

Before the Independent Hearings Panel  
Hutt City Council

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*under:* the Resource Management Act 1991

*in the matter of:* Submissions and further submissions in relation to  
Proposed Plan Change 56 to the Lower Hutt City District  
Plan

*and:* **Retirement Villages Association of New Zealand  
Incorporated**

*Submitter 211*

*and:* **Ryman Healthcare Limited**

*Submitter 204*

Supplementary Evidence No. 2 of **Philip Hunter Mitchell** on  
behalf of the Retirement Villages Associated of New Zealand  
Incorporated and Ryman Healthcare Limited

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Dated: 28 April 2023

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Reference: Luke Hinchey (luke.hinchey@chapmantripp.com)  
Hadleigh Pedler (hadleigh.pedler@chapmantripp.com)

chapmantripp.com  
T +64 9 357 9000  
F +64 9 357 9099

PO Box 2206  
Auckland 1140  
New Zealand

Auckland  
Wellington  
Christchurch



## **INTRODUCTION**

- 1 My name is Philip Hunter Mitchell and I am a Partner with Mitchell Daysh Limited.
- 2 I have previously provided planning evidence to these hearings and I confirm my qualifications and experience as set out in paragraphs 2 – 7 of my evidence dated 29 March 2023.
- 3 I also confirm that I have read and agree to comply with those parts of the Environment Court Practice Note that bear on my role as an expert witness, in accordance with paragraph 10 of that evidence.
- 4 This further supplementary evidence responds to the questions from the Independent Hearing Panel during the hearing held on 19 April 2023 , In particular, I:
  - 4.1 Explain, and set out a marked-up copy of the Lower Hutt City Plan Change 56 (PC56) Commercial Zone provisions within **Appendix A**,
  - 4.2 Address the changes set out in my evidence of 29 March 2023 and supplementary evidence dated 19 April 2023 and amendments arising from questions at the hearing on the Residential Chapter (**Appendix B**) and the Financial Contributions chapter (**Appendix C**); and
  - 4.3 Attach as **Appendix D** the updated section 32AA assessment requested;

## **SPECIFIC PROVISIONS FOR RETIREMENT VILLAGES IN THE COMMERCIAL ZONES**

- 5 Following the questions from the Panel, I have considered further how enablement of retirement villages is achieved and their environmental effects managed within the three commercial zones of Hutt City (Central Commercial Activity Area (CCAA), Petone Commercial Activity Area (PCAA) and the Suburban Mixed Use Activity Area (SMUAA)), while ensuring such activities do not undermine the commercial focus of the centres. I agree with the submissions of the RVA and Ryman<sup>1</sup> that there is a need to include appropriate policies and rules within the commercial zones that enable intensification including different types of residential development such as retirement villages.
- 6 As explained by Ms Owens and Mr Brown, the Commercial and Mixed Use Zones of Hutt City may contain suitable sites for retirement village development, given they are often located in

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<sup>1</sup> RVA submissions, Pages 73-90

proximity to amenities like medical facilities, clubs, shopping, cafes and restaurants, and transportation links. Further, the NPS-UD clearly anticipates a diversity of land uses occurring across a range of residential and commercial areas. As one example, the NPS-UD directs regional policy statements and district plans to enable more people to live in, and more businesses and community services to be located in, urban environments in which:

- 6.1 The area is in or near a centre zone or other area with many employment opportunities; or
  - 6.2 The area is well-serviced by existing or planned public transport; or
  - 6.3 There is high demand for housing or for business land in the area, relative to other areas within the urban environment.
- 7 This context is particularly germane to the IPI process in that Policy 3 of the NPSUD must be given effect to. That policy is the key intensification policy addressing housing intensification in and around centres.
- 8 That said, it is not intended that residential activities would seek to over-ride the commercially focused provisions. Rather, the intention is to enable residential developments such as retirement villages where appropriate to compliment the vibrancy of commercial centres and enable intensification. As such I have set out a new objective and amended policy to provide greater clarity and add in appropriate effects management.
- 9 I note in terms of scope, I have adapted the below provisions directly from the relief sought in the RVA submissions and from other existing provisions of the Plan<sup>2</sup>. The provisions have been further refined to provide a more comprehensive ageing population and retirement village policy suite. This suite will still, however, integrate with the other objectives and policies rather than completely 'standing alone', as is the RVA and Ryman proposal for the residential zones.
- 10 As a result, I set out below the new objective and policy (in addition to the three other policies included in the original submission), as set out in full in **Appendix A** ( with amended new drafting shown in bold):

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<sup>2</sup> RVA submission page 36; Section 5A1.1.1. Capacity of the Central Commercial Activity Area Policy (c) (d)(ii); Section 5A1.1.2. Activities Policy (a); Central Commercial Activity Design Guide - Section 1.7 Character and Context Description – Core Precinct – Future Character and evidence in chief paragraph 12.

**Objective Ox: - Provision of housing for an ageing population**

**Provide a diverse range of housing and care options that are suitable for the particular needs and characteristics of older persons such as retirement villages.**

**New Policy – Housing in Central Commercial, Petone Commercial and Suburban Mixed-Use Zones.**

**Enable medium and high-density residential development including retirement villages where this:**

- a. Contributes towards accommodating anticipated growth in the City;**
- b. Offers a range of housing types, price, size and tenure that is accessible to people of all ages including the aging population and a range of 'lifestyles', cultures and abilities; and**
- c. Achieves an appropriate mix of activities.**

- 11 Following questions from the Hearing Panel on the inter-relationship between the suggested objectives, policies, rules and standards governing retirement villages in the commercial zones, I have further considered the drafting of the restricted discretionary rule for retirement villages. I have considered its relationship to the built from standards of the commercial zones and whether the retirement village policy and rules provide sufficient coverage to assess effects (that is, if the Panel determines to accept the RVA submission that the design guides in the commercial zones should not apply to retirement villages and retirement villages at ground floor would be a restricted discretionary activity). As stated by the Reporting Officer *'it is appropriate to provide for retirement villages in these zones. However, there is a question over which standards should need to be met.'*<sup>3</sup>
- 12 In terms of considering which standards should apply I have considered the following 3 options:
- 12.1 Add matters of discretion to the retirement village restricted discretionary activity rule, giving Council greater discretion on design matters with enhanced links to the relevant policies;  
or

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<sup>3</sup> Paragraph 667 – 673 Section 42A Report: Plan Change 56 - Council Officers' Planning Evidence (7 March 2023).

- 12.2 Require retirement villages to comply with more of the built form conditions such as the restriction of residential uses at ground floor level fronting the street<sup>4</sup>; or
- 12.3 A combination of the above two options.
- 13 I do not favour option 1, as I consider this will invite too much discretion and will accordingly reduce certainty (similar to the issues I have already raised with the Design Guides). As the s42a Reporting Officer comments 'The design guide is complex, unclear, ineffectual, and dated...'. I consider that outcome would be inconsistent with the intent of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (*Enabling Housing Act*) and the NPS-UD.
- 14 In terms of option 2, I consider this option will significantly enhance the certainty of the Plan for retirement village developments. I note this approach is more consistent with the approach adopted by other Tier 1 councils for retirement villages and multi-unit housing as recently confirmed in Christchurch City Plan Change 5.
- 15 However, in my view, option 3 is the preferred option, to give the most clarity and to ensure effects of concern are appropriately managed.
- 16 As such, I suggest the following amendments to the matters of discretion (shown in **bold** below and included in **Appendix A**).

Amended Restricted Discretionary Activity Rule

X **The construction redevelopment, alteration, repairing or modifications of buildings for a retirement village**

Matters of Discretion

- i. The **extent and effect arising from exceeding any of the following standards (both individually and cumulatively) where relevant: [Rule 5A2.1.1 and 5B2.2.1.1.1, 5B2.2.1.1 and 5E4.2.1.1, 5E4.2.2, 5E4.2.3 and 5E4.2.4];**
- ii. The effects of the retirement village on the safety of adjacent streets or public open spaces;
- iii. The effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces;

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<sup>4</sup> Rule 5A.2.3( c) 5B2.1.1 and 5E.4.1.4(a).

- iv. ~~When assessing the matters in (i)–(iii), consider:~~
  - a. ~~The need to provide for efficient use of larger sites;~~
  - ~~and~~
  - b. ~~The functional and operational needs of the retirement village;~~
- v. **The matters in [CCAA 5A 1.1.2, 5A 1.1.4, 5A 1.2.1, and PX (New policies)] and / or [PCAA 5B 1.1.2A, 5B 1.1.3 and PX (New policies)] and /or [SMUAA 5E 3.2, 5E3.5, 5E 3.6, 5E 3.7, 5E 3.10 and PX (New policies)] (insert as required).**
- vi. The positive effects of the construction, development and use of the retirement village.

- 17 As noted, I propose that relevant policies in the three commercial zones (CCAA, PCAA and SMUAA) apply to retirement villages in addition to other density standards that apply. I have also clarified the point relating to cumulative effects and confirm that it is intended that there is scope to consider the effects of breaches collectively.

## OTHER CHANGES

### Density policy

- 18 The Hearing Panel also asked a question relating to the RVA's proposed density policy and the inter-relationship with the overlay zones for natural hazards. It is my understanding that the qualifying matter overlays such as natural hazards apply and are managed in Chapter 14H. As explained in the s42a Report<sup>5</sup> the Natural Hazards Chapter include policies and rules in certain hazard areas to reduce the consequences from natural hazard. To provide clarity in terms of the applicability of these location specific overlays I have suggested the following amendment to the role of density standards policy:

*Enable the density standards to be utilised as a baseline for the assessment of the effects of developments, **other than in areas where the Plan provides location-specific density standards.***

### Residential provisions

- 19 As a result of further consideration of the questions from the Hearing Panel and the subsequent amendments set out above to capture both the enablement of retirement villages and their environmental effects I have further considered the drafting of the retirement village policy and restricted discretionary rule for retirement villages in the Residential Chapters. As such I have

<sup>5</sup> Paragraph 1040, Section 42A Report: Plan Change 56 – Council Officer's Planning Evidence (7 March 2023)

included the relevant amendments outlined above in the residential provisions attached in **Appendix B**.

### **Financial contributions**

- 20 The Panel raised a number of questions regarding the relief sought by the RVA on the Financial Contributions Chapter. Myself and, I understand, Mr Akehurst acknowledged that deleting the proposed new provisions entirely would create risks for Council's recovery of costs of necessary infrastructure works related to intensification. Mr Akehurst also described the risks of the current provisions resulting in some developers (particularly retirement villages which have a lower demand on council services) paying more than their fair share and the risk of double dipping occurring.
- 21 To address this evidence, I have proposed a number of changes (**Appendix C**), to the Financial Contributions policies and rules to assist with clarifying these matters (see comments). I acknowledge Mr Akehurst's concerns that a case by case assessment is very inefficient and will lead to debates. However, I consider these changes will at least support the interim period until Council has progressed a more detailed review of its infrastructure needs and associated charges through its Local Government Act financial policy requirements.

### **CONCLUSION**

- 22 As discussed at the hearing, the submissions by the RVA and Ryman on PC56 are seeking to ensure that the Plan provides an enabling framework for the establishment of retirement villages in the residential and commercial zones of the City, with proportionate restrictions to manage effects.
- 23 The further suggested policy and matters of discretion follow the discussions of the hearing and are intended to assist in ensuring the amendments provided through PC56 appropriately respond to the retirement housing and care shortage and are consistent with the NPS-UD.

**Philip Hunter Mitchell**

**28 April 2023**

## **APPENDIX A**

### REPLACEMENT PROVISIONS

Central Commercial, Petone Commercial and Suburban Mixed Use Activity Areas

*The following sets out the provisions sought by the RVA and Ryman within the Commercial and Mixed Use Zone Chapters of Plan Change 56 to the Hutt City District Plan.*

*Text highlighted with red underlining represents the RVA and Ryman's proposed insertions. Red underlined text that is also highlighted represents new changes proposed in the supplementary evidence following the Hearing. The highlighted with strikethrough represents the RVA and Ryman's proposed deletions.*

*Normal black text, underlining and strikethrough represents provisions as notified in PC 56 and provisions included from the Operative District Plan.*

# COMMERCIAL AND MIXED-USE ZONES REPLACEMENT PLAN

## PROVISIONS SOUGHT BY THE RVA AND RYMAN

### CHAPTER 5 – COMMERCIAL

#### Introduction

Commercial centres around the City provide residents with the ability to obtain the goods and services they require to meet their needs. To recognise the distinct differences between the commercial centres in the City, such centres have been categorised into the following ~~five~~ three activity areas:

- (a) Central Commercial;
- (b) Petone Commercial; and
- ~~(c) Suburban Commercial;~~
- ~~(d) Special Commercial; and~~
- (e) Suburban Mixed Use

In this Plan retailing is generally confined to the above ~~five~~ three areas. In order to ensure that these commercial centres become strong focal points in the community, it is important that retailing be restricted in non-commercial activity areas. It is considered that such an approach will ensure that a sense of place can be achieved in commercial centres. In addition, existing public infrastructure and services associated with commercial centres will be used efficiently. Grouping retail activities enables public transport to be provided to such centres, and this will result in a more efficient use of a non-renewable energy resource.

#### **(a) Central Commercial Activity Area**

The Central Commercial Activity Area is one of the largest in the Wellington region. Over the last few years there has been considerable commercial and retail growth. It is important that this growth and development be accommodated so that a healthy, vibrant and vital commercial centre can be achieved.

The Central Commercial Activity Area is that area generally bounded by High Street to the south, Cornwall Street to the east, Daly and Rutherford Streets to the west, and Melling and Brunswick Streets to the north, including the Market Grove area.

#### **(b) Petone Commercial Activity Area**

The Petone Commercial Activity Area is strategically positioned at the hub of the Wellington region. The centre has a wide catchment area, and caters for a significant number of shoppers that come from beyond the immediate area for a variety of reasons. Two distinct areas are identified in the Plan as follows:

- (i) Area 1 - Victoria Street to Cuba Street**

Area 1 consists of both sides of Jackson Street, between Victoria and Cuba Streets, and adjoins residential activity areas. These commercial sites are generally small and consist of a mix of one and two storeyed buildings, with small frontage retail and commercial activities at road level. Residential flats and offices are located above street level activities. Many of the buildings in this area were built between 1926 and 1940, and have a distinctive built form, style and character. It is important that this be protected.

**(ii) Area 2 - Petone Mixed Use**

Area 2 comprises the area generally between Hutt Road, Petone Avenue, Campbell Terrace, Victoria Street, Sydney Street and The Esplanade illustrated in Appendix Petone Commercial 6. This area is suitable for mixed uses, providing a range of residential, large format retail, commercial activities and small-scale or low intensity light-industrial, business and service activities.

**(c) Suburban Commercial Activity Area**

The Suburban Commercial Activity Area provides residents with facilities to meet their day to day needs, and to engage in community activities in close proximity to their homes. This Activity Area includes suburban retail locations in the City. While the Suburban Commercial Activity Area provides for a number of activities, there is an emphasis on minimising any adverse effects on residential activity areas.

**(d) Special Commercial Activity Area**

The Special Commercial Activity Area has two areas. They are as follows:

**(i) Area 1 – Station Village**

Area 1 comprises the Station Village complex at the western end of Railway Avenue. Station Village was originally established as a tourist and entertainment centre, and consequently encourages activities of a similar nature. The total floor area provided for retailing activities in this Activity Area is purposely limited, to encourage the establishment of leisure, entertainment and craft facilities. In addition to these facilities, Station Village encompasses a recognised historic building, and additional buildings designed in keeping with the historic theme. While it is important to maintain a leisure, entertainment and craft centre for the City, activities and buildings will not compromise the historic significance of the Station Building and its complementary surroundings

**(ii) Area 2 – Boulcott Village**

Area 2 consists of the Boulcott Village commercial centre on High Street. The close proximity of Boulcott Village to the residential area warrants the need to protect residential amenity values from the adverse effects of activities at the commercial centre.

**(e) Suburban Mixed Use Activity Area**

The Mixed Use Activity Area provides for the local convenience needs of surrounding residents such as community activities, local retail, commercial services and offices. It also provides for

residential use above ground floor. The area provides for moderate intensification and greater development capacity for the types of housing likely to be demanded in the future.

The Mixed Use Activity Area has been spatially defined to ensure access of residents to retail, services, public open space, transport nodes, and other amenities.

## **CHAPTER 5A – CENTRAL COMMERCIAL ACTIVITY AREA**

### **5A 1 Issues, Objectives and Policies**

#### **5A 1.1 Local Area Issues**

##### **5A 1.1.1 Capacity of the Central Commercial Activity Area**

###### **Issue**

The capacity of the Central Commercial Activity Area needed to sustain a viable and vibrant central area that meets the current and future needs of the city as the centre of commercial, civic and community activities.

###### **Objective**

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.

###### **Policy**

- 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).~~
- 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.~~
- e. Enable a built form that:
  - a. Maximises development potential
  - b. Accommodates a wide range of activities, and
  - c. Supports a quality urban environment.

- f. 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.

### **Explanation and Reasons**

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

Based on recent development trends, there is surplus capacity within this existing footprint to meet the anticipated needs of current and future generations for the central area through the more efficient use of land. This more efficient use is through the redevelopment of existing sites, and through additions and alterations to existing buildings. In addition, providing for a greater mix of activities in the central area provides for the adaptive re-use of existing buildings which may be currently under-utilised

Furthermore, taller buildings provide the ability to more efficiently use the existing central area land resource. However, by providing for taller buildings, care is required to ensure these taller buildings ~~do not detract from the amenity values of the central area and adjoining areas~~ support a quality urban environment.

Commercial activities located outside the Central Commercial Activity Area may undermine the role and function of the central area. Therefore, it is important the management framework for other Activity Areas recognise and manage these types of activities and development to protect the vitality and vibrancy of the Commercial Activity Areas.

The Central Commercial Design Guide identifies five sub-areas or precincts which have specific issues and values. These precincts are entitled Core, Commercial, Riverfront (Core), Riverfront (Commercial) and Residential Transition, and have different design principles and assessment guidelines applying to the respective precincts.

### **5A 1.1.2 Activities**

#### **Issue**

The mix and diversity of activities in the Central Commercial Activity Area required to generate a commercial, civic and social ‘heart’ for the city, which supports economic and social wellbeing

#### **Objective**

To increase the mix and diversity of activities in the Central Commercial Activity Area in a way that increases the number of people living, working within, and visiting the area.

### **Policy**

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

### **Explanation and Reasons**

Providing for a wide range of activities in the Central Commercial Activity Area is one of the primary strategies in creating and maintaining a vibrant and attractive central area. The central area is not just a commercial or business district (i.e. CBD), but a place that additionally supports local culture, civic function, entertainment, residential living, socialising and generally a vibrant place. By providing flexibility in the use of land and buildings, this strategy enables developers and building owners to meet the changing dynamics of the economy and society. In addition, this strategy makes efficient use of the land within the Central Commercial Activity Area by providing opportunities for the re-use and redevelopment of existing buildings for different activities.

