial authority considers the existing qualifying matter applies to those areas identified

The area identified has been provided by GNS Science and illustrates the best-known location of the Wellington fault. Buildings and structures in this area are at risk of permanent ground deformation from a fault rupture event. In this area, it is expected that there would be permanent ground deformation following the next Wellington Fault rupture event. During such an event, accompanied by a very large earthquake, the ground on the west side of the Wellington Fault is predicted to move horizontally up to 4m relative to the east side, and there will be up to 0.5m vertical movement. The fault rupture has a moderate to high probability of occurring within the next 100 years. Buildings and structures within 20m of the fault are likely to be destroyed, representing a significant risk to people, property and infrastructure.

This plan change updates the operative fault hazard overlay to reflect new research which refines the area in which the fault is best known to be located. This update removes 132 properties from the hazard overlay and 14 properties contain an increased area of fault hazard overlay on their property. It is important to update the hazard overlay to reduce restrictions on those properties that are now known not to be within the immediate vicinity of the fault and ensure that those that are now known to be more at risk can appropriately address the hazard so as to not result in unnecessary risk to new development on these sites.

1(d) Description for a typical site, the level of development that would be prevented by accommodating the qualifying matter, in comparison with the level of development that would have been permitted by the MDRS and policy 3

The proposed plan change retains the existing District Plan approach to addressing fault rupture hazards. This requires a restricted discretionary resource consent for all habitable buildings within the Wellington Fault Hazard Overlay, to require a site evaluation is undertaken to ensure new buildings are located at least 20m from the fault. Provided that this matter of discretion is met, the MDRS could be fully applied on an affected site.

Additional information for the ensuring the safe or efficient operation of the National Grid (nationally significant infrastructure)

The qualifying matter area for the proposed plan change regarding the safe and efficient operation of the National Grid is the area identified in the operative District Plan by the National Grid Corridor overlay (NGC overlay). This is an existing qualifying matter.

<p>National Grid Corridor (an existing qualifying matter) Additional information under sections 77K and 77Q of the RMA</p>
<p>1(a) Location of existing qualifying matter</p>
<p>The NGC overlay identifies the location of National Grid. The overlay mostly applies to sites that are in open space, rural or large lot residential zones (zones that are not affected by the proposed plan change).</p> <p>The overlay applies to approximately 80 sites in the Medium Density Residential and High Density Residential Activity Areas of the proposed plan change. Most of these sites are in Tirohanga (in the Western Hills) although some sites are in Belmont, Kelson, Haywards Hill and Stokes Valley</p> <p>However, most of these sites are only partially within the overlay area. Approximately 25 sites in the zones are entirely in the overlay area (primarily in Tirohanga).</p>
<p>1(b) Alternative density standards proposed</p>
<p>Rather than applying an alternative standard, the proposed plan change would continue the existing District Plan approach for development in these areas, which is to require resource consent for new residential development within the overlay through specific subdivision rules.</p> <p>In addition, the District Plan includes an additional overlay (the National Grid Yard overlay) which applies to an area within the NGC overlay. New residential buildings within the National Grid Yard overlay also require resource consent.</p>
<p>1(c) Why the territorial authority considers the existing qualifying matter applies to those areas identified</p>
<p>The NGC overlay identifies the area in close proximity to the National Grid transmission network. Residential development in this area can have an impact on the safe and efficient operation of this infrastructure, including through reverse sensitivity effects. This area was identified in the District Plan through District Plan Change 35 (Network Utilities and Renewable Energy Generation) for the purpose of protecting the infrastructure from inappropriate development.</p>
<p>1(d) Description for a typical site, the level of development that would be prevented by accommodating the qualifying matter, in comparison with the level of development that would have been permitted by the MDRS and policy 3</p>
<p>The typical residential zoned site in the SCR corridor overlay for the proposed plan change would be in the Medium Density Residential Activity Area.</p>

The impact of the qualifying matter for the typical site would be that no dwellings would be permitted on the sites, where three dwellings per site would be permitted if the qualifying matter was not applied.

However, there are additional factors that would influence the development capacity of the typical sites, including:

- Existing use rights (the typical residential zoned site in the SCR overlay contains a single dwelling) and
- Physical constraints created by relatively steep topography and vegetation cover.

Additional information for open space provided for public use

The qualifying matter area for the proposed plan change regarding open space for public use is the area identified in the operative District Plan through Recreation Activity Areas (open space zones). In particular:

- The General Recreation Activity Area – a zone that applies to most parks and reserves in the Lower Hutt urban neighbourhoods,
- Special Recreation Activity Area – a zone that applies to the Petone Foreshore (also applies to the Seaview Marina and Hutt Park Visitor Accommodation site, although these two sites would not be impacted by the proposed plan change), and
- River Recreation Activity Area – a zone that primarily applies to the Hutt River and its margins, but also to parts of the Wainuiomata River.

The District Plan also includes a Passive Recreation Activity Area. However, the area within the Passive Recreation Activity Area would not be impacted by the proposed plan change.

While a significant portion of the areas in these zones are not relevant considerations for the proposed plan change, some areas in these zones are in walkable catchment areas, and the requirements of Policy 3 of the NPS-UD would apply unless the proposed plan change also applies a qualifying matter for the areas.

<p>Recreation Activity Areas (an existing qualifying matter) Additional information under sections 77K and 77Q of the RMA</p>
<p>1(a) Location of existing qualifying matter</p>
<p>The Recreation Activity Areas identify the location of open space land for public use.</p> <p>The zones apply to many sites spread throughout Lower Hutt - sites that are primarily owned by Hutt City Council but also some areas owned by Greater Wellington Regional Council (particularly along the Hutt River). A small number of sites are owned by private owners.</p>
<p>1(b) Alternative density standards proposed</p>
<p>Rather than applying an alternative standard, the proposed plan change would continue the existing District Plan approach for development in these areas, which is to require resource consent for new residential development on these sites. However, residential development in these areas is highly unlikely as the sites are public land, typically with reserve status. In addition, the policies of these zones are not particularly enabling of residential development.</p> <p>Residential development of land in Recreation Activity Areas typically requires a change of the District Plan to a zone that provides for residential development.</p>
<p>1(c) Why the territorial authority considers the existing qualifying matter applies to those areas identified</p>
<p>The areas in the Recreation Activity Areas are mostly publicly owned land that often perform the function of providing opportunities for outdoor living and recreation, including through</p>

neighbourhood parks and community facilities (such as libraries, community hubs and sporting facilities).

For the remaining few sites, as part of Council's ongoing full district plan review it engaged with the owners of non-reserve land within the Recreation Activity Area. Most land fell into two categories:

- Land that is held for public use through means other than the Reserves Act, such as QEII covenants, or consent notices applied at subdivisions. In general, this would only to part of a site.
- Land that is used for recreation (such as golf, tennis, or bowls) by a commercial or non-profit organisation, where the facility is generally available to the public for a fee, or who wish to join as members. In most of these cases, the owner-operator wishes to continue this use of the land and for that land to remain in a Recreation Activity Area.

For both cases, the qualifying matter is considered to apply as the land is available for public use.

There were two sites in the General Recreation Activity Area where neither of the above applied, and accordingly, the qualifying matter does not exist for part or all of the site.

One site is a section adjacent to Woburn Station. Based on engagement prior to notification of the plan change, the owner wishes to develop the land for non-recreation purposes. Accordingly, the Proposed Plan Change does not apply the open space qualifying matter and applies the height and density requirements set by Policy 3(c) of the NPS-UD (subject to other qualifying matters) by rezoning it to the new High Density Residential Activity Area.

The other site is the Hutt Bowling Club near the central city. Based on engagement prior to notification of the plan change, the owner wishes to retain part of the land for recreation use and develop the remainder for residential use. Council accepts that the open space qualifying matter does not apply to the latter portion of the site, however, the qualifying matter still applies to the former. At time of notification, the owner had not yet proposed a specific dividing line between the two parts of the site and continues to use the entire site for a recreation use open to the public.

This plan change accordingly does not yet propose any change to the zoning of this site, but when a specific zone boundary between the two parts is proposed the appropriate zoning would be General Recreation Activity Area for the part retained by the Club, and High Density Residential Activity Area for the part to be developed for residential use.

1(d) Description for a typical site, the level of development that would be prevented by accommodating the qualifying matter, in comparison with the level of development that would have been permitted by the MDRS and policy 3

There is significant variation in the sites within the Recreation Activity Areas. This includes variation in:

- The existing use of the site (varying from open space parks and reserves used for organised and passive recreation to sites for community facilities),
- The level of built development (including sites with no built development, sites with buildings that are ancillary to the outdoor recreation and sites with community facilities), and
- The size of the site (ranges from a small neighbourhood park to a large reserve).

As a result, the overlay does not include a *typical site*.

However, the impact of applying the qualifying matter is that none of the development permitted by the MDRS or enabled in accordance with Policy 3 would be permitted or enabled for these sites.

However, the sites in the Recreation Activity Areas are highly unlikely to be developed as one or more of the following apply to them:

- They are publicly owned primarily for the purpose of providing for recreation opportunities and community facilities, or
- They have other legal mechanisms such as classification under the Reserves Act, covenants, or consent notices that prevent development, or
- They are in use and are intended by the owner to remain in use for a largely outdoor recreation activity.