In providing for a wide range of activities, there is potential to cause adverse effects both within the Central Commercial Activity Area and in areas beyond its boundary, such as nearby residential areas. These effects include dust, noise and glare. The Plan manages these effects through applying performance standards to ensure these effects are avoided, remedied or mitigated.

Certain activities, such as service stations and industrial activities, may be incompatible with other activities in the Central Commercial Activity Area, in terms of their nature and intensity of use, traffic generation, noise and odour. Therefore, the Plan restricts the establishment and operation of specific activities to manage the location, nature and scale, to ensure if they are established, that they operate in a manner which does not detract from the values for people living, working within, and visiting the central area.

### **5A 1.1.3 Nature and Scale of Activities**

#### **Issue**

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

#### **Objective**

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.

### **Policy**

- (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.

### **Explanation and Reasons**

Activities are continually changing in response to market pressures. As the central focus and main concentration of existing activity in Lower Hutt City, the Central Commercial Activity Area needs to be adaptive to these changes, while ensuring these changes do not degrade or undermine the vitality and vibrancy of this area and its amenities. The retail activities in the central area are a mix of larger format/anchor, speciality and comparative shops. They vary in size throughout the central area, with a general pattern of small-scale speciality shops at the southern end and larger-scale shops at the northern end. A precinct based approach recognises this difference in the location and scale of shops, which is an important characteristic in maintaining the vitality and vibrancy of the central area

## **5A 1.1.4 Incompatibility between Different Activities**

### **Issue**

Incompatibility between different activities in the Central Commercial Activity Area, in particular, the sensitivity of residential activities to other activities.

### **Objective**

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.

### **Policy**

- a. Provide for and encourage residential activities within the Central Commercial Activity Area, provided they adopt on-site measures to mitigate potential incompatibility issues with other activities.
- b. Ensure residential activities and development are designed and constructed to provide an attractive and liveable environment for occupants, and meet the service needs of this type of activity.

## **Explanation and Reasons**

It is anticipated the Central Commercial Activity Area will experience some significant residential development with a particular focus on apartments in the central core and overlooking the river corridor and terraced townhouses along the periphery with the residential areas, to meet expected demand. Residential activities can positively contribute to the vitality and vibrancy of the central area, as these residents have convenient access to retail, commercial, community and civic amenities. In addition, with changing demographics of an aging population and smaller household units, providing for and encouraging residential activities within the Central Commercial Activity Area provides another option for meeting the requirements of future residents in the city. Residential activities would also support other activities in the Central Commercial Activity Area, such as commercial and community activities, which would result in a more lively and active area contributing to the economic and social wellbeing of the city.

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

### **5A 1.1.5 Incompatibility between Different Activities**

#### **Issue**

Orientation and identity of the Central Commercial Activity Area in relation to the Hutt River corridor.

#### **Objective**

To recognise and enhance the significant amenity, natural and recreational values of the Hutt River and its relationship to activities in the Central Commercial Activity Area.

#### **Policy**

- a. Encourage the development of a river side promenade by managing activities and development along the river frontage, in conjunction with flood protection works.
- b. Ensure that activities and development along the riverbank does not adversely affect the stability of the flood protection works, limit public access to the river or impact on the amenity, natural and recreational values of the area.

## **Explanation and Reasons**

The Hutt River contributes to the identity and special qualities of the central area. Recognising and enhancing the relationship of the Central Commercial Activity Area to the Hutt River corridor would contribute towards improving the attractiveness and vitality of the central area. A new river side promenade could occur in conjunction with an upgrade to the flood protection works adjacent to the central area. This upgrade provides opportunities for the redevelopment of the relationship of buildings and development along this edge of the central area.

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

## **5A 1.2 Site Development Issues**

### **5A 1.2.1 Quality of Buildings and Open Spaces**

#### **Issue**

The quality of buildings (internally and externally) and open spaces (including surface carparks) affects the amenity values of the Central Commercial Activity Area.

#### **Objective**

To maintain and enhance the built character in the Central Commercial Activity Area by ensuring development addresses the attributes of the anticipated character for the area, while being consistent with the goal of encouraging investment and growth.

#### **Policy**

- a. Provide for alterations and minor additions to existing buildings, subject to minimum standards, and encourage high quality urban and built form design for these building modifications.
- b. Manage new buildings and developments and larger additions to existing buildings, to be well designed and to contribute to the creation or maintenance of an integrated, safe and attractive Central Commercial Activity Area with a high standard of streetscape and pedestrian amenity.
- c. Manage new buildings and developments and larger additions to existing buildings, to achieve a high quality urban and built form design, to integrate with the surrounding streetscape and buildings and to contribute to the anticipated character for the precincts within the Central Commercial Activity Area.
- d. ~~Manage building height based on precincts which reflect the form and context of their location, with taller buildings in the Core, Riverfront (Core) and Riverfront (Commercial) Precincts and lower buildings in the Commercial and Residential Transition Precincts.~~
- e. Manage prominent sites to promote identity, visual reference and orientation, and act as gateways by managing the design and appearance of new buildings and developments, including additions and alterations.
- f. Encourage all new buildings to provide appropriate levels of natural light to occupied spaces within the building.

- g. Encourage the quality and amenity of residential buildings by guiding their design to ensure current and future occupants have adequate private outdoor space, ongoing access to daylight, and an external aspect.
- h. Ensure that commercial and practical considerations are taken into account in assessment of the above policies, together with the objectives of achieving vital and vibrant centres with mixed activities.

### **Explanation and Reasons**

The function and attractiveness of the central area is contributed to by the design of buildings and developments. Alterations and small additions to existing buildings within the Central Commercial Activity Area are provided for to facilitate the upgrading, modification or conversion of the existing building stock in the central area. For these small modifications to existing buildings, Council will encourage high quality building design to make a positive contribution to the built character and quality of the central area.

New buildings and developments and larger additions to existing buildings within the Central Commercial Activity Area will be specifically managed to ensure they relate well to the public environment and support the overall role of the central area as the focal point of commercial, community and civic functions.

It is recognised there are a variety of existing building forms and styles which are of a mixed quality. The District Plan seeks to manage the design of buildings and developments to ensure they positively contribute to the central area environment by adopting best practice urban design outcomes. Through the development and implementation of design guidance, the Council will guide and assess the appropriateness of the urban design outcomes resulting from development in the central area.

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

Taller buildings on prominent sites will be specifically managed due to their greater visual exposure and their role in creating landmark features. Particular sites in the Central Commercial Activity Area have been identified as prominent sites, with supporting design guidance provided to manage the building design.

Provision has been made for intensive residential development in the Central Commercial Activity Area. It is important buildings to be occupied for residential living purposes are designed to provide suitable amenity for the future occupants (e.g. natural light and sunlight access, and an external aspect). Encouraging provision for natural light to all habitable and high use areas of new buildings

will assist in creating an attractive internal environment and help to reduce the on-going energy requirements of new buildings. Design guidance is provided to encourage quality residential buildings to be developed which provide for these qualities as the Central Commercial Activity Area develops further.

## **5A 1.2.2 Relationship of Buildings to Streets and Open Spaces**

### **Issue**

The relationship of buildings to streets and open spaces (including parks and reserves) affects the quality of these public places and their amenity for people using them.

### **Objective**

To ensure development maintains and enhances the amenity and safety of the Central Commercial Activity Area, in particular, maximising pedestrian comfort and safety.

### **Policy**

- a. Ensure that buildings are designed and located in a manner that maintains or enhances the safety, convenience, accessibility and amenity of pedestrian spaces and linkages within the Central Commercial Activity Area.
- b. Require new buildings to provide an active, transparent and continual frontage (except for vehicle and service access), as well as shelter along identified streets, to provide a pedestrian focused central core to the Central Commercial Activity Area.
- c. Encourage protection of sunlight access to identified public spaces including streets and open spaces within the Central Commercial Activity Area and ensure new buildings and additions and alterations to existing buildings minimise overshadowing of the identified public spaces during periods of high use.
- d. Encourage high quality urban design directed at enhancing the relationship of buildings with public open space and having regard to the significant heritage elements and built form of existing scheduled heritage buildings as well as the commercial and practical constraints that affect new developments.
- e. Encourage buildings to be well designed to manage the adverse effects on amenity values, including visual, wind and glare.

### **Explanation and Reasons**

Maintaining and enhancing the amenity values in the Central Commercial Activity Area will make the area more attractive and enjoyable for people. The relationship of buildings to the public environment, such as streets and open spaces, makes an important contribution to the amenity and safety within the central area. One important interface is the ground level relationship between buildings and the streetscape. Requiring display windows and buildings to be located on the front boundary of identified key roads maintains and enhances the quality of the streetscape for

pedestrians. In addition, requiring shelter for pedestrians along the identified key roads provides protection from adverse climatic conditions and provides a more comfortable environment.

One of the valued qualities of the Lower Hutt City central area is the access of sunlight to public spaces, including streets and open spaces. However, it is recognised that protecting sunlight access to all areas of public space in the central area would conflict with some other objectives for the Central Commercial Activity Area. Therefore, specific locations have been identified based on highly used areas within the central area to protect for sunlight access to provide an attractive environment to visitors and residents in the central area.

The design of buildings influences the amenity values of the central area, as well as recognising the elements and form of heritage buildings. The District Plan encourages high quality urban design through guidance and advocacy from an early stage in the building design process.

The existing wind speeds at ground level within the Central Commercial Activity Area are variable, with some areas experiencing high and dangerous conditions. In addition, in some locations within the Central Commercial Activity, such as areas of open space and outdoor street activity, calmer wind conditions are desirable to provide a more attractive environment. The wind conditions contribute to the overall amenity in the central area, with buildings having a direct relationship with the resultant wind conditions. Accordingly, the District Plan manages new buildings and larger additions to existing buildings over 12 metres in height in specific locations to ensure the wind conditions are not worsened.

### **5A 1.2.3 Adjoining Residential Areas**

#### **Issue**

The orientation and scale of buildings in the Central Commercial Activity Area and their effects on the amenity values of the adjoining Residential Areas.

#### **Objective**

~~To recognise and protect the amenity values of the nearby residential areas from use and development in the Central Commercial Activity Area.~~

Built development is consistent with the amenity values expected in the planned urban environment of adjoining residential areas.

#### **Policy**

- 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~~

#### **Explanation and Reasons**

The Central Commercial Activity Area shares an extensive interface with adjacent Residential Activity Areas. This interface is a particularly sensitive one as the effects associated with commercial activities and the scale of development have the ability to adversely impact on the use and enjoyment of neighbouring residential areas.

Given the extent of this interface, ~~and~~ the relatively unrestricted range of activities permitted within the Central Commercial Activity Area, and the planned built form of the area, the District Plan seeks to ensure that adequate safeguards are put in place to protect residential amenity. These safeguards include measures to control the effects of new buildings and development and larger additions to existing buildings, on adjacent residential areas, such as building height and location in relation to boundary, ~~and location~~, building bulk, appearance, character, landscaping and screening, access, servicing, signage and lighting.

#### **5A 1.2.4 Hutt River Corridor**

##### **Issue**

The orientation and interaction between buildings and the Hutt River corridor and its effects on the identity and amenity of the city.

##### **Objective**

To recognise and enhance the significant amenity, natural and recreational values of the Hutt River and its relationship to development in the Central Commercial Activity Area.

##### **Policy**

- 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.

##### **Explanation and Reasons**

Buildings located within the Central Commercial Activity Area which are adjacent to the Hutt River corridor present some opportunities and constraints for maintaining and enhancing the attractiveness and vitality of the central area. The development of a river side promenade could occur in conjunction with an upgrade to the flood protection works adjacent to the central area.

Buildings and development adjacent to this promenade will play a key role in activating this area, to create a vibrant and attractive area. New buildings and larger additions to existing buildings ~~in the Riverfront (Core) and Riverfront (Commercial) Precinct~~ along the river frontage need to be designed to provide for future adaptation to facilitate the long term vision for the riverfront, such as providing for a future active edge on the first floor facing Daly Street. Furthermore, in managing new buildings and development and larger additions to existing buildings, a key characteristic will be facilitating improved public access along the river corridor and connections with the core area of the Central Commercial Activity Area.

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

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

#### **5A 1.2.5          Carparking**

##### **Issue**

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

##### **Objective**

To promote carparking in locations and configurations which recognise and provide for their potential effects on streetscapes and the public environment.

##### **Policy**

- 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.

### **Explanation and Reasons**

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

### **5A 1.2.6 Energy Efficient and Low Impact Urban Development**

#### **Issue**

Energy efficient and low impact urban development can reduce demand on resource use and support alternative energy sources.

#### **Objective**

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

#### **Policy**

- a. Promote energy efficiency in the design and construction of buildings and developments, and in the operation of activities in the Central Commercial Activity Area, such as through the provision of solar access.
- b. Provide for the installation and operation of domestic scale renewable energy generation facilities, such as roof top wind turbines.
- c. Encourage the incorporation of low impact urban development principles in the design and construction of developments, including stormwater management and water quality.
- d. Promote cycle parking in new buildings.

### **Explanation and Reasons**

Using energy more efficiently can reduce the demand for new energy generation and, thereby limit adverse effects on the environment from the generation and distribution of energy. Incorporating energy efficient principles into the design and construction of buildings and development can have short and long term benefits in terms of minimising adverse effects on the environment. For example, designing for solar access means providing for the sun to penetrate a building, a site or an open space to gain solar heat in winter and controlling solar radiation in summer.

Similarly, self-sufficiency with renewable energy generation can provide opportunities for reduced energy demand on the wider energy network. By adopting low impact urban development principles in the design of a building, this can have a number of positive outcomes, including reduced water demand, improved water quality and health benefits.

As research and technology is advancing in the areas of energy efficiency, renewable energy generation and low impact urban development, the District Plan aims to promote and facilitate the use of these initiatives, but not place any requirements at this time. Some matters are addressed in other legislation, such as the Building Act 2004 (specifically the Building Code) and other energy requirements.

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

#### **5A 1.2.7 Provision of housing for an ageing population, Larger Sites and Density**

##### **Objective**

Provide for a diverse range of housing and care options that are suitable for the particular needs and characteristics of older persons such as retirement villages.

##### **Policy**

- a. Enable medium and high-density residential development including retirement villages where this:
  - i. Contributes towards accommodating anticipated growth in the City;
  - ii. Offers a range of housing types, price, size and tenure that is accessible to people of all ages including the aging population and a range of 'lifestyles', cultures and abilities; and
  - iii. Achieves an appropriate mix of activities.
- b. Recognise the intensification opportunities provided by larger sites within the Medium Density Residential Zone by providing for more efficient use of those sites.
- c. Enable the density standards to be utilised as a baseline for the assessment of the effects of developments, other than in areas where the Plan provides location-specific density standards.

#### **5A 2 Rules**

##### **5A 2.1 Permitted Activities**

- a. Activities which meet the conditions for Permitted Activities and are not included as a Restricted Discretionary or Discretionary Activity.
- b. The redevelopment, alteration, and repair of existing buildings which does not change the external building form (floor area and height) of the existing building.

- c. The erection, construction and development of additions to existing buildings where the gross floor area of the additions is less than 5% of the gross floor area of the existing building.
- d. The total or partial demolition or removal of buildings and structures.

**5A 2.1.1 Permitted Activities – Conditions**

**a.—Maximum Height of Buildings and Structures**

The maximum height of buildings and structures shall be as identified in Appendix Central Commercial 2 – Maximum Height.

**b.—Minimum Yard Requirements**

Within the Residential Transition Precinct identified in Appendix Central Commercial 1- Precincts, all buildings shall meet the following requirements:

- (i) Front yard: 3 metres, except for buildings (or part of a building) for housing a vehicle (e.g. garage or carport) which has vehicular access directly from the street shall be 5 metres.
- (ii) All other yards: 1.5 metres.

**c. Sunlight Protection:**

All buildings and structures shall be designed and located to maintain sunlight access to public spaces within the Central Area as listed below (and shown in Appendix Central Commercial 4 – Sunlight Protection).

Sunlight access to the following public spaces within the Central Commercial Activity Area is protected between the stated times:

Public Space	Time period to be calculated using New Zealand Standard Time at either of the equinoxes (i.e. 21 March or 23 September)
Andrews Avenue	12:00 noon to 2:00pm

This requirement shall not apply to:

- i. Any temporary structure that is erected and dismantled within a period less than 30 days in duration.
- ii. Any landscaping within an identified public space

**d. Building Frontages and Display Windows:**

For sites within the area identified in Appendix Central Commercial 3 – Verandahs, Building Frontages and Display Windows, the following building requirements shall be met:

- i. All buildings shall be built to the front boundary of the site; and
- ii. Any parts of a building fronting a street, pedestrian mall, pedestrian walkway or other public space shall have at least 60% transparent glass display windows for the ground floor façade surface on each façade.

**e. Verandahs:**

For sites within the area identified in Appendix Central Commercial 3 – Verandahs, Building Frontages and Display Windows, the following verandah requirements shall be met:

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

**f. Screening:**

All areas of outdoor storage shall be screened so that they are not visible from a road or public space.

**g. Sites Abutting Residential Activity Areas:**

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

- i. Buildings and structures shall comply with the recession plane requirements of the abutting Residential Activity Area.
- ii. Side and rear yards - minimum of 7 metres 1 metre from the side and rear boundaries of any site in the Residential Activity Area.
- iii. All outdoor storage, carparking, and servicing areas must be screened so they are not visible from abutting sites in the Residential Activity Area.
- iv. Servicing of activities shall not occur between the hours of 10.00pm and 7.00am.
- v. No mechanical repair and servicing of motor vehicles, trailers or motor fuelled domestic equipment shall be undertaken on the site.

**h. Sites Abutting Recreation Activity Areas:**

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

- ~~i. Buildings and structures shall comply with the recession plane requirements of the abutting Recreation Activity Area.~~

- ii. ~~Side and rear yards – minimum of 7 metres from the side and rear boundaries of any site in the Recreation Activity Area.~~
- iii. All outdoor storage, carparking, and servicing areas must be screened so they are not visible from abutting sites in the Recreation Activity Area.

**i. Lighting:**

Any activity shall comply with the following requirements:

- i. The emission of light (including glare) shall ensure that direct or indirect illumination does not exceed 8 lux (lumens per square metre) at the windows of buildings used for residential activities in any Residential Activity Area.
- ii. Subject to the above standard, pedestrian routes and carparks available for public use during hours of darkness shall be lit at a minimum of 10 lux, measured in accordance with AS/NZS 1158.3.1 : 2005 and amendments.

**j. Dust**

Any activity shall not create a dust nuisance at or beyond the boundary of the site to the extent it causes an adverse effect. This standard applies to contaminants which are not subject to a discharge consent and which are temporary or intermittent in nature.

**k. Parking**

Any activity shall comply with the following requirements:

- i. For front road boundaries not identified in Appendix Central Commercial 3 – Verandahs, Building Frontages and Display Windows ~~and in the Commercial Precinct identified in Appendix Central Commercial 1 Precincts~~, any surface or ground level parking area shall not exceed a maximum width of 18m along the site frontage or 40% of the site frontage whichever is the lesser.
- ii. ~~In the Residential Transition Precinct identified in Appendix Central Commercial 1- Precincts, no surface or ground level parking area shall be visible from a public space.~~

**I. General Rules:**

Compliance with all matters in the General Rules - see Chapter 14.