Proposed District Plan Change 56

Enabling Intensification in Residential and Commercial Areas

Appendix 6 – Assessment on characteristics of residential areas

MEMORANDUM

Our reference: Plan Change 56: Intensification Planning Instrument

To: Policy Planning team

From: Nathan Geard, Principal Policy Planner, Policy Planning team

Date: 20 April 2022

SUBJECT: INTENSIFICATION PLANNING INSTRUMENT: CHARACTERISTICS OF RESIDENTIAL AREAS

Purpose

The purpose of this memo is to:

1. Assess whether any residential areas of Lower Hutt have specific characteristics that should be protected as a qualifying matter through Council's Intensification Planning Instrument, and
2. Based on this assessment, outline options for how these characteristics could be addressed through Hutt City Council's Intensification Planning Instrument.

Executive Summary

While Council's Intensification Planning Instrument must follow the building height and density requirements described in the Resource Management Act (RMA) and National Policy Statement on Urban Development (NPS-UD), Council can limit building heights and density in areas where *qualifying matters* described in the Act apply. There is a question on whether specific characteristics of residential areas could qualify as a qualifying matter.

This memo discusses the criteria that need to be met to justify including residential characteristics as a qualifying matter, including whether limiting building heights and density can be justified in light of the national significance of urban development and objectives of the NPS-UD.

While three areas (in Petone, Alicetown and Woburn) have been identified as Distinct Character Areas, in my opinion, they do not meet the criteria to be qualifying matters, particularly in light of the national significance of urban development and objectives of the NPS-UD.

My reasons are:

- While a characteristic of some areas is relatively low density and 1-2 storey buildings, the main purpose of the Intensification Planning Instrument is to enable greater density in urban environments, and the presence of low density at the moment does not justify preventing higher density in the future. In addition, this character does not solely apply to a specific area.
- While some areas have distinct architecture, and areas can be identified as historic heritage areas due to their architectural qualities, these areas have not been identified as historic heritage areas.
- While some people may have the view that the distinctive architecture may have value for functional or aesthetic reasons, it is difficult to suggest that these are particular to any specific area of Lower Hutt.
- A distinct characteristic of some areas is the mature vegetation in the area, including street and park trees. Street and park trees would not be impacted by development enabled by the Intensification Planning Instrument, and trees on private land can be protected through the Notable Trees chapter of the District Plan.
- Other specific characteristics of residential areas also would not be impacted by the development that would be enabled by the Intensification Planning Instrument (including topography, presence of public reserves and the pattern and design of the road network).

Background

Under the Resource Management Act (the RMA), Hutt City Council is required to prepare an Intensification Planning Instrument, to be publicly notified by August 2022.

In short, the Intensification Planning Instrument must:

- Incorporate specific Medium Density Residential Standards (the MDRS) into the District Plan, standards which would permit three storey buildings and three dwellings per site.
- Give effect to intensification policies of the National Policy Statement on Urban Development (NPS-UD), including requirements to enable buildings of at least six storeys in walkable catchment areas.

However, Council can make the MDRS and building height and density requirements of the NPS-UD less enabling of development in a specific residential area to the extent necessary to accommodate the *qualifying matters* summarised in Table 1.

Table 1. Qualifying matters for an Intensification Planning Instrument.
(a) A matter of national importance that decision makers are required to recognise and provide for under s6 of the RMA. This includes: <ul style="list-style-type: none"> (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development, (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development, (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers, (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, (f) The protection of historic heritage from inappropriate subdivision, use, and development, (g) The protection of protected customary rights, and (h) The management of significant risks from natural hazards.
(b) A matter required in order to give effect to a national policy statement (other than the NPS-UD) or the New Zealand Coastal Policy Statement 2010.
(c) A matter required to give effect to Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River.
(d) A matter required to give effect to the Hauraki Gulf Marine Park Act 2000 or the Waitakere Ranges Heritage Area Act 2008.
(e) A matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure.
(f) Open space provided for public use, but only in relation to land that is open space.
(g) The need to give effect to a designation or heritage order, but only in relation to land that is subject to the designation or heritage order.
(h) A matter necessary to implement, or to ensure consistency with, iwi participation legislation.
(i) The requirement in the NPS-UD to provide sufficient business land suitable for low density uses to meet expected demand.
(j) any other matter that makes higher density, as provided for by the MDRS or policy 3 [of the NPS-UD], inappropriate in an area, but only if section 77L of the RMA is satisfied.

Most of these relate to specific matters that may make the building heights and density requirements of the MDRS and policy 3 of the NPS-UD inappropriate. While some of these matters may contribute to the character of a residential area (such as historic heritage, natural character and public open space), residential character in general is not specifically included in the list.

However, qualifying matter (j) allows councils to limit building heights and density for *other matters* that make higher density, as provided for by the MDRS or policy 3 of the NPS-UD, inappropriate in an area, but only if the necessary assessment requirements of section 77L of the RMA are satisfied.

This memo is a record of investigations into whether any characteristics that contribute to the character of Lower Hutt’s residential areas could be treated as qualifying matters for Council’s Intensification Planning Instrument.

Assessments for *other matters* as qualifying matters

As stated above, to include an *other matter* as a qualifying matter, it needs to be justified through assessments under the RMA.

In short, for an *other matter* to be a qualifying matter, Council must:

- Identify the specific characteristic that makes the level of development provided by the MDRS and NPS-UD inappropriate,
- Justify why that specific characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD,
- Identify the specific sites to which the matter relates,
- Identify the area where intensification needs to be compatible with the matter, and
- Evaluate an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS or provided for by the NPS-UD while managing the specific characteristic.

The specific requirements are set out in sections 77J, 77K, and 77L of the Act and are attached to this memo as Attachment 1.

In my view, the key components of these requirements are as follows:

- The qualifying matter needs to be for a specific characteristic,
- The value of managing impacts on the specific characteristic need to be balanced against the national significance of urban development and objectives of the NPS-UD (listed in Table 2 below),
- Assessments need to be site-specific, and
- In managing the specific characteristic, the District Plan would still need to achieve the greatest heights and densities.

Based on the plain meaning of the word "other", the qualifying matter must also be different in nature to the matters that are listed specifically in subsections (a) to (i). That is, the *other* matter must relate to a different issue, rather than applying a different threshold or importance to a matter already identified in matters (a) to (i).

Table 2. Objectives of the National Policy Statement on Urban Development 2020.
Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.
Objective 2: Planning decisions improve housing affordability by supporting competitive land and development markets.
Objective 3: Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply: <ul style="list-style-type: none"> a) the area is in or near a centre zone or other area with many employment opportunities b) the area is well-serviced by existing or planned public transport c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.
Objective 4: New Zealand’s urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.
Objective 5: Planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Objective 6: Local authority decisions on urban development that affect urban environments are:

- a) integrated with infrastructure planning and funding decisions; and
- b) strategic over the medium term and long term; and
- c) responsive, particularly in relation to proposals that would supply significant development capacity.

Objective 7: Local authorities have robust and frequently updated information about their urban environments and use it to inform planning decisions.

Objective 8: New Zealand's urban environments:

- a) support reductions in greenhouse gas emissions; and
- b) are resilient to the current and future effects of climate change.

Given the requirements of s77L of the RMA, the national significance of urban development, and the objectives of the NPS-UD, the *bar that needs to be reached* for an *other matter* to be a qualifying matter is set high. However, we are aware that many people in the community value the character of their neighbourhoods. Given this, it is my view that the residential character (or the characteristics that contribute to residential character) warrants consideration as a qualifying matter.

To this end, this memo includes:

- A description of the residential character of Lower Hutt, including specific characteristics of that character,
- A discussion of which of these characteristics could be impacted by development that would be enabled by the Intensification Planning Instrument,
- An evaluation on whether the characteristics can be justified as qualifying matters,
- My recommendations on these matters, and
- Next steps for the preparation of the Intensification Planning Instrument.

Note: The draft Intensification Planning Instrument does not apply to the Hill Residential and Landscape Protection Activity Areas. As a result, the characteristics of areas in these zones have not been included in this assessment.

Lower Hutt Residential Character Assessment

To inform the full review of the District Plan, Council commissioned Boffa Miskell to undertake a strategic level assessment of 'character' across the areas of Lower Hutt with residential zones under the operative District Plan. This section summarises that assessment.

The general intent behind the assessment was to identify:

- The current character and pattern of residential development within these areas, and
- The nature and spatial extent of any sub-areas demonstrating distinctive/unique residential character.

The assessment is intended to provide a greater understanding of the urban character of the city and to assist HCC to:

- Determine future residential zonings in the city,
- Recognise and manage areas of distinctive residential character, and
- Provide for infill/intensification to meet the city's growth needs and requirements of the NPS-UD.

Note: *This assessment was undertaken prior to the RMA being amended to require an Intensification Planning Instrument.*

For this assessment, the term *character* was defined as:

'common, consistent natural and physical features and characteristics that collectively combine to establish the local distinctiveness and identity of a residential area, and that contribute towards the general sense of character and amenity experienced in the area.'

The assessment was informed by existing GIS datasets on:

- Topography,
- Public open space,
- Vegetation cover,
- Street trees and notable trees,
- Waterbodies and watercourses,
- Significant natural resources, landscapes and landforms,
- Sites of significance to Māori and archaeological sites,
- Land use,
- Public transport and cycle network,
- Street pattern and formed width,
- Lot size,
- Primary building type, age, location and height,
- Site coverage,
- Garage type and location,
- Heritage buildings and areas, and
- Landmarks.

Through the assessment, eight Predominant Character Areas and three Distinct Character Areas have been identified for Lower Hutt. These are discussed below.

Predominant Character Areas

The assessment identified eight Predominant character areas across the residential areas of Lower Hutt. The spatial extent of these areas is largely informed by their topography and characteristic pattern of development (although it is recognised that there is variation within these areas).

The eight Predominant Character Areas are summarised in the following table. These areas are mapped and more fully described in Attachment 2 of this memo. The full assessment includes more detail on the characteristics of these areas.