**5A 2.2 Restricted Discretionary Activities**

- a. The construction, alteration of, and addition to buildings and structures, except for those works permitted under Rules 5A 2.1(b) and (c).
- b. ~~The construction, alteration of, and addition to buildings and structures over 12 metres in height (except for those works permitted under Rules 5A 2.1(b) and (c)) and where any part~~

of the building or structure fronts a street, pedestrian mall, pedestrian walkway, or other public space identified in Appendix Central Commercial 5 Wind Protection.

- c. Emergency facilities.
- d. Except where stated in the Central Commercial Activity Area or General Rules, any Permitted Activity which fails to comply with any of the relevant Permitted Activity Conditions, or relevant requirements of Chapter 14 – General Rules.

### **Non-notification/service**

In respect of Rule 5A 2.2, applications do not need to be publicly notified and do not need to be served on affected persons.

#### **5A 2.2.1 Matters in which Council has Restricted its Discretion**

- a. The construction, alteration of, and addition to buildings and structures, except for those works permitted under Rules 5A 2.1(b) and (c):

All development excluding retirement villages

- i. Design, external appearance and siting of the building or structure.
- ii. Matters in the Central Commercial Activity Area Design Guide (Appendix Central Commercial 8).

The construction of a retirement village:

- i. The extent and effect arising from exceeding the standards in 5A 2.1.1 (both individually and cumulatively).
- ii. The effects of the retirement village on the safety of adjacent streets or public open spaces;
- iii. The effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces;
- iv. The matters in 5A 1.1.2, 5A 1.1.4, 5A 1.2.1, and PX (New Policies).
- v. The positive effects of the construction, development and use of the retirement village.

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

~~——— (i) The effects of wind on public space and adjoining areas:~~

- c. Emergency Facilities.
  - i. Appearance of Buildings and Structures:
  - ii. The adverse effects on the visual impression of the streetscape. In this respect an important consideration is the likely impact on the continuous display window frontage requirements.
  - iii. Matters in the Central Commercial Activity Area Design Guide (Appendix Central Commercial 8).

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

**No other changes proposed to the remainder of the chapter.**

## **CHAPTER 5B – PETONE COMMERCIAL ACTIVITY AREA**

### **5B 1 Issues, Objectives and Policies**

#### **5B 1.1 Local Area Issues**

##### **5B 1.1.1 Area 1 – Area on Jackson Street generally between Victoria and Cuba Streets**

###### **Issue**

On both sides of Jackson Street between Victoria and Cuba Streets sites generally are small and adjoin residential activity areas. It is important that the scale and character of activities are controlled so that there are no encroachments into the adjoining residential areas and adverse effects, such as adverse traffic effects, are managed.

###### **Objective**

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.

###### **Policy**

- a. To ensure that only small scale activities are permitted on Jackson Street generally between Victoria and Cuba Streets so that there is no likelihood of encroachment into adjoining residential activity areas and adverse effects, such as adverse traffic effects, are managed.

###### **Explanation and Reasons**

Sites on Jackson Street generally between Victoria and Cuba Streets, are small and adjoin residential activity areas. It is important that large scale and more vehicle oriented activities are excluded to ensure that adverse effects are minor and that there are no encroachments into adjoining residential activity areas.

##### **5B 1.1.2A Area 2 - Petone Mixed Use - Area Generally Bounded by Hutt Road, Petone Avenue, Campbell Terrace, Victoria Street, Sydney Street and The Esplanade - Activities**

###### **Issue**

Mixed uses which complement and support each other, such as commercial, small-scale or low intensity light-industrial, business and service activities, residential and large format retail activities in the western end of Petone would support the social and economic well-being of the area and the City as a whole. However, they could also detract from the established vibrancy and vitality of the traditional retail areas around Jackson Street Historic Retail Precinct (Petone Commercial Activity Area – Area 1) and Hutt City’s Central Commercial Activity Area. It is also necessary to manage the potential adverse effects, including noise, dust, odour, glare, light spill and traffic, of activities so as to maintain and enhance the quality of the environment. In addition, potential reverse sensitivity effects and incompatibility effects between activities may occur.

### **Objective**

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.

### **Policy**

- a. Provide for a range of residential, commercial, small-scale or low intensity light industrial, business and service activities, and large format retail activities, provided their effects are compatible with each other and the character and amenity values of the area.
- b. Manage larger scale retail activities to ensure they do not detract from the vibrancy and vitality of the traditional retail areas around Jackson Street Historic Retail Precinct (Petone Commercial Activity Area – Area 1) and Hutt City’s Central Commercial Activity Area and create an attractive and public focused environment.
- c. Restrict smaller scale retail activities to ensure they do not detract from the vibrancy and vitality of the traditional retail areas around Jackson Street Historic Retail Precinct (Petone Commercial Activity Area – Area 1) and Hutt City’s Central Commercial Activity Area.
- d. Provide for residential activities which have quality living spaces for residents, meet the service needs of this type of activity, and adopt on-site measures to mitigate potential incompatibility issues with other activities.
- e. Restrict residential activities at ground floor level along Jackson Street, thereby retaining retail and commercial activities along the Jackson Street pedestrian focused frontage.
- f. Restrict activities, including heavy industrial or late-night activities, which may be incompatible with residential and other activities and/or degrade the character and amenity values of the Petone Mixed Use Area.
- g. Ensure that effects likely to be generated by each activity, such as noise, dust, odour and traffic, are managed to avoid or mitigate adverse effects on the amenity values and character of both the area and properties within the mixed use area and in nearby Residential Activity Areas.
- h. Ensure that effects likely to be generated by each activity are managed to avoid or mitigate any adverse effects causing harm or damage to the receiving environment.

- i. Manage the effects of development on the supply and demand of local infrastructure, including drainage infrastructure, to ensure that development is within capacity limits or the infrastructure capacity is upgraded.

### **Explanation and Reasons**

There is demand for an area within Petone to accommodate a range of complementary activities including residential, large format retail and commercial activities. Petone Commercial Activity Area - Area 2 is suitable as a mixed use area for the following reasons:

- a. There are a wide range of sites, in terms of size, configuration and existing built development which can be used, adapted or redeveloped to accommodate a range of activities. These activities would serve both the local and wider community;
- b. The area adjoins the small scale speciality retail area of the traditional retail areas around Jackson Street Historic Retail Precinct (Petone Commercial Activity Area – Area 1) and thus a sense of place can be achieved which provides a range of complementary residential, retail and commercial activities;
- c. The area is well situated in terms of the regional transportation network (including public transport) and other public and community infrastructure and services; and
- d. The area adjoins the Petone Foreshore which offers visual interest, open space and recreational opportunities.

Providing for a wide range of activities in the Petone Mixed Use Area gives landowners flexibility in the use of land and buildings to meet the changing dynamics of the economy and society. This flexibility would assist in creating and maintaining a vibrant and attractive mixed use area which supports and recognises the established activities and qualities in Petone. This provision of mixed use seeks to make efficient use of the land within the western end of Petone, providing opportunities for the re-use and redevelopment of existing buildings and properties for different activities.

For mixed use areas with a business and residential activity mix to work well, compatibility issues need to be managed. These issues arise between different forms of development (bulk/scale) and also in relation to the effects of certain activities (including noise, glare, odour and parking). Provisions for the mixed use area are designed to manage these issues, while recognising that a mixed use area offers a different type of amenity and lifestyle opportunity, than that found in predominantly residential or business areas.

In providing for a wide range of activities, there is potential to cause adverse effects both within the Petone Mixed Use Area and in areas beyond its boundary, such as nearby residential areas. These effects include dust, odour, noise and glare. The Plan manages these effects through applying performance standards to ensure these effects are avoided, remedied or mitigated.

Retail activities are continually changing in response to market pressures. The Petone Mixed Use Area has developed as a location for larger format retail activities. There is potential if a high number

of smaller scale speciality or comparative shops develop in the Petone Mixed Use Area that they could degrade or undermine the vibrancy and vitality of the traditional retail areas around Jackson Street Historic Retail Precinct (Petone Commercial Activity Area – Area 1) which forms the core of the existing retail area in Petone and the Lower Hutt City central area. Therefore, a limitation is placed on the size of smaller and larger retail activities to maintain the role and economic, cultural and social wellbeing of these areas.

Retail provisions in Petone Commercial Activity Area – Area 2 are intended to provide a complementary retail role to existing retail activities within the traditional retail areas around Jackson Street Historic Retail Precinct (Petone Commercial Activity Area – Area 1).

Retail activities within the Petone Mixed Use Area are anticipated to be in the form of large format retail and other types of retailing (such as sale of bulky goods) which do not directly compete with the range of retail goods and services available within the traditional retail areas around Jackson Street (Petone Commercial Activity Area – Area 1).

It is anticipated that small-scale retail activity will remain concentrated in the traditional retail areas around Jackson Street Historic Retail Precinct (Petone Commercial Activity Area – Area 1) to protect the economic vitality of this area and its historical value and character. It is important to protect the economic vitality and viability of this area, in order to support the ongoing use of buildings in this precinct to fund the repair, maintenance and other improvements to buildings within this identified Historic Area.

However, it is recognised there may be demand for individual small-scale retail activities in the Petone Mixed Use Area. Applications for small-scale retail activity in the Petone Mixed Use Area are expected to be accompanied by an assessment of their potential effects on the economic vitality and viability of the traditional retail areas around Jackson Street Historic Retail Precinct (Petone Commercial Activity Area – Area 1), as well as identifying whether a more suitable location exists for this type of retail. Although it is recognised that individual small-scale retail activities may have minor effects on the economic vitality and viability of the traditional retail areas around Jackson Street Historic Retail Precinct (Petone Commercial Activity Area – Area 1), the cumulative effect of such development is likely to be detrimental to the economic vitality and viability of this retail area.

The Petone Mixed Use Area is not considered suitable for large-scale integrated retail developments (i.e. above 10,000m<sup>2</sup>) due to potential effects on the economic vitality and viability of the traditional retail areas around Jackson Street Historic Retail Precinct (Petone Commercial Activity Area – Area 1) and Hutt City's Central Commercial Activity Area, as well as potential increases in traffic volumes on the surrounding road network and natural hazard risks. This activity is considered to be more suitably located within the Central Commercial Activity Area (commonly referred to as Lower Hutt CBD).

It is anticipated the Petone Mixed Use Area will experience some residential development. Residential activities can positively contribute to the vibrancy and vitality of the area, as these residents have convenient access to retail, commercial, community and recreational amenities within

the Petone area. In addition, with changing demographics of an aging population and smaller household units, providing for residential activities within the Petone Mixed Use Area gives another option for meeting the requirements of future residents in the City.

However, residential activities may be incompatible with some other activities in the Petone Mixed Use Area, in particular, they may be sensitive to noise from other activities. Rather than overly restricting other activities, it is appropriate that the residential activities mitigate this sensitivity by providing for external noise insulation. In addition, residential activities are restricted on the ground floor on Jackson Street to ensure activities on the ground floor have a positive relationship to the street where they provide interest, visual connection and an active edge.

The effects of activities in the Petone Mixed Use Area may have an adverse impact on the character or amenity values of an area or degrade the quality of the environment. These effects need to be managed to maintain and enhance the amenity and other values of the mixed use area and adjacent areas in other zones. A number of methods are available to avoid or mitigate adverse effects causing harm or damage to the environment. These methods include the use of good urban design, landscaping, use of porous surfaces, sediment traps and other low impact urban design solutions. The Petone Mixed Use Area Design Guide provides advice on the above.

Particular care needs to be taken to avoid adverse effects on biodiversity values, natural character and open space/recreational values of the Korokoro Stream and Petone foreshore, situated outside of the Petone Mixed Use Area.

Localised upgrades to reticulated infrastructure may be required where the capacity is not sufficient to meet the demand for new development. The provision of new or upgraded reticulated infrastructure would need to be designed and constructed to meet the future demand as a mixed use area.

## **5B 1.1.2B — Area 2 – Petone Mixed Use – Natural Hazards**

### **Issue**

Petone West is susceptible to a number of natural hazards due to its location in proximity to the Wellington fault line, its coastal position, high watertable, soil profile and anticipated exposure to ground shaking. Development in this area would increase the potential consequences and impacts of these hazards. Given the natural hazard risks and potential consequences, it is necessary to reduce the risk and vulnerability of people and their property from natural hazards. Risks from natural hazards need to be balanced with risk of negative economic and social consequences from preventing or restricting any further development (and corresponding investment) in this existing urban area and the benefits of allowing for the use of previously developed land in proximity to strategic transport links and a range of amenities.

### **Objective**

To avoid or mitigate the vulnerability and risk of people and development to natural hazards to an acceptable level.

### **Policy**

(a) Restrict the establishment of certain activities such as emergency facilities, childcare centres, places of assembly, commercial activities accommodating large numbers of people, education and training, housing for the elderly, and residential facilities in recognition of their higher vulnerability to natural hazard risks and potential for higher consequences in the event of a natural disaster occurring.

(b) Manage developments containing higher numbers of people, more vulnerable types of development and developments with higher consequences in the event of a natural disaster, to ensure that the use and development avoids or mitigates the risks posed by seismic hazards to a degree considered acceptable by the Council.

(c) Ensure that new development does not occur without an understanding of natural hazard risks.

(d) New development does not take place without appropriate precautions and mitigation measures against natural hazard risks.

(e) 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, liquefaction and tsunami inundation.

(f) Ensure the design and layout of developments, including buildings, avoids or mitigates the effects of sea level rises, taking into account rises to such levels as a result of climate change.

### **Explanation and Reasons**

The Wellington Fault traverses the Petone Mixed Use Area, which places the area at high risk from seismic activity. This area is at risk from a range of hazards including:

Surface fault rupture within the Wellington Fault Special Study Area;

Wellington Fault subsidence and ground level change;

Ground shaking;

Liquefaction and associated subsidence;

Tsunami inundation; and

Climate change impacts, including absolute and relative sea level rise.

Fault rupture has the potential to cause significant damage to buildings, structures and life without warning. The Wellington Fault Special Study Area has been identified to manage the risks posed by fault rupture, although other earthquake-related risks apply outside this area. A significant portion of

the mixed use area has been identified as having a medium to high overall earthquake risk, with liquefaction potential identified as high and very high. The assessment of hazard risks involves a consideration of potential consequences from natural hazards, in addition to the likelihood of an event occurring. Due to the potential for large numbers of people to congregate or work in community facilities and large commercial buildings, as well as facilities which provide critical services during emergency events, the establishment of specific activities is restricted. These restricted activities are based on the Building Importance Categories in the Building Code. In addition, any new development will need to undertake a site specific investigation of the seismic hazards (fault rupture, liquefaction, tsunami and subsidence) to determine the risks to people and property posed by the hazards and the measures proposed to avoid or mitigate these risks. Although the risk of damage from natural hazards can be reduced by the adoption of a range of mitigation measures, natural hazard risks cannot be completely eliminated. Consideration should be given to the risks posed by natural hazards over the anticipated lifetime of development (not less than 50 years). Prior to any development occurring, it is important that there is understanding and consideration of the natural hazard risks and assessment of precautions and mitigation measures proposed in response to these risks. A site specific assessment would ensure these risks are assessed. This assessment needs to take into account the future use and occupancy of the development. All new buildings and extensions and extensions and alterations to existing buildings which increase gross floor area above 5% will require resource consent. Matters of consideration will include natural hazards and will require the submission of geotechnical information provided by a suitably qualified person assessing the seismic risks for the subject site, including fault rupture, ground shaking, subsidence, tsunami and liquefaction. The information shall identify the location and depth of any fault trace and/or fault trace deformation, location and depth of subsidence, liquefaction risk and risk of tsunami inundation. At the time of proposing new development, geotechnical information will be required to demonstrate new buildings avoid and are setback from being sited directly over a fault trace. For subsidence, liquefaction and ground shaking, geotechnical investigations will be required to assess the ground conditions of the site, and assess the intensity and nature of future development of the site, including building design and construction techniques. Due to the position of the aquifer under part of the mixed use area, applicants should be aware that intrusive ground investigation intended as part of an assessment of hazard risk, may also require resource consent from Greater Wellington Regional Council. The design and layout of development, including buildings, is also expected to take into account methods to avoid or mitigate the risks from sea level rises, and take into account changes to these levels as a result of climate change. Sea levels in Wellington Harbour are predicted to rise by 0.8m by the 2090's or approximately 1m in the next 100 years. This prediction does not take into account relative sea level rises, caused by polar ice-sheet loss and tectonic subsidence.

### **5B 1.1.3 Area 2 - Petone Mixed Use – Main Entrance and Gateway Routes**

#### **Issue**

The main entrance and gateway routes of the City need to be attractive and clearly defined to reinforce the identity of the City and the sense of place that it offers. Three of the main transport

routes pass through the Petone Mixed Use Area. These routes include Hutt Road, The Esplanade and Jackson Street, which contribute to the character, quality and amenity of Area 2 as a mixed use environment. It is necessary to manage the effects of development along these routes to maintain and enhance the image of the City, whilst enabling utilisation of the sites adjoining these routes consistent with the mixed use character of the area.

### **Objective**

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.

### **Policy**

- a. Ensure that the design, external appearance, and orientation of structures and buildings maintain and enhance the image and visual appearance of the main entrances and gateways to the City.
- b. Ensure that buildings are designed in a manner that maintains and enhances the safety, convenience, accessibility, amenity and linkages within Area 2 - Petone Mixed Use.
- c. Manage prominent sites to maximise sense of identity, act as gateways, provide visual interest and provide a visual point of reference in the landscape/streetscape. To be achieved by managing the design and appearance of new buildings and developments, including additions and alterations.
- d. Ensure the use of quality urban design directed at enhancing the relationship of buildings with public open space within streets having regard to the role, character and values of each main entrance and gateway route.

### **Explanation and Reasons**

The objective is to recognise and enhance the image and visual appearance of main entrance and gateway routes within the City. These routes can enhance the experience of entrance to and exit from the City, thereby creating a sense of approach, arrival and departure as people travel through the City. This helps to reinforce the identity of the City and accentuates the sense of movement from one place to another when entering or leaving the City. This approach to the main entrance and gateway routes can assist peoples' sense of orientation and understanding of the physical structure, and the geography, of the City.

Therefore, new buildings and developments and larger additions to existing buildings within the Petone Mixed Use Area will be specifically managed to ensure they achieve this objective. The main entrance and gateway routes within Area 2 – Petone Mixed Use are Hutt Road, The Esplanade and Jackson Street are identified in Appendix Petone Commercial 3. Each road has a different role, character and values which are to be considered.

In addition, taller buildings on prominent sites will be specifically managed due to their greater visual exposure and their role in creating landmark features. Particular sites in the Petone Mixed Use Area

have been identified as prominent sites, with supporting design guidance provided to manage the building design.