Table 3. Predominant Character Areas from the Lower Hutt Residential Character Assessment.	
Valley Floor South	Includes the earliest suburban areas in the city and those located closest to the Harbour edge. It includes Petone and Alicetown between the foot of the Western Hills and the Hutt River and Moera to east of the Hutt River.
Valley Floor East	Includes the suburban areas to the east of the Hutt Valley rail line.
Valley Floor Central	Includes the suburban areas centrally located in the Hutt Valley to the east of the Hutt River, including Woburn, Melling, Hutt Central, Boulcott and Avalon.
Valley Floor North	Includes the suburban areas located in the valley floor north of the City Centre, including Taita, Naenae and Epuni.
Stokes Valley and Manor Park	Stokes Valley lies on the east edge of the Hutt Valley, and at the northern end of Lower Hutt, near the territorial boundary with Upper Hutt.
Wainuiomata	Wainuiomata is separated visually and spatially from the main valley by Wainuiomata Hill.
Western Hills	Includes the suburban areas in the hills west of State Highway 2 which were predominantly developed in the 1950's to 1970's, including Korokoro, Maungaraki, Normandale, Harbour View, Tirohanga, Belmont, Kelson and Haywards.
Eastern Bays	Includes the suburban areas between the harbour coast and the hills in the east, including Point Howard, Lowry Bay, York Bay, Mahina Bay, Sunshine Bay, Days Bay and Eastbourne.

Distinct Character Areas

In addition to the Predominant Character Areas, the residential character assessment also identifies three Distinct Character Areas. These areas were identified as exhibiting a distinct character due to the consistency of building style and age, street pattern and width, and in some cases, the added presence of street trees. The distinct character areas are:

- Beach and Bay Street, Petone,
- Tui, Kiwi and Moa Streets, Te Mome Road, Beaumont Ave, Alicetown, and

- Massey Avenue, Ludlam Crescent, Manuka Ave, Puriri Street, Woburn.

These three areas are mapped and described in Attachments 3a-3c of this memo.

Table 4 includes my summary of the key characteristics that were identified for these three areas. The purpose of this summary is to help focus in on the key characteristics of the Distinct Character Areas. Attachments 3a-3c and the full assessment include more detail on the characteristics of these area.

Table 4. Summary of characteristics for Distinct Character Areas.
<p>Beach and Bay Street, Petone</p> <ul style="list-style-type: none"> • Style of buildings: <ul style="list-style-type: none"> ○ Consistency of building styles, verandahs and roof forms along the street frontages contribute positively to the overall street character. ○ Nearly all dwellings are detached single storey villas with a setback of approximately 6 metres from the street edge. ○ High number of 1900's villas, including bay villas and square villas. ○ Typical site size for Bay Street: approximately 500m²; Typical site size for Beach Street: approximately 250m², with a few 500m² sites. ○ Site coverage generally between 40% and 50% (resulting in a relatively high perceived density compared to the average in Lower Hutt). ○ Consistent building heights, setbacks, lot sizes and site coverage. ○ A relatively low degree of building modification, reinforcing the intactness and consistency in character present. • Building materials: <ul style="list-style-type: none"> ○ Predominantly weatherboard buildings with corrugated iron rooves. • Garages: <ul style="list-style-type: none"> ○ Mostly single, freestanding garages generally located at the rear of lots. However, some smaller, older garages are located on the street edge. ○ Small size and style of garages is reflective of the adjacent house are generally in keeping with the character of the street which helps to reinforce the predominant street character in the area. • Other built development: <ul style="list-style-type: none"> ○ Small number of infill developments from between 1980 and 2010 dispersed throughout the streets (Bay Street demonstrates a slightly higher level of consistency in building age than Beach Street). ○ A small number of double storey buildings, including a highly modified dwelling from the 1920's. ○ A cluster of two-storey 1960's state housing flats that front a central courtyard off Beach Street. ○ A double storey dwelling under construction (as of 2021) in Bay Street. • Vegetation and public open space: <ul style="list-style-type: none"> ○ Relatively small front garden areas. ○ No street trees (this contributes to and reinforces the predominant built character of the area). • Street design: <ul style="list-style-type: none"> ○ Linear, narrow streets that connect The Esplanade and Jackson Street. ○ Streets include footpaths and carparking on both sides, no berms, some traffic calming devices. • Other characteristics: <ul style="list-style-type: none"> ○ Flat topography. ○ Coastal influence.
<p>Tui, Kiwi and Moa Streets, Te Mome Road, Beaumont Ave, Alicetown</p> <ul style="list-style-type: none"> • Style of buildings: <ul style="list-style-type: none"> ○ Dwellings largely from the 1920's and 1930's, with the majority being classic single storey Californian bungalows interspersed with some villas. ○ High level of consistency in built and gabled roof form. ○ Density is very consistent, with lot sizes largely 500sqm and site coverages ranging between 35% and 45%. ○ Consistency of density has been eroded slightly in some places due to some 1970's double storey development. However, the effect of this on overall character is negligible. ○ High degree of consistency in building height and setback. ○ Setbacks are consistently around 6 metres. While the majority of dwellings are orientated perpendicular to the street edge, a number of properties towards the southern ends of Kiwi Street, Moa Street and Tui Street have a slight angled orientation resulting from skewed property boundaries. • Building materials: <ul style="list-style-type: none"> ○ Predominantly weatherboard with roofs of corrugated iron. • Garages: <ul style="list-style-type: none"> ○ Single, freestanding garages are the most common, with some double, freestanding garages. ○ Garages are predominantly at the rear of sections. ○ A few small single garages are visible along the street frontage. However, their style and relatively small scale is not altogether inconsistent with the character of these streets.

- **Other built development:**
 - Low number of 1970's buildings with a noticeably different character (e.g. apartment flats) randomly dispersed throughout the area.
 - A small number of attached garages or carports have been introduced as later additions.
- **Vegetation and public open space:**
 - Consistent setbacks allow for some front garden vegetation, which contributes to their street character, particularly along Moa Street where street tree planting is less consistent.
 - Street trees are one of the defining features of this area. All streets include avenue plantings of street trees (street trees are less consistent on Moa Street). Details of species and age of street trees are detailed in the full assessment.
 - Street trees create a special sense of place with their planting location on the berm immediately adjacent to the road and the footpath lying between the trees and the property boundaries. In the areas of large established trees, this creates a strong sense of enclosure and a green tunnel for walking through. This is particularly evident at the northern end of Tui Street, where the trees also form a green tunnel over the road.
 - Parts of the Belmont Hills Special Amenity Landscape and bush covered escarpment form a green backdrop to the area when looking west and northwest.
- **Street design:**
 - The street pattern follows a linear grid network, with Kiwi Street, Moa Street and Tui Street low volume roads joined at either end by Beaumont Ave and Te Mome Road as collectors.
 - The core residential streets, Kiwi Street, Moa Street and Tui Street, are connected to the collector roads at an angle running parallel to Victoria Street and Moa Street. This is a noticeably different arrangement when viewed from a suburb-wide perspective as streets are predominantly perpendicularly connected. It also reinforces the distinctness of this area as the enclosed nature of the character created by Beaumont Ave and Te Mome Road clearly distinguishes it from other parts of Valley Floor South and Lower Hutt more generally.
 - The carriageways in this area are approximately 8 to 10 metres wide with wide grass berms on either side. Where the carriageway is enclosed by a mature tree canopy this has the effect of making the street width appear narrower. On-street parking is possible on both sides of the streets, with predefined parking bays provided along Te Mome Road.
 - Streets include footpaths that largely adjoin property boundaries rather than the carriageway itself. Where mature street trees are present a more intimate character is created, with the footpath enclosed by the canopy and fences or hedges on the property boundaries.
- **Other characteristics:**
 - Flat topography (part of the Hutt Valley floodplain).

Massey Avenue, Ludlam Crescent, Manuka Ave, Puriri Street, Woburn

- **Style of buildings:**
 - Noticeable concentration of English Domestic Revival style bungalows interspersed with a small number of contemporary developments.
 - Building age is predominantly 1920's in Puriri Street, 1930's in Massey Avenue and a mix of ages ranging from the 1920's to 1950's in Ludlam Crescent.
 - Dwellings in this area are largely double storey with noticeably complex roof forms evident.
 - The density in this area is relatively low compared to surrounding residential areas. This is largely due to the large section sizes, low site coverage and the maturity and density of onsite vegetation present.
 - Lot sizes are relatively consistent along Massey Ave, with average sizes approximately 1,000sqm.
 - Lot sizes along Puriri Street are mixed but generally display a consistent width of 15 metres with varying between 30m and 70m.
 - Property sizes along Ludlam Crescent vary widely, ranging between 800m² and 6,800m². However, the effect of this on the overall character of the area is negligible due to the density of vegetation present and the deep dwelling setbacks.
 - Although setbacks vary by street, they are generally around 20m to 30m in depth with vegetated front yards concealing dwellings from the street view. Built elements on a few properties along Massey Avenue and Ludlam Crescent are located relatively close to the street edge, increasing their visibility relative to neighbouring dwellings that are partially concealed by mature onsite vegetation.
- **Other built development:**
 - A former church on the corner of Manuka Avenue and Puriri Street has been converted into a dwelling.
- **Vegetation and public open space:**
 - Due to the large setbacks and dense vegetation, the contemporary character of some of the dwellings are not noticeable from the street.
 - Due to the size and scale of the buildings in this area and the density of mature onsite, street and open space vegetation, this area displays a distinctive character not found elsewhere in the city.
 - The deep setback of properties in this area has enabled substantial front garden vegetation to be established which contributes to street character, particularly along Ludlam Crescent.
 - Massey Avenue itself features an avenue of Pohutukawa planted in 1938. The stature of these trees is one of the defining features of this distinct character area and, together with the Pohutukawa planted in Ludlam Park, make a major contribution to the distinctiveness of the area.