#### **Hutt Road:**

The eastern side of Hutt Road south of Campbell Terrace is within Area 2 - Petone Mixed Use. The role of Lower Hutt as a regional industrial and service centre is emphasised by the character of the buildings and type of activities along this route. There are significant features along this route that mark progress, including the intersection with Jackson Street, and connection to the Petone Railway Station. This route provides a link between the Petone Off Ramp and the Hutt City Central Commercial Activity Area. Development and activities along this route should enhance the amenity value and visual appearance of this main entrance route.

#### **The Esplanade:**

This area forms one of the most important entrances to the City. Given the close association with the harbour and public open space along the Petone foreshore, it is important to maintain a high standard of design for buildings and structures fronting The Esplanade.

The Esplanade carries a significant volume of traffic along the Petone foreshore area. This route is at the edge of the City and is part of the connection with the harbour, which is one of the region's most significant natural features. There is a contrast between, on the one side of the road, a building dominated townscape, and on the other, an open and panoramic seascape.

The building design and appearance will be managed to enhance the amenity value and visual appearance of the area and adjoining foreshore, as well as creating an attractive gateway entrance to the City. Design features will need to be incorporated to prevent visual monotony and promote a strong visual connection with the street. ~~This should include the provision of landscaping along the road front boundary and setting buildings back from the street edge, except on small and narrow sites identified in Appendix Petone Commercial 7.~~

#### **Jackson Street:**

That portion of Jackson Street between Hutt Road and Victoria Street forms an important and highly utilised gateway route into Petone, for both vehicles and pedestrians, with Jackson Street being the main pedestrian thoroughfare extending from the Railway Station to Cuba Street. Given the close association with the historical commercial character of Jackson Street east (Area 1), and surrounding residential activities, it is important to maintain a high standard of design for buildings and structures fronting Jackson Street.

Activities along Jackson Street will be required to maintain and enhance the amenity value and visual appearance of this route. This will be achieved using specific standards and guidelines for buildings and structures to provide a safe, functional and attractive environment that accommodates a range of activities.

## **5B 1.2 Site Development Issues**

### **5B 1.2.1 Area 1 – Distinctive Character and Built Form of the Area on Jackson Street generally between Victoria and Cuba Streets**

#### **Issue**

Buildings and structures on both sides of Jackson Street generally bounded by Victoria and Cuba Streets have a distinctive built form, style and character. It is important that these characteristics are retained and enhanced.

#### **Objective**

~~To ensure that the distinctive built form~~ The significant historic heritage values, style, and character of buildings and structures in the area between Victoria and Cuba Streets Jackson Street Heritage Precinct are retained and enhanced.

#### **Policy**

- 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 Jackson Street Heritage 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 respect the significant historic heritage values, style, and character of the Jackson Street Heritage Precinct.

#### **Explanation and Reasons**

The area on both sides of Jackson Street bounded generally by Victoria and Cuba Streets consists of a mix of one and two storeyed buildings, with small frontage retail activities and commercial activities at road level, and residential flats or offices above. Many of the buildings in this area were built between 1926 and 1940. A large number of buildings have decorative parapets and present an imposing impression from the road.

This area has a distinctive built form, style and character, arising from the significant historic heritage values of the Jackson Street Heritage Precinct. It is important that these characteristics are retained and enhanced. Council does not seek to prevent or prohibit the repair, alteration, modification or redevelopment of existing buildings or structures. Any such changes to the external facade of existing buildings or redevelopment must not compromise the existing built form and character of the area and will be assessed in accordance with design performance standards specified in Appendix Petone Commercial 1.

Signs on buildings not only provide an important commercial function but also add to the character and vitality of the area. The design of their position, size, shape, colour and lettering style must be

carefully considered and assimilated into the design of the building as a whole. Therefore, it is important that all signs are compatible and sympathetic with the distinctive character of the area. This being the case all signs, (except those that are temporary for a period of three months) require a resource consent and will be assessed in accordance with the design performance standards specified in Appendix Petone Commercial 1.

### **5B 1.2.2 Areas 1 and 2 – Weather Protection**

#### **Issue**

It is important that all buildings on either side of Jackson Street between Hutt Road and Cuba Street (Areas 1 and 2) have verandahs to provide weather protection.

#### **Objective**

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).

#### **Policy**

- a. To ensure that in the Jackson Street Historic Retail Precinct (Petone Commercial Activity Area - Area 1) all buildings except those existing buildings designed and built without verandahs, have verandahs to provide weather protection to pedestrians.
- b. To ensure that in the section of Jackson Street within Petone Commercial Activity Area - Area 2, all new buildings and additions and alterations to existing buildings have verandahs to provide weather protection to pedestrians.

#### **Explanation and Reasons**

For the comfort of pedestrians/shoppers and to encourage pedestrian movements, it is important that all buildings in Areas 1 and 2 have verandahs. For the section of Jackson Street within Petone Commercial Activity Area - Area 2, it is anticipated that over time the area will be re-developed and the provision of verandahs would create a pedestrian friendly environment that will provide greater comfort and encourage circulation. In the Jackson Street Historic Retail Precinct (Petone Commercial Activity Area - Area 1), an exception is provided where existing buildings were originally designed and built without a verandah.

### **5B 1.2.3 Area 2 - Character and Building Form and Quality within Area 2 - Petone**

#### **Mixed Use**

#### **Issue**

The Area 2 - Petone Mixed Use area provides for a range of complementary activities to support the needs of residents and workers. In order for the area to attract and support the mixture of activities,

any buildings, structures and associated areas need to be functional, attractive and contribute to the quality of the environment. The building and open spaces also need to recognise their context and effects on their surroundings, such as the foreshore, historic heritage areas, main entrance and gateway routes, and residential areas.

### Objective

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.

### Policy

- 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 to protection of 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~~ Manage the height of 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.

### **Explanation and Reasons**

The Area 2 - Petone Mixed Use area consists of a range of complementary activities. In order to provide a quality environment that is attractive, functional and contributes to the quality of the environment, buildings and structures need to be well designed and integrated into the area.

It is recognised there are a variety of existing building forms and styles which have various functions and uses, and are of a mixed quality. The District Plan seeks to ensure the design of new buildings and developments positively contribute to the area's environment by adopting best practice urban design outcomes. Through the development and use of design guidance, the Council will guide and assess the appropriateness of the urban design outcomes resulting from development in the area.

Minor alterations and small additions to existing buildings are provided for to facilitate the upgrading, modification or conversion of the existing building stock in the area. For these small modifications to existing buildings, Council will encourage high quality building design to make a positive contribution to the built character and quality of the area.

For new buildings and developments and larger additions to existing buildings, these will be specifically managed to ensure they relate well to the public environment and support the overall role of the area as accommodating a mixture of activities, and contribute to the quality of the environment. Buildings will be required to consider the relationship to public environment (such as streets and open spaces), creation or maintenance of linkages within the site and with adjoining sites and streets.

For Jackson Street, one important interface is the ground level relationship between buildings and the streetscape. Requiring display windows and buildings to be located on the front boundary of this street maintains and enhances the quality of the streetscape for pedestrians. In addition, requiring shelter for pedestrians along Jackson Street provides protection from adverse climatic conditions and provides a more comfortable environment between the Petone Railway Station and the Jackson Street Historic Retail Precinct.

One of the highly valued areas of Petone is the foreshore and beach. The foreshore and beach is valued for its recreation (active and passive), cultural, natural and historic values. Creating a landscaped frontage along The Esplanade responds to these values and provides an attractive environment. Protecting sunlight access to the beach year round from over- height buildings or buildings located close to The Esplanade frontage would support the ongoing use and enjoyment of the beach environment.

The large street block formed by Te Puni Street, Jackson Street, Victoria Street and The Esplanade, and the larger properties within this street block and other areas, have poor connectivity (few streets and large blocks) for a good quality mixed use environment. In addition, there is no public open space within the Petone Mixed Use Area. The Design Guidelines contain direction on creating new public open space and/or street connection within the Petone Mixed Use Area.

Provision has been made for intensive residential development in the Petone Mixed Use Area. It is important that buildings to be occupied for residential living purposes are designed to provide suitable amenity for the future occupants (e.g. natural light and sunlight access, and an external aspect). Encouraging provision for natural light to all habitable and high use areas of new buildings will assist in creating an attractive internal environment and help to reduce the on-going energy requirements of new buildings. Design guidance is provided to encourage quality residential buildings to be developed which provide for these qualities as the Petone Mixed Use Area develops further.

A minimum level of residential amenity for future occupiers is ensured through the use of minimum performance standards regarding outdoor space provision and noise insulation. Design solutions which meet these performance standards are also likely to provide other internal amenity features and benefits, such as natural lighting and ventilation.

The existing wind speeds at ground level within the Petone Mixed Use Area are variable, with some areas experiencing high and dangerous conditions. In addition, in some locations within this area, such as areas of open space and outdoor street activity, calmer wind conditions are desirable to provide a more attractive environment. The wind conditions contribute to the overall amenity in this mixed use environment, with buildings having a direct relationship with the resultant wind conditions. Accordingly, the District Plan manages new buildings and larger additions to existing buildings over 12 metres in height to ensure the wind conditions are not worsened.

The Petone Mixed Use Area shares an extensive interface with adjacent Residential Activity Areas. This interface is a particularly sensitive one as the effects associated with commercial or servicing activities and development have the ability to adversely impact on the use and enjoyment of neighbouring residential areas.

Given the extent of this interface, and the range of activities permitted within the Petone Mixed Use Area, the District Plan seeks to ensure that adequate safeguards are put in place to protect residential amenity. These safeguards include measures to control the effects of new buildings and development and additions to existing buildings, on adjacent residential areas.

Adjacent to the Petone Mixed Use Area are areas with different values. Jackson Street between Victoria Street and Cuba Street (Petone Commercial Activity Area – Area 1) is recognised for its historic heritage values and distinctive character and built form. Development within the Petone Mixed Use Area adjacent to that section of Jackson Street should recognise and respond to the values, character and form of the adjacent area. The Te Puni Urupa is surrounded by the Petone Mixed Use Area and is recognised for its cultural values (Community Iwi Activity Area). Development adjacent to the urupa is to be managed to protect the cultural values of this area through the use of height controls and design requirements.

The Wellington Fault traverses the Petone Mixed Use Area and is subject to high risk of seismic activity causing fault rupture, liquefaction, subsidence, ground shaking and tsunamis. Fault rupture has the potential to cause significant damage to buildings, structures and life without warning. The Wellington Fault ~~Special Study Area~~ Overlay has been identified to manage the risks posed by fault rupture. At the time of proposing new development, geotechnical information will be required to demonstrate new buildings avoid and are setback from being sited directly over a fault trace. For subsidence, liquefaction and ground shaking, geotechnical investigations will be required to assess the ground conditions of the site, and assess the intensity and nature of future development of the site, including building design and construction techniques.

#### **5B 1.2.4      Carparking**

##### **Issue**

Car parking areas not contained within buildings can have adverse effects on amenity values. It is important that such car parking is designed and located to avoid or mitigate adverse effects.

##### **Objective**

To ensure that adverse visual effects arising from car parking areas are avoided or mitigated.

##### **Policy**

- a. Manage the design, location and scale of car parking, servicing, manoeuvring and access to maintain and enhance the streetscape and visual amenity values of the Petone Mixed Use Area.

##### **Explanation and Reasons**

The provision of suitable on-site carparking, servicing and access is an important part of a number of activities and developments. ~~Carparking, if provided, carparking~~ needs to be both ~~adequate~~ adequately designed and well-located, while not compromising other forms of transport or degrading the streetscape or visual amenity values of the area.

Performance standards and design guidance for carparking is provided in the Petone Mixed Use Area Design Guide to ensure on-site carparking is provided in a manner which recognises and reflects the streetscape and visual amenity values of the area.

The use of porous car parking surfaces is also encouraged, which provides a number of environmentally friendly benefits, including a reduction in surface water ponding and contaminants entering the drainage system or Wellington Harbour.

Landscaping and screening of car parking can improve the visual amenity values of an area. It is important therefore that areas within the car parking area and areas adjoining roads are suitably landscaped and screened as outlined in the Design Guide.

#### **5B 1.2.5 Provision of housing for an ageing population, Larger Sites and Density**

##### **Objective**

Provide for a diverse range of housing and care options that are suitable for the particular needs and characteristics of older persons such as retirement villages.

##### **Policy**

- a. Enable medium and high-density residential development including retirement villages where this:
  - iv. Contributes towards accommodating anticipated growth in the City;
  - v. Offers a range of housing types, price, size and tenure that is accessible to people of all ages including the aging population and a range of 'lifestyles', cultures and abilities; and
  - vi. Achieves an appropriate mix of activities.
- b. Recognise the intensification opportunities provided by larger sites within the Medium Density Residential Zone by providing for more efficient use of those sites.
- c. Enable the density standards to be utilised as a baseline for the assessment of the effects of developments, other than in areas where the Plan provides location-specific density standards.

#### **5B 2 Rules**

##### **5B 2.1 Area 1 - Both sides of Jackson Street generally bounded by Victoria and Cuba Streets**

###### **5B 2.1.1 Permitted Activities**

- a. In that area of Jackson Street generally bounded by Victoria and Cuba Streets, shown as Area 1, all retail activities with a gross floor area not exceeding 1,000m<sup>2</sup>.
- b. Commercial activities with a gross floor area not exceeding 1,000m<sup>2</sup>.
- c. Residential activities above ground floor level.
- d. Health care services with a gross floor area not exceeding 1,000m<sup>2</sup>.
- e. Licensed Premises with a gross floor area not exceeding 1,000m<sup>2</sup>.
- f. Redecoration, repair or alterations which are internal and not visible from the road or from the road frontage.

- g. Minor repair, alterations, and maintenance to the existing facade of a building or structure that does not require building consent;
- h. Signs that are temporary for a period of no more than 3 months.
- i. Retirement Villages above ground floor

#### **5B 2.1.1.1 Permitted Activities – Conditions**

##### **a. Site Coverage**

Site Coverage: Up to a maximum of 100%

##### **b. Maximum Height of Buildings and Structures:**

Maximum Height of Buildings and Structures:

- i. 10.0m within the Jackson Street Heritage Precinct
- ii. 22m where not within the Jackson Street Heritage Precinct

Maximum Height of Buildings and Structures: 10.0m.

##### **c. Landscaping and Screening:**

- i. All outdoor storage and servicing areas must be screened so that they are not visible from a road or public place.
- ii. At least 5% of car parking areas not contained within a building and adjoining roads must be landscaped and screened.
- iii. Car parking areas must be screened from Jackson Street.

##### **d. Sites abutting residential activity areas:**

Where a site abuts a residential activity area the following conditions shall apply:

- i. ~~The maximum height of buildings is 10 metres. All buildings and structures shall comply with the recession plane requirements of the abutting residential activity area.~~
- ii. Side yard - minimum depth of ~~3 metres where the 1 m on boundaries with a site abuts~~ in a residential activity area.
- iii. Rear yard - minimum depth of ~~8 metres where the 1 m on boundaries with a site abuts~~ in a residential activity area. This may be reduced if there is a service lane to the rear of the site.
- iv. ~~Where a site abuts a residential activity area. All outdoor storage and servicing areas must be screened by a~~ from the abutting residential activity area by a building or close-boarded fence or a fence made of solid material with a minimum height of 1.2m and a maximum height of 1.8m.
- v. All car parking areas, not contained within buildings, which abut a residential activity area shall be screened by a building or close-boarded fence or a fence made of solid material with a minimum height of 1.2m and a maximum height of 1.8m.

- vi. ~~Where a site abuts a residential activity area, servicing~~ Servicing of activities must not occur between the hours of 10.00pm and 7.00am.

**e. General Rules:**

Compliance with all matters in the General Rules - see Chapter 14

**5B 2.1.2 Restricted Discretionary Activities**

- a. All construction, redevelopment, alterations, repairing or modifications of any building or structure, ~~except the following which is not listed as a Permitted Activity~~
  - I. ~~—Redecoration, repair or alterations which are internal and not visible from the road or from the road frontage; and~~
  - II. ~~—Minor repair or alterations or maintenance to the existing facade of a building or structure which does not require any building consent;~~which are Permitted Activities.
- b. All signs, ~~which are not listed as a~~ except those that are temporary for a period of three months which are Permitted Activities Activity.
- c. The construction, redevelopment, alterations, repairing or modification of buildings for a retirement village.

**5B 2.1.2.1 Matters in which Council has Restricted its Discretion and Standards and Terms**

The matters that Council has restricted its discretion are specified in Appendix Petone Commercial 1. These relate to the following matters (excluding for the construction of retirement villages):

- i. Building shape;
- ii. Buildings on corner sites;
- iii. Building modulation;
- iv. Wall materials and openings;
- v. Silhouette, parapets and cornices;
- vi. Decoration and colour;
- vii. Verandahs;
- viii. Under verandahs; and
- ix. Signs and lighting.

For the construction of a retirement village:

- i. The extent and effect arising from exceeding any of the following standards (both individually and cumulatively) where relevant: 5B 2.1.1.
- ii. The effects of the retirement village on the safety of adjacent streets or public open spaces;
- iii. The effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces;
- iv. The matters in 5B 1.1.1, 5B 1.2.1, 5E 1.2.2, 5B 1.2.4 and PX (New Policies).
- v. The positive effects of the construction, development and use of the retirement village.

All resource consent applications will be assessed in accordance with the Standards and Terms specified in Appendix Petone Commercial 1.

**No other changes proposed to Area 1 provisions.**

**5B 2.2 Area 2 – Petone Mixed Use – Area generally bounded by Hutt Road, Petone Avenue, Campbell Terrace, Victoria Street, Sydney Street and The Esplanade**

**5B 2.2.1 Permitted Activities**

- a. Retail activities which comply with the following:
  - i. Individual retail stores not less than 500m<sup>2</sup> gross floor area\*.
  - ii. Individual retail stores of not more than 3,000m<sup>2</sup> gross floor area\*.
  - iii. Cumulative total floor space of all individual retail stores of not more than 3,000m<sup>2</sup> gross floor area.

\*Note: In the case of individual retail stores occupying a portion of a building containing multiple retail stores or used for a mixture of land use activities (such as offices or residential), gross floor area means the leasable floor area operated by a single business entity operating under a single store brand or trading logo (excluding common facilities such as lifts, stairs, seating, lobbies and toilets for retail stores which share facilities with other retail stores or land use activities).

- b. Commercial activities, with the exception of activities anticipated to accommodate in excess of 300 persons at any one time.
- c. Warehouses.
- d. Garden centres.
- e. Residential Activities, with the exception of:
  - i. Ground floor level on Jackson Street;
  - ii. ~~Housing for the Elderly; and~~
  - iii. Residential Facilities.
- f. Brothels and commercial sexual services, with the exception of:
  - i. Ground floor level on Jackson Street;
  - ii. Sites abutting or directly across the road from schools, childcare facility, churches and other similar religious establishments or a Residential Activity Area; and
  - iii. Within a building which is used or partially used for residential purposes.
- g. Commercial garages.
- h. Service Industry Activities.
- i. Cottage Industry Activities.
- j. Service, repair or hire of household goods and services.
- k. Research for industrial purposes.
- l. The alteration, addition and repair of buildings and structures where the gross floor area of the additions is less than 5% of the gross floor area of the existing building and where if the maximum height of the existing building is greater than 22m, the height is not increased.

- m. The alteration, addition and repair of buildings and structures which does not change the external building form (floor area and height) of the existing building.
- n. The total or partial demolition or removal of buildings and structures.
- o. Minor alterations to existing site activities or land condition:
  - i. The replacement of fuel storage tanks and ancillary equipment works within service stations in accordance with the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011; or
  - ii. Change to layout or configuration of existing car parks or existing drive-through facility.
- p. [Retirement Villages with the exception of ground floor on Jackson Street](#)

#### **5B 2.2.1.1 Area 2 Permitted Activities – Conditions**

- a. Maximum Height and Recession Plane of Buildings and Structures:** 20.0m with the following exceptions—:
- i. 12.0m on the road front boundary of Jackson Street, Hutt Road and The Esplanade with a recession plane of 45° sloping inwards up to the permitted height in (ii)-(iv) below;
  - ii. 12.0m for properties abutting a General Residential Area;
  - iii. 14.0m for properties to the east of Victoria Street, except for those sites which abut the General Residential Activity Area;
  - iv. 14.0m for properties on the north side of Jackson Street, between Victoria and Gear Streets.

The above height limits are illustrated in Appendix Petone Commercial 8 — Petone Commercial Activity Area 2.

No limit, except areas shown on the District Plan Map as having a specific height control overlay, in which case the maximum height of that overlay applies.

**b. Minimum Yard and Setback Requirements:**

- i. Buildings and structures on sites abutting an urupa shall have a minimum setback of 3m.
- ii. Buildings and structures on sites abutting a General Residential Activity Area shall have a minimum setback of 3.0m.
- iii. Buildings and structures shall have a minimum setback of 10m from The Esplanade front road boundary, except for sites identified in Appendix Petone Commercial 7.

**c. Verandahs, Building Frontages and Display Windows on Jackson Street:**

For sites fronting Jackson Street:

- i. All buildings shall be built to the front boundary of the site and have display windows along the frontage. The ground floor façade surface shall have a minimum of 60% transparent glass display windows.
- ii. Buildings and structures shall have a maximum ground floor street frontage width for individual occupiers of 30.0m.

- iii. Any parts of a building fronting Jackson Street shall have a verandah. The verandah shall meet the following requirements:
- A minimum clearance of 2.5m directly above the footpath or formed ground surface;
  - No more than 4.0m in height (measured at the base of the verandah fascia) directly above the footpath or from ground surface;
  - Extend for the full length of the building;
  - Extend outwards from the front of the building to the far side of the kerbing less than 450mm, or 3.0m, whichever is the lesser; and
  - Provide continuous shelter with any adjoining verandah or pedestrian shelter.

**d. Landscaping and Screening:**

- i. At least 5% of car parking areas not contained within buildings must be landscaped. Areas within the parking area and areas adjoining or fronting roads must be landscaped.
- ii. All outdoor storage areas shall be screened so that they are not visible from a road or public space.
- iii. Any surface or ground level parking area shall not exceed a maximum width of 18m along the site frontage or 40% of the site frontage, whichever is the lesser.
- iv. ~~On sites with road frontage to The Esplanade, a planting strip shall be provided to comply with the following conditions:~~
  - ~~A minimum width of 2.5m;~~
  - ~~Planting shall include at least one specimen tree capable of growing to 5.0m in height within 10 years of planting for every 5.0m of site frontage; and~~
  - ~~The planting strip shall be planted so as to provide separation between on-site pedestrian and vehicle activities and pedestrian/vehicular activities taking place on the street.~~

**e. Sites Abutting Residential Activity Areas:**

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

- i. ~~The maximum building height is 12m.~~ All buildings and structures shall comply with the recession plane requirements of the abutting Residential Activity Area.
- ii. Rear yard - minimum depth of ~~3.0m~~ 1 m.
- iii. All outdoor storage, carparking, and servicing areas must be screened so they are not visible from abutting sites in a Residential Activity Area.
- iv. Servicing of activities must not occur between the hours of 10.00pm and 7.00am.
- v. No mechanical repair and servicing of motor vehicles, trailers or motor fuelled domestic equipment shall be undertaken on the site.

**f. Sites abutting or directly opposite the Community Iwi Activity Area (Te Puni Urupa):**

Where a site abuts or is situated immediately opposite the Community Iwi Activity Area (Te Puni Urupa), the following conditions shall apply:

- ~~i. The maximum building height is 8m where a site abuts the Community Iwi Activity Area.~~
- ii. For all buildings and structures, a recession plane applies of 2.5m + 45° from all site boundaries with the urupa. This recession plane also applies to properties on the opposite side of Te Puni Street, where it will be measured from the road boundary of the urupa.
- iii. A minimum yard of 3 metres on any boundary with the urupa.

**g. Noise Insulation:**

Any habitable room in a building used by a noise sensitive activity shall be protected from noise arising from outside the building by ensuring the external sound insulation level achieves the following minimum performance standard:

$$D_{nT,w} + C_{tr} > 30 \text{ dB}^1$$

Compliance with this performance standard shall be achieved by ensuring habitable rooms are designed and constructed in a manner that:

Accords with the schedule of typical building construction set out in Appendix Central Commercial 7 – Noise Insulation Construction Schedule; or

Accords with an acoustic design certificate signed by a suitably qualified acoustic engineer stating the design as proposed will achieve compliance with the above performance standard.

[<sup>1</sup> $D_{nT,w} + C_{tr} > 30 \text{ dB}$  is the standardised level difference (outdoor to indoor) and is a measure of the airborne sound insulation provided by the external buildings envelope (including windows, walls, ceilings and floors where appropriate)]

**h. Ventilation**

Where bedrooms with openable windows are proposed, a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. For the purposes of this requirement, a bedroom is any room intended to be used for sleeping. The supplementary source of air is to achieve a minimum of 7.5 litres per second per person.

**i. Outdoor Living Areas for Residential Activities:**

A minimum area of 20m<sup>2</sup> per residential unit shall be provided as either private or shared outdoor amenity space. Of this area, a minimum of 2.5m<sup>2</sup> shall be private outdoor space which is contiguous with the main living area of the unit.

Alternatively, for residential units located entirely above ground floor level the outdoor living space requirement can be satisfied by providing a balcony or roof terrace with a minimum area of 5m<sup>2</sup> with a minimum dimension of 1.8m.

## **j. Lighting**

Any activity shall comply with the following requirements:

- i. The emission of light (including glare) shall ensure that direct or indirect illumination does not exceed 8 lux (lumens per square metre) at the windows of residential activities; and
- ii. Subject to the above standard, pedestrian routes and carparks available for public use during hours of darkness shall be lit at a minimum of 10 lux, measured in accordance with AS/NZS 1158.3.1 : 2005 and amendments.

## **k. Dust**

Any activity shall not create a dust nuisance at or beyond the boundary of the site to the extent it causes an adverse effect. This standard applies to contaminants which are not subject to a discharge consent and which are temporary or intermittent in nature.

## **l. Odour**

All activities shall be carried out in such a manner so as to ensure that there is not an offensive or objectionable odour or fumes beyond the boundary of the site.

## **m. General Rules**

Compliance with all matters in the General Rules - see Chapter 14.

### **5B 2.2.2 Restricted Discretionary Activities**

- a. The construction, alteration of, addition to buildings and structures, except for those works permitted under Rule 5B 2.2.1 (l) and (m).
- ~~b. The construction, alteration of, addition to buildings and structures over 12 metres in height, except:
  - ~~i. The alteration of, addition to buildings and structures where the gross floor area of the additions is less than 5% of the gross floor area of the existing building; or~~
  - ~~ii. The alteration of, addition of buildings and structures which does not change the external building form (floor area and height) of the existing building.~~~~
- c. Any Permitted Activity which fails to comply with any of the relevant Permitted Activity Conditions, or relevant requirements of Chapter 14 - General Rules is to be assessed as a Restricted Discretionary Activity unless:
  - i. Any non-compliance with rules in Chapter 14 – General Rules, is specifically identified as requiring assessment under an alternative activity status.
- d. The construction, redevelopment, alterations, repairing or modifications of buildings for a retirement village.

#### **5B 2.2.2.1 Matters in which Council has Restricted its Discretion**

**a. The construction, alteration of, addition to buildings and structures, except for those works permitted under Rule 5B 2.2.1 (l) and (m)**

- i. Design, external appearance and siting of the building or structures
- ii. Matters in the Petone Mixed Use Area Design Guide
  - A Design Statement will be required which demonstrates how the proposed development responds to the design guidelines of the Petone Mixed Use Area Design Guide.
- iii. Amenity Values
  - Effects upon the amenity values both within the site concerned and upon planned amenity values for surrounding areas from buildings, structures and use of outdoor areas
- iv. Landscaping
  - The extent to which landscaping is incorporated to achieve high quality urban design which maintains or enhances the image and visual appearance of the mixed use area.
  - A landscape plan will be required. This plan should include landscaping of any outdoor on-site parking areas.
- v. Natural Hazards
  - The outcomes of the geotechnical investigation on seismic hazards, including fault rupture, subsidence, tsunami and liquefaction.
  - Whether the potential risk to the health and safety of people and property from fault rupture, subsidence, tsunami, liquefaction and sea level rise (taking into account changes to these levels arising from climate change), can be avoided or mitigated.
  - The design and layout of the development, including buildings, to avoid or mitigate the effects from fault rupture, subsidence, tsunami, liquefaction and sea level rise (taking into account changes to these levels arising from climate change).
- vi. Capacity of Infrastructure
  - The capacity of the City's infrastructure to service additional development on the site.
- vii. Impact on Historic Heritage
  - Expected or potential impacts on the historic heritage values of any adjacent Historic Area, Historic Building or Significant Cultural or Archaeological Resource and any measures to be adopted to protect these values.
- viii. Cultural significance of Te Puni Urupā
  - Where adjacent, impacts on the cultural and historic values of the Te Puni Urupā.

**b. ~~The construction, alteration of, addition to buildings and structures over 12 metres in height~~**

~~The effects of wind on public space and adjoining areas.~~

**c. Any Permitted Activity which fails to comply with any of the relevant Permitted Activity Conditions, or relevant requirements of Chapter 14 - General Rules**

Any actual or potential adverse effects arising from the proposed non-compliance, and measures to avoid, remedy or mitigate such effects.

- d. The construction, redevelopment, alterations, repairing or modifications of a retirement village:
- i. The extent and effect arising from exceeding any of the following standards (both individually and cumulatively) where relevant: 5B 2.2.1.1.
  - ii. The effects of the retirement village on the safety of adjacent streets or public open spaces;
  - iii. The effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces;
  - iv. The matters in 5B 1.1.2A, 5B 1.1.3, 5B 1.2.2, 5E 1.2.3 5B 1.2.4 and PX (New Policies).
  - v. The positive effects of the construction, development and use of the retirement village.

**5B 2.2.2.2 Restricted Discretionary Activity - Conditions**

**a. All Restricted Discretionary Activities shall comply with the relevant Permitted Activity Conditions.**

**b. ~~The construction, alteration of, addition, and repair of buildings and structures over 12 metres in height.~~**

~~Wind Protection:~~

~~All buildings and structures over 12 metres in height and where any part of the building or structure fronts a street, pedestrian mall, pedestrian walkway, shall be designed to comply with the following conditions:~~

- ~~(a) Safety: The safety criteria shall apply to all public space. The maximum gust speed shall not exceed 20 m/s. If the speed exceeds 20 m/s with the proposed development, it must be reduced to 20 m/s or below.~~
- ~~(b) Cumulative Effect: The cumulative criteria shall apply to all public space. Any proposed development shall comply with the requirements for both of the following wind strengths, at each measurement location.~~

~~Table~~

- ~~(c) While hours exceeded at some locations in the Cumulative Effect Criteria may increase or decrease, the overall impact of a building on the wind conditions must be neutral or beneficial.~~
- ~~(d) To show that a development complies with these standards a wind report must be supplied that meet the requirements outlined in Appendix Petone Commercial 4 – Wind Report.~~

**5B 2.2.3 Discretionary Activities**

- a. Except where stated in the General Rules, any Restricted Discretionary Activity which fails to comply with any of the relevant Permitted and Restricted Discretionary Activity Conditions, or relevant requirements of Chapter 14 - General Rules.
- b. Residential activities at ground floor level on Jackson Street.
- c. Service stations.
- d. Retail activities with an individual or cumulative total floor space of more than 3,000m<sup>2</sup> gross floor area.\*
- e. Retail activities with a gross floor area below 500m<sup>2</sup> per store.\*
  - \*Note: In the case of individual retail stores occupying a portion of a building containing multiple retail stores or used for a mixture of land use activities (such as offices or residential), cumulative total floor space means the combined gross floor area of individual retail stores, in addition to the floor area of any shared common facilities.
- f. Licenced premises.
- g. Childcare facility.
- h. Places of assembly.
- i. Community activities/facilities.
- j. Education and training facilities.
- k. Commercial activities anticipated to accommodate more than 300 persons at any one time.
- l. Housing for the elderly.
- m. Residential facilities.
- n. Car sales yards.
- o. Industrial activities except for:
  - i. service, repair or hire of household goods and services;
  - ii. research for industrial purposes.
- p. Brothels and commercial sexual services on the ground floor level on Jackson Street.
- q. Brothels and commercial sexual services on a site abutting or directly across the road from schools, childcare facility, churches and other similar religious establishments or a Residential Activity Area.
- r. All other activities not listed as a Permitted, Restricted Discretionary or Non-Complying Activity.

**No other changes proposed to the remainder of the chapter.**

## **CHAPTER 5E – SUBURBAN MIXED USE ACTIVITY AREA**

### **5E 1 Introduction / Zone Statement**

The Suburban Mixed Use Activity Area applies to ~~selected suburban centres generally located in areas of good public transport.~~ local commercial areas that complement the city centre and Petone metropolitan centre.

~~The Suburban Mixed Use Activity Area provides~~ These areas primarily provide for the local convenience needs of surrounding residential areas including local retail, commercial services and offices as well as residential use above ground floor. It addresses expectations of residents of ~~higher density housing types~~ to have easy access to a wide range of facilities and services, particularly residents of higher density housing types.

The Suburban Mixed Use Activity Area enables intensification and provides for medium to high density development.

The highest levels of building height and density are provided for in centres that:

- are located within a walkable catchment of the city centre or the Petone metropolitan centre,
- are located within a walkable catchment of rapid transit stops,
- have a high level of commercial activity or a wide range of community services.

Other centres provide for more moderate height to reflect the surrounding residential context.

New development is expected to be designed to high standards and enhance the quality of the streets and public open space in these centres. The Medium Density Design Guide assists in the development of high quality buildings and environments and provides guidance where permitted activity development standards are not met.

## **5E 2 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.

### **Objective 5E 2.2**

Land is efficiently used for medium to high density mixed use development.

### **Objective 5E 2.3**

Built development is of a scale and quality that is compatible with the amenity level of medium to high density mixed use development and contributes towards creating a sense of place.

### **Objective 5E 2.4**

Built development ~~shall maintain~~ is consistent with the **changing** amenity values expected in the planned urban environment of adjoining residential areas **that respond to housing needs and demand.**

### **Objective 5E 2.5**

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

#### **Objectives 5E 2.6**

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

#### **Objective 5E 2.7**

Provide for a diverse range of housing and care options that are suitable for the particular needs and characteristics of older persons such as retirement villages.

### **5E 3 Policies**

#### **Policy 5E 3.1**

Provide for a range of commercial, retail and community activities with a focus on local needs.

#### **Policy 5E 3.2**

Enable residential activities above ground floor, and discourage residential activities at ground level except where development provides active building frontages to the street or public open space, and provides amenity and privacy for the residents of the site.

#### **Policy 5E 3.3**

Discourage activities which have noxious or offensive qualities from locating within the Suburban Mixed Use Activity Area.

#### **Policy 5E 3.4**

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.

**Policy 5E 3.9**

Require rainwater tanks and encourage development to be stormwater neutral.

**Policy 5E 3.10**

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

**Policy 5E 3.11**

Enable medium and high-density residential development including retirement villages where this:

- i. Contributes towards accommodating anticipated growth in the City;
- ii. Offers a range of housing types, price, size and tenure that is accessible to people of all ages including the aging population and a range of 'lifestyles', cultures and abilities; and
- iii. Achieves an appropriate mix of activities.

**Policy 5E 3.12**

Recognise the intensification opportunities provided by larger sites within the Medium Density Residential Zone by providing for more efficient use of those sites.

**Policy 5E 3.13**

Enable the density standards to be utilised as a baseline for the assessment of the effects of developments, other than in areas where the Plan provides location-specific density standards.

**5E 4 Rules**

**5E 4.1 Activities**

Retain rules as notified and insert new rule as follows:

**Rule 5E 4.1.11**

<p>a. Retirement villages are a <b>permitted</b> activity if:</p> <ul style="list-style-type: none"><li>(i) the retirement units are located above the ground floor; or</li><li>(ii) the retirement units are located on the ground floor but have no frontage to public open space including streets except for access.</li></ul>
<p>b. The construction of buildings for retirement villages that do not meet one or more of the 5E 4.2 Development Standards is a <b>restricted discretionary</b> activity.</p> <p><b>Discretion is restricted to:</b></p>

1. [The effects arising from exceeding any of the following standards: Rule 5E 4.2.1, Rule 5E 4.2.2, Rule 5E 4.2.3 and Rule 5E 4.2.4 \(individually and cumulatively\);](#)
2. [The effects of the retirement village on the safety of adjacent streets or public open spaces;](#)
3. [The effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces;](#)
4. [The matters in 5E 3.2, 5E3.5, 5E 3.6, 5E 3.7, 5E 3.11 and PX \(New policies\)](#)
5. [The positive effects of the construction, development and use of the retirement village.](#)

## 5E 4.2 Development Standards

### Rule 5E 4.2.1 Building Height

- a. Construction or alteration of a building is a permitted activity if:
- i. [The building is within a specific height control overlay shown on the District Plan map and does not exceed the maximum height shown for that overlay, or](#)
  - ii. [In any other case, the building does not exceed a maximum height of 12m.](#)

- b. Construction or alteration of a building ([excluding retirement villages](#)) that exceeds the maximum height of ~~12m~~ in [Rule 5E 4.2.1\(a\)](#) is a restricted discretionary activity.