- There are several listed notable Pohutukawa on private properties in the vicinity of Ludlam Crescent which, together with the trees in the adjacent open spaces, add to the sense of consistency exhibited in the area.
- The section of Puriri Street included within this area is planted with Puriri trees (*Vitex lucens*), planted in 1933. To the east of Ludlam Crescent, a number of properties contain Nikau (*Rhopalostylis sapida*) which are part of a remnant forest.
- Massey Avenue is bookended by two triangular areas of open space, Ludlam Park at the north-western end and a triangular open space off Pohutukawa Street, the northern side of which houses the Woburn Bowling Club to the south-east. These triangular open spaces reflect the fan shape of the streets radiating from Ludlam Crescent. Both open spaces are planted with mature *Metrosideros excelsa* (Pohutukawa) trees. The trees within Ludlam Park are larger, while there are no large trees on the Bowling Club site at the southern end.
- **Street design:**
 - Connects Woburn Road in the north with Woburn Station in the south.
 - The street network follows a distinct pattern, with Massey Avenue as the central spine in a street network which radiates out in a fan shape. With its central location, connecting two significant green squares and lined with mature street trees, the street provokes a sense of importance.
 - The widths of the streets are mixed. Massey Ave is approximately 10m wide, but its mature tree canopy has the effect of making the street width appear narrower. However, this is further compensated for by the wide berm on either side of the street.
 - Manuka Ave and Puriri Street are approximately 8m wide and have Ludlam Park on one side and dwellings fronting the street on the other. A footpath is only provided along the built edge of the street.
 - Ludlam Crescent is a major arterial and at approximately 15 metres is the widest street in the area. The street has footpaths on both sides, except where it adjoins Ludlam Park where a footpath is only provided on the built edge. Due the large size of the properties and the high level of mature vegetation the dwellings appear to be disconnected from the street.
 - On-street parking is prohibited on both sides of Manuka Avenue and Ludlam Crescent.
- **Other characteristics:**
 - The square at the north end of Massey Avenue is zoned General Recreation.
 - Ludlam Park is a locally distinct and recognisable feature.
 - A number of rear lot developments with access off Ludlam Crescent are also located in the area but these are completely obscured from the public view.
 - The area contains a mixture of freestanding and attached, single and double garaging. However, it is not a dominant visible feature in the area due to the larger section sizes, deeper setbacks and presence of mature street trees and garden vegetation that limit views from the street.
 - Flat topography (part of the Hutt Valley floodplain).

Characteristics of character areas that could be impacted by residential development

In order to assess whether there are residential characteristics that could be treated as qualifying matters for the Intensification Planning Instrument, it is necessary to focus in on the specific residential characteristics that should be assessed.

Identification of specific characteristics of residential areas has followed the following approach:

- The identification of characteristics has been informed by the Lower Hutt Residential Character Assessment, outlined above. This is because this is the sole source of information that assesses the character throughout Lower Hutt.
- The characteristics that have been identified for the Predominant Character Areas have not been included as the characteristics in these areas are spread through a wide area and there is not a high degree of consistency
- The characteristics that have been identified for the Distinct Character Areas have been included as these are areas where there is a high degree of consistency in the residential characteristics that are present in the area.
- Existing building heights and density have been excluded unless this contributes to a specific architectural or built style. This is because:
 - The intent of the MDRS and NPS-UD is to enable built development with greater building heights and density than currently exists in New Zealand's urban environments, and
 - Low density development with a mix of one-storey and two-storey buildings is the predominant character of nearly all residential areas of Lower Hutt, rather than being applicable for a specific area.

INTENSIFICATION PLANNING INSTRUMENT: CHARACTERISTICS OF RESIDENTIAL AREAS

- Aspects of character that would not be impacted by development enabled by the Intensification Planning Instrument have been excluded. This includes:
 - Street layouts and design, including presence of street trees, which are managed by Council as the road controlling authority for local roads.
 - Topography, which is managed through the Earthworks chapter of the District Plan.
 - Presence of notable trees, which are managed through the Notable Trees chapter of the District Plan.
 - Public open space such as neighbourhood parks and reserves, which are typically outside of the residential zones and are managed by Council's Parks & Recreation team.
 - Non-residential activities.
- Aspects of character that would be captured through other qualifying matters. This includes:
 - Natural character areas,
 - Natural Features and Landscapes,
 - Areas of indigenous vegetation and habitats of indigenous fauna,
 - Sites of significance to Māori,
 - Public open space that may be in a residential zone, and
 - Historic heritage areas.

Based on this approach, the relevant characteristics for all three Distinct Character Areas relate to architectural style of development in the areas, including:

- For Beach and Bay Street, Petone:
 - A consistent built form, including:
 - Consistent verandahs and roof forms along the street frontages.
 - Predominantly weatherboard buildings with corrugated iron rooves.
 - Detached single storey villas with a setback of approximately 6 metres from the street edge.
 - High number of 1900's villas, including bay villas and square villas.
 - Consistent site coverage, building heights, setbacks, lot sizes and site coverage.
 - A relatively low degree of building modification.
 - Garages with a size and style that is reflective of the adjacent house and generally in keeping with the character of the street.
 - Relatively small front garden areas.
- For Tui, Kiwi and Moa Streets, Te Mome Road, Beaumont Ave, Alicetown:
 - Dwellings largely from the 1920's and 1930's, with the majority being classic single storey Californian bungalows interspersed with some villas.
 - High level of consistency in built and gabled roof form.
 - Consistent lot sizes, building height and setback.
 - Buildings orientated perpendicular to the street edge, with exceptions for the properties towards the southern ends of Kiwi Street, Moa Street and Tui Street, which are angled slightly as a result of skewed property boundaries.
 - Mostly single, freestanding garages, with garages predominantly at the rear of sections.
- For Massey Avenue, Ludlam Crescent, Manuka Ave, Puriri Street, Woburn.
 - Concentration of English Domestic Revival style bungalows interspersed with a small number of contemporary developments.

- Predominantly 1920's in Puriri Street, 1930's in Massey Avenue and a mix of ages ranging from the 1920's to 1950's in Ludlam Crescent.
- Largely two-storey dwellings with noticeably complex roof forms.
- Relatively low density, large sections, low site coverage.
- Relatively consistent lot sizes along Massey Ave.
- Deep setbacks.

These characteristics are discussed below.

Evaluation of characteristics

As stated in the Background section of this memo, for a specific characteristic of a residential area to be a qualifying matter, an evaluation report will need to justify why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD. Given the national significance of urban development and objectives of the NPS-UD, the bar that needs to be reached for a residential characteristic to be a qualifying matter is set high.

The residential characteristics that have been identified for the Distinct Character Areas mostly relate to the consistent architectural style that is present in the areas.

For Beach Street and Bay Street, the residential characteristics that have been identified relate to the consistent architectural style of the dwellings on the street, including the size, location and style of buildings and consistent development pattern (shape, size and location of sites).

For Tui, Kiwi and Moa Streets, the residential characteristics that have been identified similarly relate to a consistent architectural style, also with a consistent size, location and style of buildings and consistent development pattern (shape, size and location of sites). While the residential characteristics that have been identified for this area include the street trees and street alignment, as discussed above, these would not be altered by development enabled by the Intensification Planning Instrument.

For Massey Avenue, Ludlam Crescent, Manuka Avenue and Puriri Street, the architecture of buildings in the area was identified as residential characteristic for the area. However, key characteristics that were identified for this area included low density (large lots, low site coverage, large front boundary setbacks), street pattern, location of public parks and mature trees (including trees on the streets, public parks and private sites).

- For the street trees, street pattern and public parks, these would not be altered by development enabled by the Intensification Planning Instrument.
- For mature trees on private sites, the appropriate mechanism to protect and retain trees on private sites is to identify them in the District Plan and ensure they are protected through the provisions of the Notable Trees chapter.
- For the characteristic of low density of development, the purpose of the Intensification Planning Instrument is to enable greater density in urban environments, particularly where there is good access to commercial activity and community facilities through public and active transport. In my opinion the presence of low density at the moment does not justify preventing higher density in the future.

With regard to the architectural style of these areas, the key factors in my opinion are:

- The RMA specifies that the matters of national importance listed in section 6 of the RMA are qualifying matters (that is building height and density can be limited to the extent necessary to accommodate these matters of national importance).
- One of the matters of national importance is *the protection of historic heritage from inappropriate subdivision, use, and development*.
- Under the RMA, historic heritage:
 - (a) **means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:**
 - (i) *archaeological:*
 - (ii) **architectural:**
 - (iii) *cultural:*

- (iv) *historic;*
- (v) *scientific;*
- (vi) *technological; and*

(b) *includes—*

- (i) *historic sites, structures, places, and areas; and*
 - (ii) *archaeological sites; and*
 - (iii) *sites of significance to Māori, including wāhi tapu; and*
 - (iv) *surroundings associated with the natural and physical resources [emphasis added].*
- Policy 21 of the *Regional Policy Statement for the Wellington Region (RPS)* directs councils to identify places, sites and areas with significant historic heritage values in district and regional plans. The RPS also sets the criteria that is to be used, including criteria for architecture.
 - As part of the District Plan Review, Council commissioned a review of the heritage buildings and areas that are currently identified in the District Plan. This review followed the criteria set by Policy 21 of the RPS, including the criteria that relate to architecture. While some areas were identified due to the value of the architecture of the area, these three Distinct Character Areas were not.