Discretion is restricted to:

- i. The effects on the amenity of adjoining sites.
- ii. The effects on the privacy of adjoining sites.
- iii. The effects on shading of adjoining sites.
- iv. The effects on the amenity of adjoining Residential Activity Areas, the streetscape and adjoining public space.
- v. The following mixed use and medium density residential development design elements:
  2. Building height
  3. Recession planes and setbacks
  4. Indoor and outdoor living spaces
  5. Open space and boundary treatments
  6. Entrances, carparking and garages
  7. On-site stormwater management
  8. End / side wall treatment
  9. Building materials
  10. Bike parking, storage and service areas
  11. Privacy and safety
  12. Landscaping

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

[In the case of retirement village development, the matters for discretion listed in 5E 4.1.11\(b\)1-5 apply.](#)

Links to:

Objectives 5E 2.2, 5E 2.3

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

#### Rule 5E 4.2.2 Recession Planes

a. Construction or alteration of a building ([excluding retirement villages](#)) is a permitted activity if the following recession plane requirements are being met:

- i. For sites adjoining a Residential Activity Area the recession plane requirements of the adjoining Residential Activity Area shall be complied with at the shared boundary.

No recession planes are required from road boundaries, boundaries within the Suburban Mixed Use Activity Area and existing or proposed internal boundaries within a site.

b. Construction or alteration of a building ([excluding retirement villages](#)) that does not meet the recession plane requirements is a restricted discretionary activity.

**Discretion is restricted to:**

- i. The effects on the amenity of adjoining residential sites.
- ii. The effects on the privacy of adjoining residential sites.
- iii. The effects on shading of adjoining residential sites.

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

[In the case of retirement village development, the matters for discretion listed in 5E 4.1.11\(b\)1-5 apply.](#)

Links to:

Objectives 5E 2.2, 5E 2.3

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

#### Rule 5E 4.2.3 Yards

a. Construction or alteration of a building ([excluding retirement villages](#)) is a permitted activity if the following yard requirements are being met:

- i. For sites adjoining a residential activity area the building is not located within the following yard setbacks:

Side yards: ~~3m~~ 1m along the shared side boundary

Rear yards: ~~3m~~ 1m along the shared side boundary

No yard requirements apply along road boundaries, boundaries within the Suburban Mixed Use Activity Area and existing or proposed internal boundaries within a site.

b. Construction or alteration of a building ([excluding retirement villages](#)) that does not meet the yard requirements is a restricted discretionary activity.

**Discretion is restricted to:**

- i. The effects on the amenity of adjoining residential sites.
- ii. The effects on the privacy of adjoining residential sites.

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

[In the case of retirement village development, the matters for discretion listed in 5E 4.1.11\(b\)1-5 apply.](#)

Links to:

Objectives 5E 2.2, 5E 2.3

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

#### Rule 5E 4.2.4 Outdoor Living Space

- a. Construction or alteration of a building ([excluding retirement villages](#)) is a permitted activity if:
  - i. Each dwelling has an outdoor living space that:
    - 1. Has a minimum area of 10m<sup>2</sup>.
    - 2. Has a minimum dimension of 2m.
    - 3. Has direct access from the dwelling to which it relates.

For dwellings located entirely above ground floor level the outdoor living space requirement can be satisfied by providing a balcony or roof terrace with a minimum area of 5m<sup>2</sup> with a minimum dimension of 1.8m.

- b. Construction or alteration of a building ([excluding retirement villages](#)) that does not meet the outdoor living space requirements is a restricted discretionary activity.

**Discretion is restricted to:**

- i. The effects on the amenity for residents of the site, including access to sunlight and open space and the usability and accessibility of the outdoor living space proposed.
- ii. The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.
- iii. The following mixed use and medium density residential development design elements:
  - 1. Building height
  - 2. Recession planes and setbacks
  - 3. Indoor and outdoor living spaces
  - 4. Open space and boundary treatments
  - 5. Entrances, carparking and garages
  - 6. On-site stormwater management
  - 7. End / side wall treatment
  - 8. Building materials
  - 9. Bike parking, storage and service areas
  - 10. Privacy and safety
  - 11. Landscaping

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

[In the case of retirement village development, the matters for discretion listed in 5E 4.1.11\(b\)1-5 apply.](#)

Links to:

Objectives 5E 2.2, 5E 2.3

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

#### **Rule 5E 4.2.5 Building Frontage, Verandahs and Display Windows**

a. Construction or alteration of a building ([excluding retirement villages](#)) is a permitted activity if the following requirements are being met:

- i. All buildings are built to the front boundary of the site.
- ii. Any parts of a building fronting a pedestrian footpath have a verandah.
- iii. At least 50% of the ground floor frontage of a building are display windows.

b. Construction or alteration of a building ([excluding retirement villages](#)) is a restricted discretionary activity if the above permitted activity standards are not met..

**Discretion is restricted to:**

- i. The effects on the amenity for residents of the site, including access to sunlight and open space and the usability and accessibility of the outdoor living space proposed.
- ii. The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.
- iii. The following mixed use and medium density residential development design elements:
  1. Building height
  2. Recession planes and setbacks
  3. Indoor and outdoor living spaces
  4. Open space and boundary treatments
  5. Entrances, carparking and garages
  6. On-site stormwater management
  7. End / side wall treatment
  8. Building materials
  9. Bike parking, storage and service areas
  10. Privacy and safety
  11. Landscaping

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

[In the case of retirement village development, the matters for discretion listed in 5E 4.1.11\(b\)1-5 apply.](#)

Links to:

Objectives 5E 2.3

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

### Rule 5E 4.2.6 Parking

<p>a. Provision for car parking (<a href="#">excluding within retirement villages</a>) on a site is permitted if:</p> <ul style="list-style-type: none"><li>i. Any parking areas are located within, under, at the rear or at the side of buildings.</li><li>ii. No parking areas are located between the frontage of buildings and the street.</li><li>iii. For sites adjoining a Residential Activity Area all parking areas must be screened so they are not visible from the adjoining residential site(s).</li></ul>
<p>b. Developments (<a href="#">excluding retirement villages</a>) that do not meet the above permitted development controls are restricted discretionary activities.</p> <p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"><li>i. The effects on the amenity for residents of the site, including access to sunlight and open space and the usability and accessibility of the outdoor living space proposed.</li><li>ii. The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.</li><li>iii. The following mixed use and medium density residential development design elements:<ul style="list-style-type: none"><li>1. Building height</li><li>2. Recession planes and setbacks</li><li>3. Indoor and outdoor living spaces</li><li>4. Open space and boundary treatments</li><li>5. Entrances, carparking and garages</li><li>6. On-site stormwater management</li><li>7. End / side wall treatment</li><li>8. Building materials</li><li>9. Bike parking, storage and service areas</li><li>10. Privacy and safety</li><li>11. Landscaping</li></ul></li></ul> <p>When considering the matters in (iv), the Council will be principally guided by its Medium Density Design Guide.</p> <p><a href="#">In the case of retirement village development, the matters for discretion listed in 5E 4.1.11(b)1-5 apply.</a></p>
<p>Links to:</p> <p>Objectives 5E 2.2, 5E 2.3</p> <p>Policies 5E 3.4, 5E 3.5, 5E 3.6, 5E 3.7, 5E 3.8</p>

### Rule 5E 4.2.7 Screening and Storage

<p>a. Construction or alteration of a building (<a href="#">excluding retirement villages</a>) is a permitted activity if:</p> <ul style="list-style-type: none"><li>i. All outdoor storage and servicing areas are screened so they are not visible from a road or public space.</li></ul>
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<p>ii. All outdoor storage and servicing areas are screened so they are not visible from adjoining residential sites.</p>
<p>b. Construction or alteration of a building (<a href="#">excluding retirement villages</a>) that does not meet the screening and storage requirements is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>i. The effects on the amenity for residents of the site, including access to sunlight and open space and the usability and accessibility of the outdoor living space proposed.</li> <li>ii. The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.</li> <li>iii. The following mixed use and medium density residential development design elements: <ul style="list-style-type: none"> <li>1. Building height</li> <li>2. Recession planes and setbacks</li> <li>3. Indoor and outdoor living spaces</li> <li>4. Open space and boundary treatments</li> <li>5. Entrances, carparking and garages</li> <li>6. On-site stormwater management</li> <li>7. End / side wall treatment</li> <li>8. Building materials</li> <li>9. Bike parking, storage and service areas</li> <li>10. Privacy and safety</li> <li>11. Landscaping</li> </ul> </li> </ul> <p>When considering the matters in (ii), the Council will be principally guided by its Medium Density Design Guide.</p> <p><a href="#">In the case of retirement village development, the matters for discretion listed in 5E 4.1.11(b)1-5 apply.</a></p>
<p>Links to:</p> <p>Objectives 5E 2.4</p> <p>Policies 5E 3.5, 5E 3.6, 5E 3.7, 5E 3.8</p>

**Rule 5E 4.2.8 Demolition**

<p>a. The demolition of a building is a permitted activity.</p> <p>For buildings listed in Appendix Heritage 1, 2 or 3 in Appendix Significant Natural, Cultural and Archaeological Resources 1 the relevant rules of the Chapters 14E and 14F relating to demolition apply.</p>
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**Rule 5E 4.2.9 Stormwater Retention**

<p>a. Construction of a roofed building, excluding accessory buildings or additions to an existing building, is a permitted activity if:</p>
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<p>i. A rainwater tank is provided for the building that collects all rainwater from the roof of the building. The rainwater tank must have the following volume:</p> <p>Roof area of 100m<sup>2</sup> or less - 2,000 litre capacity.</p> <p>Roof area of 100m<sup>2</sup> to 200m<sup>2</sup> - 3,000 litre capacity.</p> <p>Roof area of more than 200m<sup>2</sup> - 5,000 litre capacity.</p> <p>The tank must meet the specifications of, and be installed in accordance with, Acceptable Solution #1 from the Wellington Water guide Managing Stormwater Runoff, The use of raintanks for hydraulic neutrality, Acceptable solution #1 dated June 2019 (Appendix General Residential 1).</p>
<p>b. Construction of a roofed building, excluding accessory buildings or additions to an existing building, that does not meet the rainwater tank requirements is a restricted discretionary activity.</p> <p><b>Discretion is restricted to:</b></p> <p>i. The effects on the stormwater system.</p> <p>ii. The potential for increased surface ponding and flooding.</p> <p>iii. The mitigation of additional stormwater runoff through other means</p>
<p>Links to:</p> <p>Objective 5E 2.5</p> <p>Policy 5E 3.9</p>

**Note 5E 4.3 General Rules**

All activities must comply with the General Rules in Chapter 14.

## **APPENDIX B**

City of Lower Hutt District Plan

REPLACEMENT PROVISIONS

Residential Zones;

## **CHAPTER 4 – RESIDENTIAL – RESIDENTIAL REPLACEMENT PLAN PROVISIONS SOUGHT BY THE RVA AND RYMAN**

*The following sets out the provisions sought by the RVA and Ryman within the Residential Zone Chapters as part of Plan Change 56 to the City of Lower Hutt District Plan.*

*Text highlighted with underlining represents the RVA and Rymans proposed insertions. Red underlined text that is also **highlighted** represents new changes proposed in the supplementary evidence following the Hearing. Text highlighted with ~~strikethrough~~ represents the RVA and Rymans proposed deletions.*

### **CHAPTER 4 - RESIDENTIAL**

The residential areas of the City vary considerably and cover a variety of landforms from coastal environments to exposed ridge tops. They are characterised by low rise dwelling houses, with many split-level houses on steeper hillsides.

Residential development has taken place on the valley floor, along the coastal areas of the Eastern Bays and Eastbourne, and on the Western and Eastern Hills, and the valley and hillside areas of Stokes Valley and Wainuiomata.

Dwelling densities range from high to low, within the context of this City. Higher dwelling densities can be found in Petone between the Esplanade and Jackson Street, which are a reflection of historical subdivision patterns. Medium densities are found in most parts of the City, whereas low dwelling densities are present in the steeper hillside areas of the Western Hills, Stokes Valley, Wainuiomata, and Eastbourne, and also in parts of Woburn, Military Road and Lowry Bay.

Residential areas of the City are seen not only as places to live, but places in which to work as well. As technology advances, it is becoming easier to conduct a business from home. While residential areas are generally free from large scale commercial and industrial activities, there are some non-residential activities which are suited to residential areas and can serve the local community.

The Plan will provide opportunity for home occupations and non-residential activities while ensuring characteristics of the surrounding area, and the amenity values are maintained or enhanced.

Access to education and emergency facilities is crucial to the overall wellbeing of residents of the City. Such facilities can be out of scale with surrounding areas, and it is necessary to ensure that adverse effects are managed.

Four residential activity areas have been identified for the City, taking into account the diverse topography and native vegetation, and the need to provide for sufficient residential development capacity while managing the effects of development on the surrounding area.

The four activity areas are:

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

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

However, building heights and densities are expected to change over time. A mix of low to medium density residential development is permitted in the Medium Density Residential Activity Area. This includes stand-alone and multi-unit developments (such as semi-detached and terrace housing [and retirement villages](#)) of three storeys. Resource consent is required for higher density development that does not meet the development standards for the zone.

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

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

Opportunities for a variety of medium and high density residential developments such as detached dwellings, terraced housing, [and](#) low-rise apartments [and retirement villages](#) are provided for in this Activity Area. Higher density development is enabled in the High Density Residential Activity Area by permitting multiunit developments of up to six-storey buildings and enabling taller buildings [of at least 6 storeys](#) through a resource consent process.

## **CHAPTER 4F MEDIUM DENSITY RESIDENTIAL ACTIVITY AREA**

### **4F 1 Introduction / Zone Statement**

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

While areas in the Medium Density Residential Activity Area are predominantly residential in nature, non-residential activities are provided for where they are compatible with the residential character of the area and serve the local community.

The planned urban built character for the Medium Density Residential Activity Area is a mix of [densities low to medium density development](#), including detached dwellings, terraced housing and low-rise apartments. The urban built character of an area will arise from the flexibility provided for by the Plan for individual development to take any low to medium density form, [as well as higher densities through a consenting process](#). This supports increasing the capacity and choice of housing

within neighbourhoods. It is anticipated that the appearance of neighbourhoods in the Activity Area will change over time, including through increased opportunities for terraced housing, ~~and~~ low-rise apartments ~~and retirement villages~~.

Built development is provided for in the Medium Density Residential Activity Area through a range of permitted activities and development standards that permit three residential units per site and buildings of up to three storeys. Development standards also address:

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

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

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

~~The resource consent process enables the design and layout of development to be assessed, recognising that quality design is increasingly important as the scale and density of development increases. Council provides design guidance for residential developments through design guides that sit outside the plan.~~

4F 2 Objectives	
<b>4F 2.1AA</b>	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.
<b>Objective 4F 2.1</b>	Residential Activities are the dominant activities in the Medium Density Residential Activity Area. Non-residential activities are compatible with the amenity levels associated with medium density residential development anticipated by the zone.
<b>Objective 4F 2.3</b>	The Medium Density Residential Activity Area provides for a variety of housing types and sizes that respond to: <ul style="list-style-type: none"> <li>i. Housing needs and demand, and</li> <li>ii. The neighbourhood’s planned urban built character, including three-storey buildings.</li> </ul>
<b>Objective 4F 2.4</b>	Built development is consistent with the planned medium density built character and compatible with the amenity levels associated with medium density residential development.
<b>Objective 4F 2.3A</b>	<del>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.</del>

<b>Objective 4F 2.5</b>	Built development is of high quality and provides: <ul style="list-style-type: none"> <li>i. <del>appropriate</del> on-site amenity for residents,</li> <li>ii. <del>appropriate</del> residential amenity for adjoining sites, and</li> <li>iii. <del>a high level of amenity for the street</del> <u>attractive and safe streets.</u></li> </ul>
<b>Objective 4F 2.6</b>	Built development is adequately serviced by network infrastructure or addresses any infrastructure constrains.
<b>Objective 4F 2.8</b>	To protect the cultural safety and tikanga associated with activities at marae in the Community Iwi Activity Area.
<b><u>Objective RESZ-OX Ageing population</u></b>	<u>Recognise and enable the housing and care needs of the ageing population.</u>

<b>4F 3 Policies</b>	
<b>Policy 4F 3.2</b>	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.
<b>Policy 4F 3.2A</b>	Provide for developments not meeting permitted activity status, while encouraging high-quality developments.
<b>Policy 4F 3.2B</b>	Enable housing to be designed to meet the day-to-day needs of residents.
<b>Policy 4F 3.2C</b>	Require built development ( <del>excluding retirement villages</del> ) 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.
<b>Policy 4F 3.2D</b>	Encourage development ( <del>excluding retirement villages</del> ) to contribute to an attractive setting for occupants and the surrounding area, which can be achieved through: <ul style="list-style-type: none"> <li>i. landscaped areas that contribute to amenity,</li> <li>ii. adequate outlook areas from habitable rooms, and</li> <li>iii. other means that would adequately mitigate a lack of landscaping or outlook areas.</li> </ul>
<b>Policy 4F 3.3</b>	Manage the effects of built development on adjoining sites and the street by controlling height, <del>height in relation to boundary, setback and building coverage standards</del> <u>bulk and form of built development.</u>
<b>Policy 4F 3.8</b>	Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.
<b><u>Policy 4F 3.10</u></b>	<u>Require development to be stormwater neutral.</u>

<b>Policy 4F 3.13</b>	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.
<b>Policy-Px</b>	<p><b>Retirement Villages</b></p> <p>Enable retirement villages that:</p> <ol style="list-style-type: none"> <li>Provide for greater density than other forms of residential developments to enable shared spaces, services, amenities and / facilities, and affordability and the efficient provision of assisted living and care services.</li> <li>Provide good quality on site amenity, recognising the unique layout, internal amenity and other day-to-day needs of residents as they age and the types of retirement units they live in;</li> <li>Encourage the scale and design of the retirement village to: <ol style="list-style-type: none"> <li>Be of a high-quality and compatible with the planned urban character;</li> <li>Achieve attractive and safe streets and public open spaces, including by providing for passive surveillance; and</li> <li>Achieve an appropriate level of residential amenity at neighbouring properties where relevant built form standards are exceeded.</li> </ol> </li> </ol>
<b>Policy-Px</b>	<p><b>Changing communities</b></p> <p>To provide for the diverse and changing residential needs of communities, recognise that the existing character and amenity of the residential zones will change over time to enable a variety of housing types with a mix of densities.</p>
<b>Policy-Px</b>	<p><b>Larger sites</b></p> <p>Recognise the intensification opportunities provided by larger sites within all residential zones by providing for more efficient use of those sites.</p>
<b>Policy-Px</b>	<p><b>Role of density standards</b></p> <p>Enable the density standards to be utilised as a baseline for the assessment of the effects of developments other than in areas where the Plan provides location-specific density standards.</p>

#### 4F4 Rules

Activities		
<b>4F 4.1.1</b>	Residential Activities (a) Residential Activities are permitted activities.	PER
<b>4F 4.1.2</b>	Home occupation ( <i>retain as notified / not relevant for the purposes of this text</i> )	PER / RDA
<b>4F 4.1.3</b>	Care Facilities, Residential Facilities, Boarding Houses, Hostels, Visitor Accommodation ( <i>retain as notified / not relevant for the purposes of this text</i> )	PER / RDA