Given these factors, the architecture of buildings in these areas would not meet the criteria for a qualifying matter based on historic heritage value.

However, some people in the community may have the view that the distinctive architecture may have value *other* than from its historic heritage value. This could be for functional or aesthetic reasons.

As discussed earlier in the background section of this report, for an *other matter* to be a qualifying matter (that is, in order to limit development to accommodate that matter) Council would need to justify why that characteristic makes that level of development inappropriate in light of:

- The national significance of urban development, and
- The objectives of the NPS-UD, which includes:
 - Planning decisions improve housing affordability by supporting competitive land and development markets.
 - District plans enable more people to live in areas where:
 - The area is in or near a centre zone or other area with many employment opportunities
 - The area is well-serviced by existing or planned public transport
 - There is high demand for housing or for business land in the area, relative to other areas within the urban environment.
 - New Zealand’s urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.

The qualifying matter must also be an issue that only applies in a specific situation or area, rather than in general.

In effect, that is the case that needs to be made in order for the built development in the Distinct Character Areas to be a qualifying matter. We can consider the case for the various potential benefits of protecting various residential characteristics as a qualifying matter, as follows:

- In terms of potential functional benefits of different architectural styles, it is difficult to suggest that these are particular to any specific area of Lower Hutt.
- For aesthetic benefits, these may come from a general preference for certain building styles. Again, this does not meet the test of a qualifying matter that it must apply to a specific area.
- Lastly, some in the community may believe there is aesthetic value in different areas of the city having distinct styles that are consistent *within* an area but distinct from other areas. This would be an architectural theme for each area, although not inherently connected to a particular historic heritage

matter. In my view, only this possibility would meet the most basic requirement of qualifying matters that they relate to a specific area or situation, rather than the general case.

The existing built development in some areas in Lower Hutt, including building type, style, and scale, is valued by parts of the community. However, in my opinion, identifying such architectural themes as a qualifying matter could not be justified when weighing the significance of these areas against the national importance of urban development and objectives of the NPS-UD, particularly as the built development in these areas does not meet the criteria set by the RPS for significant historic heritage.

In any case, the functional and aesthetic aspects of architecture are covered by the Medium Density Residential Standards, which include building standards that relate to both function and aesthetics. The concept of the *other matter* suggests that it is for issues and situations that were not anticipated by Parliament and the Minister of the Environment when making the RMA and NPS-UD, rather than issues that were considered, and either rejected or for which specific provisions were already provided.

Added comment on the benefits of vegetation and public open spaces for development

Some of the characteristics identified for the Distinct Character Areas relate to the presence of mature vegetation (including street trees) and public open spaces. This is particularly the case for the Tui St, Kiwi St and Moa St area and the Massey Ave, Ludlam Cres, Manuka Ave and Puriri St. Both of these areas have a lot of mature street trees, and in the case of Massey Ave, Ludlam Cres, Manuka Ave and Puriri St, there are a lot of mature trees on public open spaces and private sites.

For street trees and trees in public open spaces, these would not be altered by development enabled by the Intensification Planning Instrument. For trees on private sites, these can be protected by being identified through the Notable Trees chapter in the District Plan (some trees in this area are currently protected in this way).

The public open spaces would also not be altered by development enabled by the Intensification Planning Instrument.

In fact, the presence of public open space and mature vegetation can make an area more suited to a high level of development, due to the contribution that these features make to the amenity and recreation values for residents (while there may be an increase in population in these areas, this would mean more people benefit from the amenity and recreation values provided by the trees and parks).

Summary/Conclusion

As outlined in this memo, the characteristics of Lower Hutt's residential areas (other than those specifically identified as qualifying matters in the RMA and NPS-UD) cannot be treated as qualifying matters, and therefore, Council's Intensification Planning Instrument cannot limit building heights and density to retain this character.

However, there are options available to Council regarding character in residential areas:

- Where resource consent is required, ensure that Council has discretion to consider the impacts of a development on specific characteristics of an area that make a key contribution to the overall character of the area,
- Using Council's functions outside of the District Plan to contribute positively to the characteristics of the city's residential areas. This could include:
 - Engaging with residential communities on the desired characteristics for their neighbourhoods (such as street design and provision of community spaces),
 - Spatial/neighbourhood planning on how these characteristics could be delivered over time, and
 - Providing advice to developers on how new development can contribute positively to the streetscape and other public space.

Next Steps

Following review from other members of the Policy Planning team, this assessment will be incorporated into an upcoming report to the District Plan Review Subcommittee, with my recommendations on the options available to Council regarding residential character.

INTENSIFICATION PLANNING INSTRUMENT: CHARACTERISTICS OF RESIDENTIAL AREAS

Once the Subcommittee has given direction on these recommendations (and other recommendations on the draft Intensification Planning Instrument), officers will prepare a final Intensification Planning Instrument, that will be presented to the District Plan Review Subcommittee, to the Policy, Strategy and Finance Committee, and to full Council.

In addition, the Policy Planning team will meet with the other parts of Council that play a role in managing the effects of development in residential areas. The purpose of the meetings would be to discuss where the implications of the Intensification Planning Instrument. This would include meetings with the Resource Consents team, Urban Development team and parts of Council that manage public space in residential areas, such as the Transport and Parks & Recreation teams.

This will be followed by the formal plan change process set by the Resource Management Act.

Nathan Geard

Principal Policy Planner, Policy Planning team

Attachment 1: Sections 77J, 77K and 77L of the Resource Management Act 1991

77J Requirements in relation to evaluation report

- 1) This section applies if a territorial authority is amending its district plan (as provided for in section 77G).
- 2) The evaluation report from the specified territorial authority referred to in section 32 must, in addition to the matters in that section, consider the matters in subsections (3) and (4).
- 3) The evaluation report must, in relation to the proposed amendment to accommodate a qualifying matter,—
 - (a) demonstrate why the territorial authority considers—
 - i. that the area is subject to a qualifying matter; and
 - ii. that the qualifying matter is incompatible with the level of development permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 for that area; and
 - (b) assess the impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity; and
 - (c) assess the costs and broader impacts of imposing those limits.
- 4) The evaluation report must include, in relation to the provisions implementing the MDRS,—
 - (a) a description of how the provisions of the district plan allow the same or a greater level of development than the MDRS:
 - (b) a description of how modifications to the MDRS as applied to the relevant residential zones are limited to only those modifications necessary to accommodate qualifying matters and, in particular, how they apply to any spatial layers relating to overlays, precincts, specific controls, and development areas, including—
 - i. any operative district plan spatial layers; and
 - ii. any new spatial layers proposed for the district plan.
- 5) The requirements set out in subsection (3)(a) apply only in the area for which the territorial authority is proposing to make an allowance for a qualifying matter.
- 6) The evaluation report may for the purposes of subsection (4) describe any modifications to the requirements of section 32 necessary to achieve the development objectives of the MDRS.

77K Alternative process for existing qualifying matters

- 1) A specified territorial authority may, when considering existing qualifying matters, instead of undertaking the evaluation process described in section 77J, do all the following things:
 - (a) identify by location (for example, by mapping) where an existing qualifying matter applies;
 - (b) specify the alternative density standards proposed for those areas identified under paragraph (a);
 - (c) identify in the report prepared under section 32 why the territorial authority considers that 1 or more existing qualifying matters apply to those areas identified under paragraph (a);
 - (d) describe in general terms for a typical site in those areas identified under paragraph (a) the level of development that would be prevented by accommodating the qualifying matter, in comparison with the level of development that would have been permitted by the MDRS and policy 3;
 - (e) notify the existing qualifying matters in the IPI.
- 2) To avoid doubt, existing qualifying matters included in the IPI—
 - (a) do not have immediate legal effect on notification of the IPI; but
 - (b) continue to have effect as part of the operative plan.
- 3) In this section, an existing qualifying matter is a qualifying matter referred to in section 77I(a) to (i) that is operative in the relevant district plan when the IPI is notified.