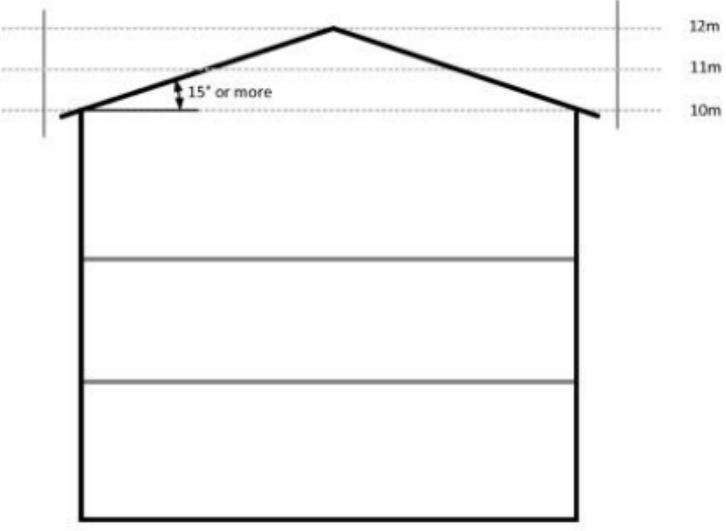
4F 4.1.4	Childcare Facilities ( <i>retain as notified / not relevant for the purposes of this text</i> )	PER / RDA / DA
4F 4.1.5	Health Care Services ( <i>retain as notified / not relevant for the purposes of this text</i> )	RDA / DA
4F 4.1.6	Community Facilities, Marae, Education Facilities, Places of Assembly and Emergency Facilities ( <i>retain as notified / not relevant for the purposes of this text</i> )	RDA
Rule 4F 4.1.7	<p>Retirement Villages</p> <p>(a) Retirement Villages are <u>restricted discretionary permitted</u> activities.</p> <p><u>(b) The construction, redevelopment, alteration, repairing or modification and alteration of buildings for a Retirement Village is a restricted discretionary activity.</u></p> <p>Discretion is restricted to:</p> <p><u>(i) The effects on the amenity of the surrounding residential area:</u></p> <p><u>(ii) The extent to which the site layout and any proposed landscaping helps to avoid or minimise the impacts on surrounding residential areas, the streetscape and adjoining public space:</u></p> <p><u>(iii) Whether the site is subject to any hazards, including being within any natural hazard overlay area:</u></p> <p><u>(iv) The capacity of the network infrastructure for water supply, wastewater, stormwater and land transport to service the proposed development:</u></p> <p><u>(v) The following mixed use and medium density residential development design elements:</u></p> <ol style="list-style-type: none"> <li><u>1. Building height:</u></li> <li><u>2. Recession planes and setbacks</u></li> <li><u>3. Indoor and outdoor living spaces</u></li> <li><u>4. Open space and boundary treatments</u></li> <li><u>5. Entrances, carparking and garages</u></li> <li><u>6. Onsite stormwater management</u></li> <li><u>7. End / side wall treatment</u></li> <li><u>8. Building materials</u></li> <li><u>9. Bike parking, storage and service areas</u></li> <li><u>10. Privacy and safety</u></li> <li><u>11. Landscaping</u></li> </ol> <p><u>When considering the matters in (v), the Council will be principally guided by its Medium Density Design Guide.</u></p> <p>a) <u>For the construction of buildings associated with a retirement village, council will restrict its discretion to, and may impose conditions on:</u></p> <ol style="list-style-type: none"> <li><u>1. The extent and effects arising from exceeding any of the following (both individually and cumulatively) standards: Rule 4F 4.2.1, Rule 4F 4.2.2, Rule 4F</u></li> </ol>	PER / RDA

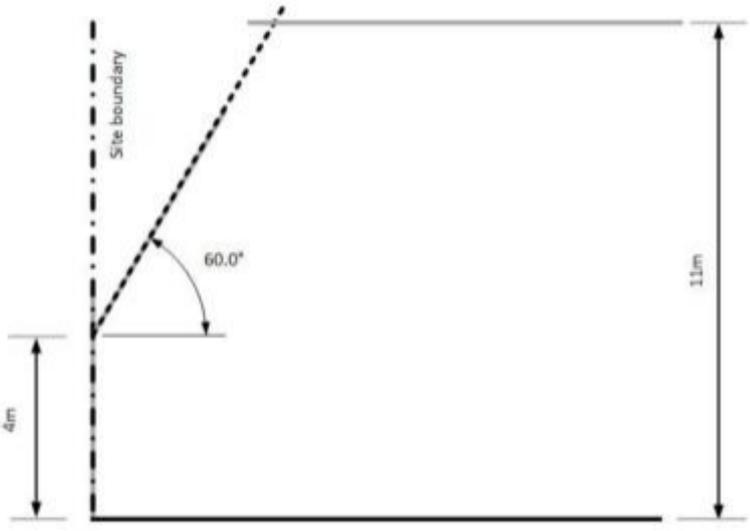
	<p><u>4.2.3, Rule 4F 4.2.4, Rule 4F 4.2.6, Rule 4F 4.2.11, Rule 4F 4.2.12 and Rule 4F 4.2.13;</u></p> <p>2. <u>The effects of the retirement village on the safety of adjacent streets or public open spaces;</u></p> <p>3. <u>The effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces;</u></p> <p>4. <u>The extent to which articulation, modulation and materiality addresses adverse visual dominance effects;</u></p> <p><b>5. <u>The matters in 4F 3.2, 3.2A, 3.2B, 3.3, 3.8 and the new policies inserted; and</u></b></p> <p>6. <u>The positive effects of the construction, development and use of the retirement village.</u></p> <p><u>For clarity, no other rules or matters of discretion relating to the effects of density apply to buildings for a retirement village, however plan provisions which address other effects of retirement villages still apply.</u></p> <p><b><u>Notification status:</u></b></p> <p><u>An application for resource consent for a restricted discretionary activity under this rule is precluded from being publicly notified.</u></p> <p><u>An application for resource consent for a restricted discretionary activity under this rule that complies with Rule 4F 4.2.1, Rule 4F 4.2.2, Rule 4F 4.2.3 and Rule 4F 4.2.4 is precluded from being limited notified.</u></p>	
<b>4F 4.1.8</b>	Other Non-Residential Activities ( <i>retain as notified / not relevant for the purposes of this text</i> )	NC
<b>4F 4.1.9</b>	Light Spill ( <i>retain as notified / not relevant for the purposes of this text</i> )	PER / RDA
<b>4F 4.1.10</b>	Vibration ( <i>retain as notified / not relevant for the purposes of this text</i> )	PER / RDA
<b>4F 4.1.11</b>	Vegetation Removal ( <i>retain as notified / not relevant for the purposes of this text</i> )	PER

#### 4F4.2 Development Standards

Development Standards		
<b>4F 4.2.1AA</b>	<p><b>Number of Residential Units per Site</b></p> <p>(a) Up to three residential units per site are a permitted activity.</p> <p>(b) Four or more residential units per site are a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <p>(i) The planned urban built character for the Medium Density Residential Activity Area.</p> <p>(ii) The matters in Policies 4F 3.2B and 4F 3.8.</p> <p>(iii) The on-site amenity for future occupants of the development.</p>	PER / RDA

	<p>(iv) The capacity of the network infrastructure for water supply, wastewater, stormwater and land transport to service the proposed development.</p> <p>(v) Any positive effects, including positive effects of increasing housing capacity and variety.</p> <p>(vi) The following design elements:</p> <ol style="list-style-type: none"> <li>1. Building height</li> <li>2. Recession planes and setbacks</li> <li>3. Indoor and outdoor living spaces</li> <li>4. Open space and boundary treatments</li> <li>5. Entrances, carparking and garages</li> <li>6. Onsite stormwater management</li> <li>7. End / side wall treatment</li> <li>8. Building materials</li> <li>9. Bike parking, storage and service areas</li> <li>10. Privacy and safety</li> <li>11. Landscaping</li> </ol> <p>When considering the matters in (vi), the Council will be principally guided by its Medium Density Design Guide.</p> <p><u>The matters of discretion above do not apply to retirement villages. For a retirement village that infringes this standard, the retirement village specific matters of discretion provided in Rule 4F 4.1.7 apply.</u></p> <p>Public and limited notification is precluded for resource consent applications under Rule 4F 4.2.1AA(b).</p>	
<p><b>4F 4.2.1</b></p>	<p><b>Building Coverage</b></p> <p>(a) Construction or alteration of a building is a permitted activity if:</p> <ol style="list-style-type: none"> <li>(i) The building coverage does not exceed 50%</li> </ol>	<p>PER</p>
	<p>(b) Construction or alteration of a building that exceeds 50% building coverage is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <p>(iaa) The planned urban built character for the Medium Density Residential Activity Area.</p> <ol style="list-style-type: none"> <li>(i) The effects on the privacy of adjoining sites.</li> <li>(ii) The effects on the amenity of the surrounding residential area, the streetscape and adjoining public space.</li> </ol> <p>Note: When addressing or assessing potential effects in relation to matters (i) and (ii) above, applicants and the Council can be informed by the relevant outcomes identified in the Medium Density Design Guide.</p>	<p>RDA</p>

	<p><u>The matters of discretion above do not apply to retirement villages. For a retirement village that infringes this standard, the retirement village specific matters of discretion provided in Rule 4F 4.1.7 apply.</u></p> <p>Public notification is precluded for resource consent applications under Rule 4F 4.2.1(b).</p>	
<p><b>4F 4.2.2</b></p>	<p><b>Building Height</b></p> <p>(a) Construction or alteration of a building is a permitted activity if:</p> <p>(i) The building does not exceed a maximum height of 11m except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1m where the entire roof slopes 15 degrees or more.</p>  <p>(b) Construction or alteration of a building that does not comply with Rule 4F 4.2.2(a) is a restricted discretionary activity.</p> <p><b>Discretion is restricted to:</b></p> <p>(iaa) The planned urban built character for the Medium Density Residential Activity Area.</p> <p>(i) The effects on the privacy of adjoining sites.</p> <p>(ii) The effects on shading of adjoining sites including the impacts of shading on their primary internal and external living areas throughout the year.</p> <p>(iii) The effects on the amenity of the surrounding residential area and adjoining streetscape.</p> <p>(iiia) The effects of shading and additional building bulk on any public open space or recreational grounds and their ability to provide outdoor amenity to users.</p> <p>(iiib) Any design features or articulation to reduce the bulk of the building when viewed from neighbouring properties.</p> <p>(iv) The following design elements:</p> <ol style="list-style-type: none"> <li>1. Building height</li> </ol>	<p>PER / RDA</p>

	<p>2. Recession planes and setbacks</p> <p>3. Indoor and outdoor living spaces</p> <p>6. Onsite stormwater management</p> <p>7. End / side wall treatment</p> <p>8. Building materials</p> <p>10. Privacy and safety</p> <p>11. Landscaping</p> <p>When considering the matters in (iv), the Council will be principally guided by its Medium Density Design Guide.</p> <p><u>The matters of discretion above do not apply to retirement villages. For a retirement village that infringes this standard, the retirement village specific matters of discretion provided in Rule 4F 4.1.7 apply.</u></p> <p>Public notification is precluded for resource consent applications under Rule 4F 4.2.2(b).</p>	
<p><b>Rule 4F 4.2.3</b></p>	<p><b>Height in Relation to Boundary</b></p> <p>(a) Construction or alteration of a building is a permitted activity if the following height in relation to boundary requirements are being met:</p> <p>(i) 4m +60° from all side and rear boundaries.</p>  <p>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.</p> <p>This standard does not apply to:</p> <p>(a) A boundary with a road,</p>	<p>PER / RDA</p>

	<p>(b) Existing or proposed internal boundaries within a site, and</p> <p>(c) Site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.</p>	
	<p>(b) Construction or alteration of a building that does not meet the height in relation to boundary requirements is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>(iaa) The planned urban built character for the Medium Density Residential Activity Area.</li> <li>(i) The effects on the privacy of adjoining sites.</li> <li>(ii) The effects on shading of adjoining sites, including the impacts of shading on their primary internal and external living areas.</li> <li>(iii) The effects on the amenity of the surrounding residential area and adjoining streetscape.</li> <li>(iv) The impacts of shading and additional building bulk on any public open space or recreational grounds and their ability to provide outdoor amenity to users.</li> <li>(v) The following design elements: <ul style="list-style-type: none"> <li>1. Building height</li> <li>2. Recession Planes</li> <li>3. End / side wall treatment</li> <li>4. Privacy and safety</li> </ul> </li> </ul> <p>Note: When addressing or assessing potential effects in relation to matters (i) to (v) above, applicants and the Council can be informed by the relevant outcomes identified in the Medium Density Design Guide.</p>	

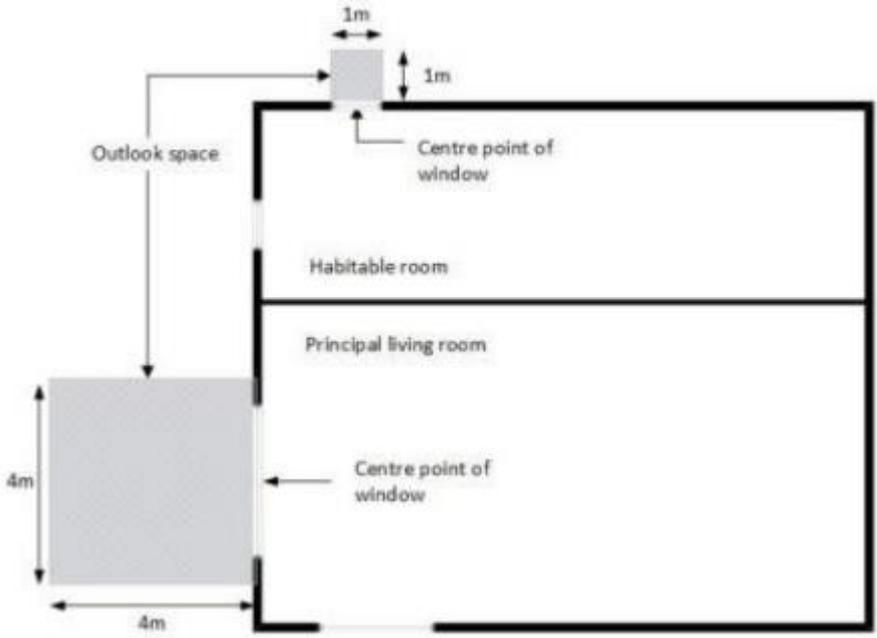
	<p><u>The matters of discretion above do not apply to retirement villages. For a retirement village that infringes this standard, the retirement village specific matters of discretion provided in Rule 4F 4.1.7 apply.</u></p> <p>Public notification is precluded for resource consent applications under Rule 4F 4.2.3(b).</p>	
<p><b>4F 4.2.4</b></p>	<p><b>Setbacks</b></p> <p>(a) Construction or alteration of a building is a permitted activity if:</p> <p>(i) Buildings are set back from the relevant boundary by the minimum depth listed below</p> <p style="padding-left: 40px;">Front yard: 1.5m</p> <p style="padding-left: 40px;">Side yard: 1m</p> <p style="padding-left: 40px;">Rear yard: 1m</p> <p>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.</p> <p>Eaves may encroach into any yard by up to 0.6m.</p> <hr/> <p>(b) Construction or alteration of a building that does not meet the setback requirements is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <p>(iaa) The planned urban built character for the Medium Density Residential Activity Area.</p> <p>(i) The effects on the privacy of adjoining sites.</p> <p>(ii) The effects on the amenity of the surrounding residential area, the streetscape and adjoining public space.</p> <p>(iii) The effect from any building bulk and its proximity to the main internal and external living areas of adjoining residential properties.</p>	<p>PER / RDA</p>

	<p>(iv) The following design elements:</p> <ol style="list-style-type: none"> <li>1. Building height</li> <li>2. Recession Planes</li> <li>3. End / side wall treatment</li> <li>4. Privacy and safety</li> </ol> <p>Note: When addressing or assessing potential effects in relation to matters (iaa) to (iv) above, applicants and the Council can be informed by the relevant outcomes identified in the Medium Density Design Guide.</p> <p><u>The matters of discretion above do not apply to retirement villages. For a retirement village that infringes this standard, the retirement village specific matters of discretion provided in Rule 4F 4.1.7 apply.</u></p> <p>Public notification is precluded for resource consent applications under Rule 4F 4.2.4(b).</p>	
<p><b>4F 4.2.4A</b></p>	<p><b>Height in Relation to Boundary and Setback Requirements for Sites Abutting Marae in the Community Iwi Activity Area</b></p> <p>(a) Construction or alteration of a building on a site abutting a marae in the Community Iwi Activity Area is a permitted activity if the following height in relation to boundary and setback requirements are met for any boundary shared with the marae:</p> <ol style="list-style-type: none"> <li>(i) A maximum height in relation to boundary of 2.5m +45°.</li> <li>(ii) A minimum boundary setback of 1m.</li> <li>(iii) One accessory building may be located in a side and/or rear yard, provided that the building does not extend more than 6m along the length of any boundary and is not located in a yard that is directly adjoining the rail corridor.</li> </ol> <p>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.</p> <p>Eaves may encroach into any boundary setback by up to 0.6m.</p> <p>This rule is in addition to Rule 4F 4.2.3 Height in Relation to Boundary and Rule 4F 4.2.4 Setbacks.</p> <p>(b) Construction or alteration of a building that does not meet the height in relation to boundary and setback requirements of Rule 4F 4.2.4A(a) is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>(i) Privacy, visual dominance, and noise impacts on the tikanga and cultural safety of activities that occur at the marae.</li> <li>(ii) Whether there are alternative methods, locations or designs that would avoid or reduce impacts on tikanga and cultural safety.</li> <li>(iii) The outcomes of any engagement undertaken with tangata whenua responsible for the marae, relevant to the effects of the standard not met.</li> </ol>	<p>PER / RDA</p>

	Public notification is precluded for resource consent applications under Rule 4F 4.2.4A(b).	
<b>Rule 4F 4.2.5</b>	<b>Permeable Surface</b> <i>Rule deleted in its entirety</i>	<b>PER/ RDA</b>