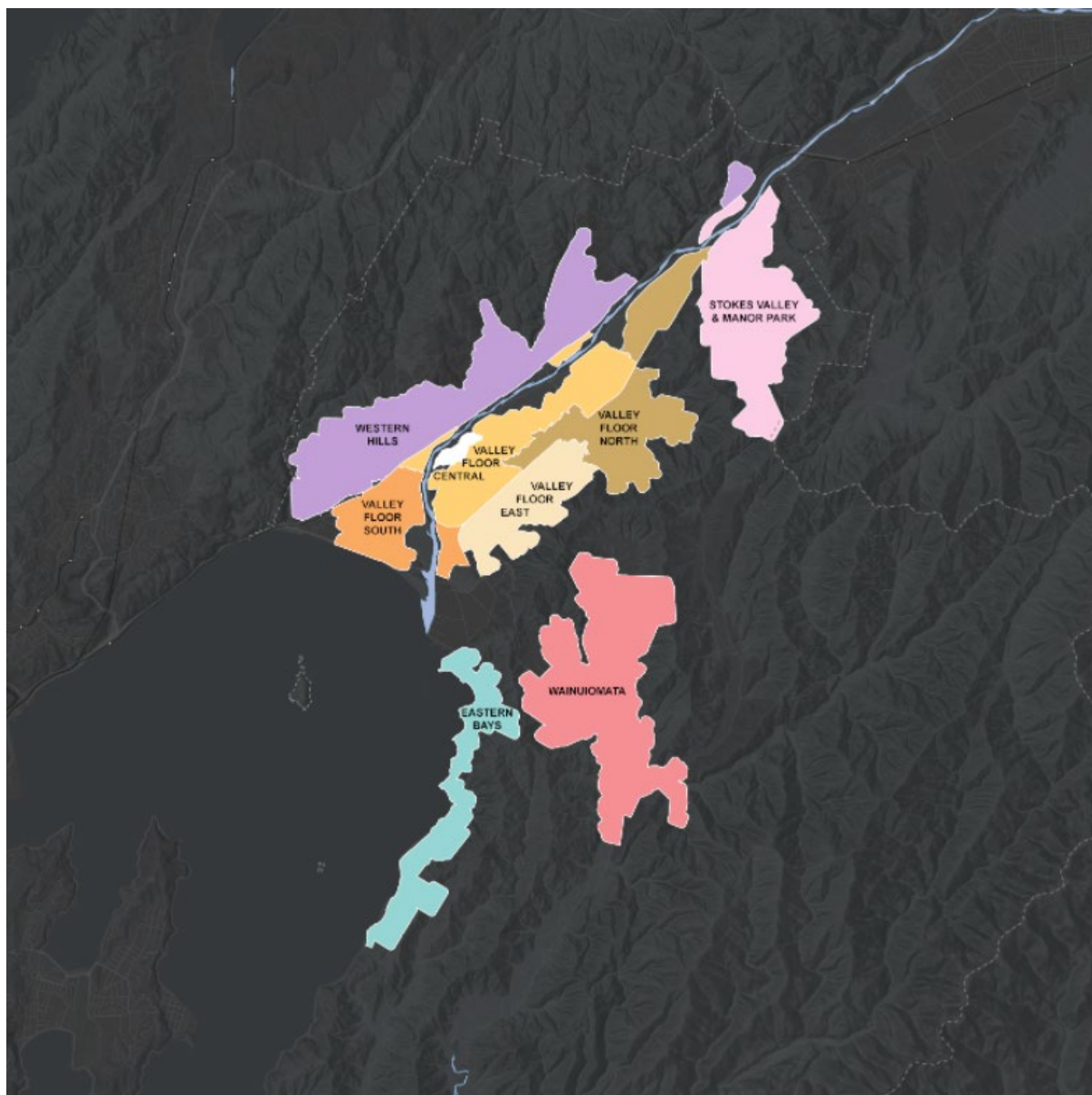
77L Further requirement about application of section 77I(j)

A matter is not a qualifying matter under section 77I(j) in relation to an area unless the evaluation report referred to in section 32 also—

INTENSIFICATION PLANNING INSTRUMENT: CHARACTERISTICS OF RESIDENTIAL AREAS

- (a) identifies the specific characteristic that makes the level of development provided by the MDRS (as specified in Schedule 3A or as provided for by policy 3) inappropriate in the area; and
- (b) justifies why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD; and
- (c) includes a site-specific analysis that—
 - i. identifies the site to which the matter relates; and
 - ii. evaluates the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter; and
 - iii. evaluates an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 while managing the specific characteristics.

Attachment 2: Predominant Residential Character Areas



<p>Valley Floor South</p>	<p>Includes the earliest suburban areas in the city and those located closest to the Harbour edge. It includes Petone and Alicetown between the foot of the Western Hills and the Hutt River and Moera to east of the Hutt River. This area was predominantly developed as housing for workers employed in early industries located in the area.</p> <p>The overall character of the area comprises a linear grid pattern, with relatively small lots containing single storey villas or bungalows typically dating between 1900 and 1930. Street trees are relatively uncommon in the narrower streets of Petone, but are present in some of the wider streets in Alicetown and Moera. The ‘green character’ present in this area is largely the result of established vegetation growing on privately owned properties.</p>
<p>Valley Floor East</p>	<p>Includes the suburban areas to the east of the Hutt Valley rail line.</p> <p>This area consists of a mix of bungalows and pockets of state housing predominately dating between 1920 and 1950. The area has a well vegetated character influenced by the Waiwhetu stream crossing the area from north to south and the green backdrop of the Eastern Hills. Street trees on streets perpendicular to the hills and stream create a ‘green corridor’ effect between the Waiwhetu Stream and Waiwhetu Road, enhancing the visual connection of this area with the Eastern hills.</p>

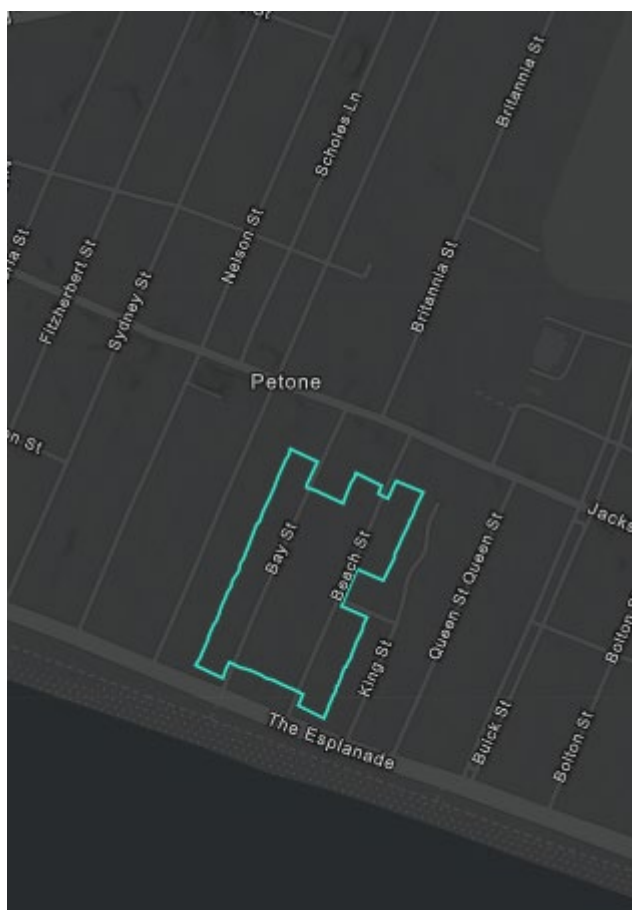
INTENSIFICATION PLANNING INSTRUMENT: CHARACTERISTICS OF RESIDENTIAL AREAS

Valley Floor Central	<p>Includes the suburban areas centrally located in the Hutt Valley to the east of the Hutt River, including Woburn, Melling, Hutt Central, Boulcott and Avalon.</p> <p>These areas consist of a large mix of housing ranging from the 1920's in Woburn to the 1960's in Avalon. There is also a noticeable variation in styles and typologies resulting from ongoing infill development that has occurred in these areas. In Woburn, Avalon and parts of Boulcott, building setbacks and/or larger lots provide room for more substantial garden areas, with established trees in front gardens influencing the visible street character.</p>
Valley Floor North	<p>Includes the suburban areas located in the valley floor north of the City Centre, including Taita, Naenae and Epuni.</p> <p>These areas are characterised by the considerable proportion of state housing dating from the mid-1940's to 1950's that is evident. They also reflect a modernist town planning layout as evidenced by the pattern of curvilinear streets around linear and pocket parks, reserves and community hubs. Where present, street trees provide green character, noting that many properties in these areas exhibit a noticeable absence of vegetation in their front gardens. In the eastern parts of Naenae development ascends the lower slopes of the Eastern Hills, and consequently has a greener character.</p>
Stokes Valley and Manor Park	<p>Stokes Valley lies on the east edge of the Hutt Valley, and at the northern of Lower Hutt, near the territorial boundary with Upper Hutt.</p> <p>The presence of the surrounding vegetated hills has a strong visual influence, providing a green backdrop to the residential areas. The valley is characterised by long central arterial roads connecting multiple smaller suburban areas, often characterized by a cul-de-sac and minor topographical changes. This area was predominately developed in the 1950's, 1960's and 1970's. Building setbacks provide room for garden areas with trees in front gardens influencing the visible street character.</p> <p>Manor Park is a small suburb between Stokes Valley and Haywards which is geographically and visually isolated from other residential areas by SH2 and the Hutt River. The area reflects two distinct phases of development – an initial phase of 'grid pattern' development from the 1960s, and more recent subdivision which illustrates a more linear street form with larger houses at the southern end and a denser development pattern in its core.</p>
Wainuiomata	<p>Wainuiomata is separated visually and spatially from the main valley by Wainuiomata Hill. The presence of the surrounding vegetated hills has a strong visual influence, providing a green backdrop to the residential area.</p> <p>The valley is characterised by long central arterial roads connecting multiple smaller suburban areas, often characterized by a cul-de-sac and minor topographical changes. The northern part of the Wainuiomata basin exhibits a rural residential character.</p> <p>Wainuiomata was predominately developed in the 1950's, 1960's and 1970's. Building setbacks provide room for garden areas with established trees in front gardens influencing the visible street character. Linear open spaces connect a network of parks through the central valley floor and support the channelised stream tributaries of the Wainuiomata River (e.g. Black Creek). However, most residential properties have no direct relationship to this open space as they typically back onto these narrow areas.</p>
Western Hills	<p>Includes the suburban areas in the hills west of State Highway 2 which were predominantly developed in the 1950's to 1970's, including Korokoro, Maungaraki, Normandale, Harbour View, Tirohanga, Belmont, Nelson and Haywards.</p> <p>The character in these areas range from narrow and curvy streets situated in a largely unmodified landscape dominated by mature vegetation at the base of the hills to a more modified and open landscape with larger properties higher up towards the Belmont hills. The highest parts of the hills are characterised by more contemporary and semi-rural lifestyle blocks. These are zoned rural residential and are therefore excluded from this study.</p> <p>The pattern of these residential areas has generally been dictated by the dissected and steep topography, with development occurring on the higher flatter land, leaving the steep vegetated gullies and escarpment faces undeveloped.</p>
Eastern Bays	<p>Includes the suburban areas between the harbour coast and the hills in the east, including Point Howard, Lowry Bay, York Bay, Mahina Bay, Sunshine Bay, Days Bay and Eastbourne.</p>

INTENSIFICATION PLANNING INSTRUMENT: CHARACTERISTICS OF RESIDENTIAL AREAS

	<p>The housing age in these areas range between the 1920's and 1930's in Eastbourne to the 1960's and 1980's in Days Bay. The character in these areas can be differentiated into three distinct groups: the coastal edge, the relatively flat land between the coast and the hills with its linear street pattern, and the eastern hills with its characteristic curvy narrow streets and dominant dense, mature vegetation of the coastal escarpment.</p>
--	---

Attachment 3a: Distinct Character Area - Beach and Bay Street, Petone

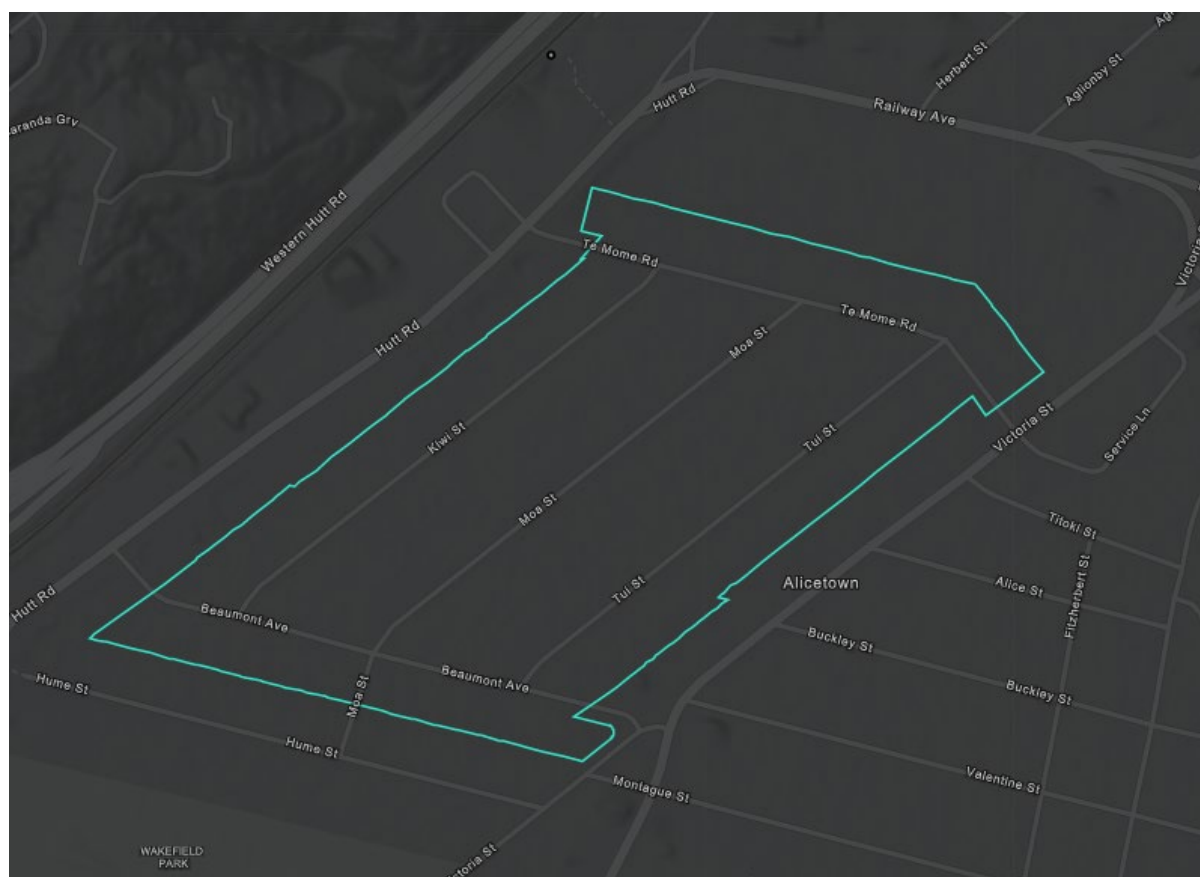


Topography	Beach Street and Bay Street are relatively flat. The underlying topography is part of the former coastal dunelands, formed by sediment deposit from the Hutt River.
Vegetation and Open Space	Vegetation on Beach and Bay streets is limited. This is due to the narrow setbacks from the street only making allowance for small front garden areas.
Street and Notable Trees	There are no street trees on Beach and Bay Streets due to the narrow street width. Regardless, this contributes to and reinforces the predominant built character of the area.
Significant Landscapes/Landforms	Beach and Bay Streets have a coastal influence, and experience strong salt laden winds from Wellington Harbour.
Significant Cultural Sites	On the nearby Petone foreshore, Hikoikoi pā and Pito-one pā are identified as mana whenua sites of significance to Taranaki Whānui ki te Upoko o te Ika a Maui.
Land Use	<p>Beach Street and Bay Street are predominantly residential and fully located within the General Residential Zone of the Operative Hutt City District Plan. The northern end of these streets connects with Jackson Street, the commercial centre of the area, and some commercial activities face Beach and Bay Street at this end (e.g. cinema, retail). However, as these have a significantly different character (e.g. built to the street edge) they are excluded from this distinct character area. Similarly, a dairy at the southern end of Bay Street is also excluded.</p> <p>A Greek Orthodox Church is located on Bay Street, situated in a converted villa that has been significantly modified. There is also a kindergarten located at the corner of Beach Street and King Street and a Pacific Islands support and counselling centre on Beach Street.</p>
Connectivity and Street Network	Beach Street and Bay Street are linear streets connecting Jackson Street with The Esplanade. Both streets are relatively narrow with a 8m carriageway that allows for on-street car parking on both sides of the street. Footpaths are located on both sides, with no berm. A number of traffic calming devices are positioned along the length of both streets and there is a raised

INTENSIFICATION PLANNING INSTRUMENT: CHARACTERISTICS OF RESIDENTIAL AREAS

	<p>intersection at King Street. The raised platforms are differentiated from the normal carriage way by the use of different colours and paving.</p>
<p>Residential Building Age and Type</p>	<p>Bay Street and Beach Street comprise 78 dwellings in total, and contain a high number of 1900's villas, including bay villas and square villas. The consistency of building styles, verandahs and roof forms along the street frontages contribute positively to the overall street character.</p> <p>Building material is predominantly weatherboard with roofs of corrugated iron. A relatively low degree of building modification is evident in the area, reinforcing the intactness and consistency in character present.</p> <p>A small number of more recent infill developments dating between 1980 and 2010 are dispersed throughout the streets. Bay Street demonstrates a slightly higher level of consistency in building age relative to Beach Street.</p> <p>The most pronounced detractor to the character of these streets is a cluster of double storey 1960's state housing flats that front a central courtyard off Beach Street.</p>
<p>Density</p>	<p>Because of the linear character of the street network, the lot sizes are very consistent along both streets. Properties along Bay Street are approximately 500m² in size, with those in Beach Street approximately 250m² interspersed with a few 500m² sites. The majority of the sites have a site coverage between 40% and 50%, resulting in a relatively high perceived density compared to the average in Lower Hutt.</p>
<p>Building Height and Set Back</p>	<p>The consistency in height and setback in these two streets make a significant contribution to their character. Nearly all the dwellings in the area are detached single storey villas, with a consistent setback of approximately 6 metres from the street edge. Beach Street has a small number of double storey buildings, including a highly modified dwelling dating from the 1920's. There is also a cluster of double storey 1960's state housing flats fronting a central courtyard at the northern end of Beach Street, while a double storey is currently under construction in Bay Street.</p>
<p>Vehicle Parking</p>	<p>Single freestanding garaging is the most common form of garage in these streets. Garages are generally located at the rear of lots which helps to reinforce the predominant street character in the area. Although some smaller, older garages are located on the street edge, their small size and style reflective of the adjacent house are generally in keeping with the character of the street. On The Esplanade end of Bay Street there are some notable detractors to the established style, with this largely attributable to recent infill development which has included attached garaging.</p>
<p>Landmarks</p>	<p>There are no obvious local landmarks in the area.</p>

Attachment 3b: Distinct Character Area - Tui, Kiwi and Moa Streets, Te Mome Road, Beaumont Ave, Alicetown



<p>Topography</p>	<p>This area is relatively flat and forms a part of the flat fertile soils of the Hutt Valley floodplain, a product of the gradual build up of gravel and sediment deposits distributed by the Te Awa Kairangi/ Hutt River and its tributaries.</p>
<p>Vegetation and Open Space</p>	<p>The consistent setback of properties in this area allows for some front garden vegetation which contributes to their street character, particularly along Moa Street where street tree planting is less consistent.</p>
<p>Street and Notable Trees</p>	<p>Street trees are one of the defining features of this distinct character area. All streets include avenue plantings of street trees, which are predominantly <i>Metrosideros excelsa</i> (Pohutukawa) on Tui Street and Beaumont Avenue, and <i>Liquidambar styraciflua</i> (American Sweetgum) on Te Mome Road and Kiwi Street. Moa Street exhibits less consistent street tree planting in terms of species, with <i>Sophora microphylla</i> (Kowhai), <i>Betula pendula</i> (Silver Birch), <i>Alectryon excelsa</i> (Titoki) along with Pohutukawa. There is also a section towards the middle of Moa Street that is devoid of tree planting.</p> <p>Tree age varies, with many of the Pohutukawa trees planted at the time of initial housing construction between 1936 and 1940. However, later examples planted in the 1960's are visible along the central portion of Tui Street. Sweetgum were planted later, between the late 1960's and 1980's. Smaller trees of varying species in Moa Street are later plantings undertaken between the 1970's and 1990's.</p> <p>The trees create a special sense of place with their planting location on the berm immediately adjacent to the road and the footpath lying between the trees and the property boundaries. In the areas of large established trees, this creates a strong sense of enclosure and a green tunnel for walking through. This is particularly evident at the northern end of Tui Street, where the trees also form a green tunnel over the road.</p>
<p>Significant Landscapes/Landforms</p>	<p>While outside the area, parts of the Belmont Hills Special Amenity Landscape and bush covered escarpment identified as Significant Natural Resource Areas in the Operative Lower Hutt District Plan form a green backdrop to the area when looking west and northwest.</p>

INTENSIFICATION PLANNING INSTRUMENT: CHARACTERISTICS OF RESIDENTIAL AREAS

Significant Cultural Sites	There are no identified Significant Cultural Sites within the area.
Land Use	The land use within this character area is residential with all streets located within the General Residential Zone. There is some commercial activity at the eastern ends of Beaumont Avenue and Te Mome Road around the intersections with Victoria Street. These properties are excluded from the distinct character area.
Connectivity and Street Network	<p>The area is largely accessed from Victoria Street in the east and Hutt Road in the west. These are the main arterial roads connecting the area with the rest of the city.</p> <p>The street pattern follows a linear grid network, with Kiwi Street, Moa Street and Tui Street low volume roads joined at either end by Beaumont Ave and Te Mome Road as collectors. The core residential streets, Kiwi Street, Moa Street and Tui Street, are connected to the collector roads at an angle running parallel to Victoria Street and Moa Street. This is a noticeably different arrangement when viewed from a suburb-wide perspective as streets are predominantly perpendicularly connected. It also reinforces the distinctness of this area as the enclosed nature of the character created by Beaumont Ave and Te Mome Road clearly distinguishes it from other parts of Valley Floor South and Lower Hutt more generally.</p> <p>Footpaths are located on both sides of the street and largely adjoin property boundaries rather than the carriageway itself. Where mature street trees are present a more intimate character is created, with the footpath enclosed by the canopy and fences or hedges on the property boundaries.</p> <p>The carriageways in this area are approximately 8 to 10 metres wide with wide grass berms on either side. Where the carriageway is enclosed by a mature tree canopy this has the effect of making the street width appear narrower. On-street parking is possible on both sides of the streets, with predefined parking bays provided along Te Mome Road.</p>
Residential Building Age and Type	<p>The area comprises a total of 198 dwellings largely dating from the 1920's and 1930's, with the majority being classic single storey Californian bungalows interspersed with some villas. The dwellings display a high level of consistency in built and gabled roof form which creates a uniform street character in the area.</p> <p>There are also a low number of 1970's buildings with a noticeably different character (e.g. apartment flats on 16 Tui Street and 11 Moa Street) randomly dispersed throughout the area.</p> <p>Building materials are predominantly weatherboard with roofs of corrugated iron.</p>
Density	<p>The density across the area is very consistent with lot sizes largely 500sqm and site coverages ranging between 35% and 45%.</p> <p>The consistency of the density has been eroded slightly in some places due to some 1970's double storey development that has occurred in the area (e.g. 16 Tui Street, 11 Moa Street, 23 Te Mome Road). However, given the scale and high degree of intactness of the total area the effect of this more recent development on its overall character is negligible.</p>
Building Height and Set Back	<p>The area displays a high degree of consistency in building height and setback. The majority of the bungalows are single storey with a few double storey bungalows and flats randomly dispersed throughout the area.</p> <p>Setbacks are consistently around 6 metres across the area. While the majority of dwellings are orientated perpendicular to the street edge, a number of properties towards the southern ends of Kiwi Street, Moa Street and Tui Street have a slight angled orientation resulting from skewed property boundaries (e.g. 33 Tui Street, 31 Kiwi Street).</p>
Vehicle Parking	Single, freestanding garages are the most common form of garaging in the area, with some double, freestanding garaging also present. Garaging is predominantly at the rear of sections, though a few small single garages are visible along the street frontage. However, their style and relatively small scale is not altogether inconsistent with the character of these streets. A small number of detractive elements evident in the area are attached garages or carports introduced as later additions.
Landmarks	There are no obvious local landmarks in the area.

Attachment 3c: Distinct Character Area - Massey Avenue, Ludlam Crescent, Manuka Ave, Puriri Street, Woburn



<p>Topography</p>	<p>This area forms a part of the flat fertile soils of the Hutt Valley floodplain, a product of the gradual built up by gravel and sediment deposits distributed by the Te Awa Kairangi/ Hutt River and its tributaries.</p>
<p>Vegetation and Open Space</p>	<p>Massey Avenue is bookended by two triangular areas of open space, Ludlam Park at the north-western end and a triangular open space off Pohutukawa Street, the northern side of which houses the Woburn Bowling Club to the south-east. These triangular open spaces reflect the fan shape of the streets radiating from Ludlam Crescent. Both open spaces are planted with mature <i>Metrosideros excelsa</i> (Pohutukawa) trees. The trees within Ludlam Park are larger, while there are no large trees on the Bowling Club site at the southern end.</p> <p>The deep setback of properties in this area has enabled substantial front garden vegetation to be established which contributes to street character, particularly along Ludlam Crescent.</p>
<p>Street and Notable Trees</p>	<p>Massey Avenue itself features an avenue of Pohutukawa planted in 1938. The stature of these trees is one of the defining features of this distinct character area and, together with the Pohutukawa planted in Ludlam Park, make a major contribution to the distinctiveness of the area. There are also several listed notable Pohutukawa on private properties in the vicinity of Ludlam Crescent which, together with the trees in the adjacent open spaces, add to the sense of consistency exhibited in the area. The section of Puriri Street included within this area is planted with Puriri trees (<i>Vitex lucens</i>), planted in 1933. To the east of Ludlam Crescent, a number of properties contain Nikau (<i>Rhopalostylis sapida</i>) which are part of a remnant forest.</p>
<p>Significant Landscapes/Landforms</p>	<p>The area is neither contained within nor adjacent to any significant landscapes or landforms.</p>

INTENSIFICATION PLANNING INSTRUMENT: CHARACTERISTICS OF RESIDENTIAL AREAS

Significant Cultural Sites	There are no identified Significant Cultural Sites within the area.
Land Use	The land use in this area is residential, with the streets located within the Special Residential Zone. The square at the north end of Massey Avenue is zoned General Recreation.
Connectivity and Street Network	<p>This area is situated in the heart of Woburn, connecting Woburn Road in the north with Woburn Station in the south. The street network follows a distinct pattern, with Massey Avenue as the central spine in a street network which radiates out in a fan shape. With its central location, connecting two significant green squares and lined with mature street trees, the street provokes a sense of importance.</p> <p>The widths of the streets are mixed. Massey Ave is approximately 10m wide, but its mature tree canopy has the effect of making the street width appear narrower. However, this is further compensated for by the wide berm on either side of the street.</p> <p>Manuka Ave and Puriri Street are approximately 8m wide and have Ludlam Park on one side and dwellings fronting the street on the other. A footpath is only provided along the built edge of the street.</p> <p>Ludlam Crescent is a major arterial and at approximately 15 metres is the widest street in the area. The street has footpaths on both sides, except where it adjoins Ludlam Park where a footpath is only provided on the built edge. Due the large size of the properties and the high level of mature vegetation the dwellings appear to be disconnected from the street.</p> <p>On-street parking is prohibited on both sides of Manuka Avenue and Ludlam Crescent.</p>
Residential Building Age and Type	<p>This area generally contains a noticeable concentration of English Domestic Revival style bungalows, interspersed with a small number of contemporary developments. Building age is predominantly 1920's in Puriri Street, 1930's in Massey Avenue and a mix of ages ranging from the 1920's to 1950's in Ludlam Crescent.</p> <p>Due to the large setbacks and dense vegetation the contemporary character of some of the dwellings are not noticeable from the street. Due to the size and scale of the buildings in this area and the density of mature onsite, street and open space vegetation, this area displays a distinctive character not found elsewhere in the city.</p> <p>A former church on the corner of Manuka Avenue and Puriri Street has been converted into a dwelling.</p>
Density	The density in this area is relatively low compared to surrounding residential areas. This is largely due to the large section sizes, low site coverage and the maturity and density of onsite vegetation present. Lot sizes are relatively consistent along Massey Ave, with average sizes approximately 1,000sqm. Lot sizes along Puriri Street are mixed but generally display a consistent width of 15 metres with varying between 30m and 70m. Property sizes along Ludlam Crescent vary widely, ranging between 800m2 and 6,800m2. However, the effect of this on the overall character of the area is negligible due to the density of vegetation present and the deep dwelling setbacks.
Building Height and Set Back	<p>Dwellings in this area are largely double storey with noticeably complex roof forms evident.</p> <p>Although setbacks vary by street, they are generally around 20m to 30m in depth with vegetated front yards concealing dwellings from the street view. Built elements on a few properties along Massey Avenue and Ludlam Crescent are located relatively close to the street edge, increasing their visibility relative to neighbouring dwellings that are partially concealed by mature onsite vegetation.</p> <p>A number of rear lot developments with access off Ludlam Crescent are also located in the area but these are completely obscured from the public view.</p>
Vehicle Parking	The area contains a mixture of freestanding and attached, single and double garaging. However, it is not a dominant visible feature in the area due to the larger section sizes, deeper setbacks and presence of mature street trees and garden vegetation that limit views from the street.
Landmarks	Ludlam Park is a locally distinct and recognisable feature.