<p><b>4F 4.2.6</b></p>	<p><b>Outdoor Living Space</b></p> <p>(a) Construction or alteration of a building is a permitted activity if:</p> <p>(iii) Each residential unit at ground floor level has an outdoor living space that is at least 20m<sup>2</sup> and comprises ground floor, balcony, patio, or roof terrace space that:</p> <ol style="list-style-type: none"> <li>1. Where located at ground level, has no dimension less than 3m;</li> <li>2. Where provided in the form of a balcony, patio, or roof terrace, is at least 8m<sup>2</sup> and has a minimum dimension of 1.8m;</li> <li>3. Is accessible from the residential unit; and</li> <li>4. May be: <ol style="list-style-type: none"> <li>i. Grouped cumulatively by area in one communally accessible location, or</li> <li>ii. Located directly adjacent to the unit; and</li> </ol> </li> <li>5. Is free of buildings, parking spaces, and servicing and manoeuvring areas.</li> </ol> <p>(iv) Each residential unit located above ground floor level must have an outdoor living space in the form of a balcony, patio, or roof terrace that:</p> <ol style="list-style-type: none"> <li>1. Is at least 8m and has a minimum dimension of 1.8m; and</li> <li>2. Is accessible from the residential unit; and</li> <li>3. May be: <ol style="list-style-type: none"> <li>i. Grouped cumulatively by area in one communally accessible location, in which case it may be located at ground level; or</li> <li>ii. Located directly adjacent to the unit.</li> </ol> </li> </ol> <p><u>(v) For retirement units, clauses (iii) and (iv) apply with the following modifications:</u></p> <ol style="list-style-type: none"> <li><u>1. the outdoor living space may be in whole or in part grouped cumulatively in 1 or more communally accessible location(s) and/or located directly adjacent to each retirement unit; and</u></li> <li><u>2. a retirement village may provide indoor living spaces in one or more communally accessible locations in lieu of up to 50% of the required outdoor living space.</u></li> </ol> <p>(b) Construction or alteration of a building that does not meet the outdoor living space requirements is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <p>(iaa) The planned urban built character for the Medium Density Residential Activity Area.</p> <p>(i) The effects on the amenity for residents of the site, including access to sunlight and open space and accessibility of the outdoor living space proposed.</p> <p>(ia) The design, layout, access for residents, functionality, and on-going maintenance (including legal instruments) of any communal space provided on site to provide outdoor living.</p>	<p>PER / RDA</p>
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	<p>(ib) Any positive effects that not meeting the standard has on the retention of vegetation or other site features that add to the amenity of the site and surrounding residential area.</p> <p>(ic) The usability and functionality of the proposed outdoor living area for future occupants.</p> <p>(ii) The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.</p> <p>(iii) The following design elements:</p> <ol style="list-style-type: none"> <li>3. Indoor and outdoor living spaces</li> <li>4. Open space and boundary treatments</li> <li>5. Entrances, carparking and garages</li> <li>9. Bike parking, storage and service areas</li> <li>10. Privacy and safety</li> <li>11. Landscaping</li> </ol> <p>When considering the matters in (iii), the Council will be principally guided by its Medium Density Design Guide.</p> <p><u>The matters of discretion above do not apply to retirement villages. For a retirement village that infringes this standard, the retirement village specific matters of discretion provided in Rule 4F 4.1.7 apply.</u></p> <p>Public notification is precluded for resource consent applications under Rule 4F 4.2.6(b).</p>	
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<p><b>4F 4.2.7</b></p>	<p><b>Accessory Building</b></p> <p>(a) Construction or alteration of an accessory building is a permitted activity if:</p> <p>(i) Development Standards 4F 4.2.1 (Building Coverage), 4F 4.2.2 (Building Height), 4F 4.2.3 (Height in Relation to Boundary); <b>and</b> 4F 4.2.4 (Setbacks) <b>and</b> <del>4F 4.2.5 (Permeable Surface)</del> are complied with.</p> <p>b) Construction or alteration of an accessory building that does not comply with one or more of the standards listed above is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <p>(i) The effects on the amenity of adjoining sites.</p> <p>(ii) The effects on the amenity of the surrounding residential area, the streetscape and adjoining public space.</p>	<p>PER / RDA</p>
<p><b>4F 4.2.8</b></p>	<p><b>4F 4.2.8 Screening and Storage</b></p> <p><i>Rule deleted in its entirety</i></p>	<p>PER / RDA</p>
<p><b>4F 4.2.10</b></p>	<p><b>Stormwater Retention</b></p> <p><i>Rule deleted in its entirety</i></p>	<p>PER / RDA</p>
<p><b>4F 4.2.11</b></p>	<p><b>Outlook Space (per unit)</b></p> <p>(a) Construction or alteration of a building is a permitted activity if:</p> <p>(i) Outlook space is provided for each residential unit as specified in this rule.</p> <p>(ii) Outlook space is provided from habitable room windows as shown in the diagram below:</p>  <p>(ii) The minimum dimensions for a required outlook space are:</p>	<p>PER / RDA</p>

	<p>(a) A principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and</p> <p>(b) All other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width.</p> <p>(iii) The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.</p> <p>(iv) Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.</p> <p>(v) Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building.</p> <p>(vi) Outlook spaces may be under or over a balcony.</p> <p>(vii) Outlook spaces required from different rooms within the same building may overlap. (viii) Outlook spaces must:</p> <p>(a) Be clear and unobstructed by buildings; and</p> <p>(b) Not extend over an outlook space or outdoor living space required by another dwelling.</p> <p><u>(ix). For retirement units, clauses i – viii apply with the following modification: The minimum dimensions for a required outlook space are 1 metre in depth and 1 metre in width for a principal living room and all other habitable rooms.</u></p>	
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	<p>(b) Construction or alteration of a building that does not comply with one or more of the standards listed above is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"><li>(i) The planned urban built character for the Medium Density Residential Activity Area.</li><li>ii) The matters in Policy 4F 3.2D.</li><li>(iii) The effects on internal privacy of future occupants resulting from a reduced outlook.</li><li>(iv) The effects on the level of sunlight to internal living areas from a reduced outlook.</li><li>(v) Any mitigation factors such as view or landscaping that compensates for a reduced outlook.</li></ul> <p>When considering the matters in (ii), the Council will be principally guided by its Medium Density Design Guide.</p> <p><u>The matters of discretion above do not apply to retirement villages. For a retirement village that infringes this standard, the retirement village specific matters of discretion provided in Rule 4F 4.1.7 apply.</u></p> <p>Public notification is precluded for resource consent applications under Rule 4F 4.2.11(b).</p>	
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<p><b>4F 4.2.12</b></p>	<p><b>Windows to Street</b></p> <p>(a) Construction or alteration of a building is a permitted activity if:</p> <p>(i) Residential units facing the street have a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors; <u>and</u></p> <p><u>(ii) Any retirement unit facing a public street must have a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors.</u></p> <p>(b) Construction or alteration of a building that does not comply with the above standard is a restricted discretionary activity. Discretion is restricted to:</p> <p>(i) The planned urban built character for the Medium Density Residential Activity Area.</p> <p>(ii) The matters in Policy 4F 3.8.</p> <p>(iii) The following design elements:</p> <ol style="list-style-type: none"> <li>1. Open space and boundary treatments.</li> <li>2. Entrances, carparking and garages.</li> <li>3. End / side wall treatment.</li> <li>4. Privacy and safety.</li> <li>5. Landscaping.</li> </ol> <p>When considering the matters in (iii), the Council will be principally guided by its Medium Density Design Guide.</p> <p><u>The matters of discretion above do not apply to retirement villages. For a retirement village that infringes this standard, the retirement village specific matters of discretion provided in Rule 4F 4.1.7 apply.</u></p> <p>Public notification is precluded for resource consent applications under Rule 4F 4.2.12(b).</p>	<p>PER / RDA</p>
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<p><b>4F 4.2.13</b></p>	<p><b>Landscaped Area</b></p> <p>(a) Construction or alteration of a building is a permitted activity if the following landscaped area standards are met:</p> <p>(i) A residential unit <u>or retirement unit</u> at ground floor level has a landscaped area of a minimum of 20% of a developed site with grass or plants, and can include the canopy of trees regardless of the ground treatment below them.</p> <p>(ii) The landscaped area may be located on any part of the development site and does not need to be associated with each residential unit <u>or retirement unit</u>.</p> <p>(b) Construction or alteration of a building that does not comply with either of the standards listed above is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <p>(i) The planned urban built character for the Medium Density Residential Activity Area.</p> <p>(ii) The matters in Policy 4F 3.2D.</p> <p>(iii) The accommodation of any visually prominent or established vegetation on the site into the landscaping design and the visual effects from the loss of any existing visually prominent or established vegetation on the local streetscape and visual amenity values of the local area.</p> <p>(iv) The amenity provided by the proposed landscaping to future occupants of the site.</p> <p>(v) The proposed measures and ownership of the landscaping to ensure on-going maintenance.</p> <p>(vi) The timing of the implementation of the landscaping relative to the proposed development</p> <p>(vii) The appropriateness of the proposed species for the local area and their ability to service the local climate.</p> <p>(viii) The appropriateness of the species to be planted for the spaces that have been allowed, and.</p> <p>(ix) The following design elements:</p> <ol style="list-style-type: none"> <li>1. Building height</li> <li>2. Recession planes and setbacks</li> <li>3. Indoor and outdoor living spaces</li> <li>4. Open space and boundary treatments</li> <li>5. Entrances, carparking and garages</li> <li>6. On-site stormwater management</li> <li>7. End / side wall treatment</li> <li>8. Building materials</li> </ol>	<p>PER / RDA</p>
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	<p>9. Bike parking, storage and service areas</p> <p>10. Privacy and safety</p> <p>11. Landscaping</p> <p>When considering the matters in (ix), the Council will be principally guided by its Medium Density Design Guide.</p> <p><u>The matters of discretion above do not apply to retirement villages. For a retirement village that infringes this standard, the retirement village specific matters of discretion provided in Rule 4F 4.1.7 apply.</u></p> <p>Public notification is precluded for resource consent applications under Rule 4F 4.2.13(b).</p>	
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## CHAPTER 4G – HIGH DENSITY RESIDENTIAL ACTIVITY AREA

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

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

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

Built development is provided for in the High Density Residential Activity Area through a range of permitted activities and development standards that permit three dwellings per site and buildings of up to six storeys in most of the Activity Area and four storeys for areas in Eastbourne, Stokes Valley and Wainuiomata.

Development standards also address:

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

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

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

~~The resource consent process enables the design and layout of development to be assessed, recognising that quality design is increasingly important as the scale and density of development increases. Council provides design guidance for residential developments through design guides that sit outside the plan.~~

The planned urban built character of the High Density Residential Activity Area includes buildings of at least six storeys in most of the Activity Area and at least four storeys in Eastbourne, Stokes Valley and Wainuiomata. As buildings of this scale are likely to breach one or more development standard, resource consent is likely to be required. However, buildings of at least six storeys must be enabled

within the walkable catchments of Lower Hutt city centre, Petone metropolitan centre and the city's train stations.

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

4G 2 Objectives	
<b>4G 2.1</b>	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.
<b>4G 2.2</b>	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.
<b>4G 2.3</b>	The High Density Residential Activity Area provides for a variety of housing types and sizes that respond to: <ul style="list-style-type: none"> <li>i. Housing needs and demand, and</li> <li>ii. The neighbourhood's planned urban built character, including six-storey buildings.</li> </ul>
<b>4G 2.4</b>	Recognise that the neighbourhood's planned urban built character is defined through the flexibility of individual developments to take: <ul style="list-style-type: none"> <li>i. Any low to medium density form of up to three storeys, or</li> <li>ii. A form of up to six storeys <del>that achieves, for that development, the best practicable amenity outcomes for adjoining sites,</del> or</li> <li>iii. A taller form <del>if compatible with the amenity levels</del> associated with high density residential development of six storeys.</li> </ul>
<b>4G 2.5</b>	Built development is of high quality and provides: <ul style="list-style-type: none"> <li>i. <del>appropriate</del> on-site amenity for residents,</li> <li>ii. <del>appropriate</del> residential amenity for adjoining sites, and</li> <li>iii. <del>a high level of amenity for the attractive and safe</del> streets.</li> </ul>
<b>4G 2.6</b>	Built development is adequately serviced by network infrastructure or addresses any infrastructure constraints.
<b>4G 2.7</b>	To protect the cultural safety and tikanga associated with activities at marae in the Community Iwi Activity Area.
<b>4G 2.8</b>	Modify the general approach of the Activity Area in Eastbourne, Stokes Valley, and Wainuiomata to have a planned urban built character of: <ul style="list-style-type: none"> <li>i. Any low to medium density form of up to three storeys, or</li> <li>ii. A form of up to four storeys <del>that achieves, for that development, the best practicable amenity outcomes for adjoining sites,</del> or</li> <li>iii. A taller form <del>if compatible with the amenity levels</del> associated with high density residential development of four storeys.</li> </ul>

<b>RESZ-OX</b>	<b>Ageing Population:</b> Recognise and enable the housing and care needs of the ageing population.
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<b>4G 3 Policies</b>	
<b>4G 3.1</b>	Provide for residential activities, and those non-residential activities that support the community's social, economic and cultural wellbeing <del>and manage any adverse effects on residential amenity.</del>
<b>4G 3.2</b>	Activity Area, including three-storey attached and detached dwellings, and low-rise apartments.
<b>4G 3.3</b>	Enable buildings of up to six storeys, and buildings of more than six storeys where compatible with the amenity levels associated with high density <del>character of the Zone six-storey residential development recognising that significant change to amenity values is anticipated in the Zone.</del>
<b>4G 3.4</b>	Provide for developments not meeting permitted activity status, while encouraging high-quality developments.
<b>4G 3.5</b>	Enable housing to be designed to meet the day-to-day needs of residents.
<b>4G 3.6</b>	Require built development ( <del>excluding retirement villages</del> ) 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.
<b>4G 3.7</b>	Encourage development ( <del>excluding retirement villages</del> ) to contribute to an attractive setting for occupants and the surrounding area, which can be achieved through: <ul style="list-style-type: none"> <li>i. landscaped areas that contribute to amenity,</li> <li>ii. adequate outlook areas from habitable rooms, and</li> <li>iii. other means that would adequately mitigate a lack of landscaping or outlook areas.</li> </ul>
<b>4G 3.8</b>	Manage the effects of built development on adjoining sites and the street by controlling height, <del>bulk height in relation to boundary, setback and building coverage and form of built development.</del>
<b>4G 3.9</b>	<del>Require the design of built development of up to three storeys to maintain a reasonable level of privacy and sunlight access for adjoining sites.</del>
<b>4G 3.10</b>	<del>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:</del> <ul style="list-style-type: none"> <li>i. ——— Encouraging buildings on front sites to be located close to the street,</li> </ul>

	<ul style="list-style-type: none"> <li>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;</li> <li>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;</li> <li>iv. Encouraging windows to be designed to minimise overlooking or looking into windows or outdoor living spaces of other close residential units;</li> <li>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;</li> <li>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</li> <li>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.</li> </ul>
<b>4G 3.11</b>	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.
<b>4G 3.12</b>	Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.
<b>4G 3.13</b>	Require rainwater tanks and a minimum area of permeable surface in order to assist with the management of stormwater runoff created by development.
<b>4G 3.14</b>	Require <u>Encourage</u> development to be stormwater neutral.
<b>4G 3.15</b>	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.
<b>4G 3.16</b>	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.
<b>Px</b>	<p><b><u>Retirement Villages (instead of the provision of housing for an ageing population)</u></b></p> <p><u>Enable retirement villages that:</u></p> <ul style="list-style-type: none"> <li>a. <u>Provide for greater density than other forms of residential developments to enable shared spaces, services, amenities and / facilities, and affordability and the efficient provision of assisted living and care services.</u></li> <li>b. <u>Be adequately serviced by three waters infrastructure or can address any constraints on the site;</u></li> <li>c. <u>Provide good quality on site amenity, recognising the unique layout, internal amenity and other day-to-day needs of residents as they age and the types of retirement units they live in;</u></li> <li>d. <u>Encourage the scale and design of the retirement village to:</u></li> </ul>

	<ul style="list-style-type: none"> <li>iv. <u>Be of a high-quality and compatible with the planned urban character;</u></li> <li>v. <u>Achieve attractive and safe streets and public open spaces, including by providing for passive surveillance; and</u></li> <li>vi. <u>Achieve an appropriate level of residential amenity at neighbouring properties where relevant built form standards are exceeded.</u></li> </ul>
<b>Px</b>	<p><b><u>Changing communities</u></b></p> <p><u>To provide for the diverse and changing residential needs of communities, recognise that the existing character and amenity of the residential zones will change over time to enable a variety of housing types with a mix of densities.</u></p>
<b>Px</b>	<p><b><u>Larger sites</u></b></p> <p><u>Recognise the intensification opportunities provided by larger sites within all residential zones by providing for more efficient use of those sites.</u></p>
<b>Px</b>	<p><b><u>Role of density standards</u></b></p> <p><u>Enable the density standards to be utilised as a baseline for the assessment of the effects of developments other than in areas where the Plan provides location-specific density standards.</u></p>

#### 4G4 Rules

Activities		
<b>4G 4.1.1</b>	Residential Activities (a) Residential Activities are permitted activities.	PER
<b>4G 4.1.2</b>	Home occupation ( <i>retain as notified / not relevant for the purposes of this text</i> )	PER / RDA
<b>4G 4.1.3</b>	Care Facilities, Residential Facilities, Boarding Houses, Hostels, Visitor Accommodation ( <i>retain as notified / not relevant for the purposes of this text</i> )	PER / RDA
<b>4G 4.1.4</b>	Childcare Facilities ( <i>retain as notified / not relevant for the purposes of this text</i> )	PER / RDA / DA
<b>4G 4.1.5</b>	Health Care Services ( <i>retain as notified / not relevant for the purposes of this text</i> )	RDA / DA
<b>4G 4.1.6</b>	Community Facilities, Marae, Education Facilities, Places of Assembly and Emergency Facilities ( <i>retain as notified / not relevant for the purposes of this text</i> )	RDA
<b>Rule 4G 4.1.7</b>	Retirement Villages (a) Retirement Villages are <u>restricted discretionary permitted</u> activities.  (b) <u>The construction, redevelopment, alteration, repairing or modification of buildings for a Retirement Village is a restricted discretionary activity.</u>	PER / RDA

	<p>Discretion is restricted to:</p> <p>(i) The effects on the amenity of the surrounding residential area.</p> <p>(ii) The extent to which the site layout and any proposed landscaping helps to avoid or minimise the impacts on surrounding residential areas, the streetscape and adjoining public space.</p> <p>(iii) Whether the site is subject to any hazards, including being within any natural hazard overlay area.</p> <p>(iv) The capacity of the network infrastructure for water supply, wastewater, stormwater and land transport to service the proposed development.</p> <p>(v) The following mixed use and medium density residential development design elements:</p> <ol style="list-style-type: none"> <li>1. Building height.</li> <li>2. Recession planes and setbacks</li> <li>3. Indoor and outdoor living spaces</li> <li>4. Open space and boundary treatments</li> <li>5. Entrances, carparking and garages</li> <li>6. Onsite stormwater management</li> <li>7. End / side wall treatment</li> <li>8. Building materials</li> <li>9. Bike parking, storage and service areas</li> <li>10. Privacy and safety</li> <li>11. Landscaping</li> </ol> <p>When considering the matters in (v), the Council will be principally guided by its Medium Density Design Guide.</p> <p>b) <u>For the construction of buildings associated with a retirement village, council will restrict its discretion to, and may impose conditions on:</u></p> <ol style="list-style-type: none"> <li>1. <u>The extent and effects arising from exceeding any of the following (both individually and cumulatively) standards: Rule 4G 4.2.2, Rule 4G 4.2.3, Rule 4G 4.2.4 and Rule 4G 4.2.5, Rule 4G 4.2.8, Rule 4G 4.2.13, Rule 4G 4.2.14 and Rule 4G 4.2.15;</u></li> <li>2. <u>The effects of the retirement village on the safety of adjacent streets or public open spaces;</u></li> <li>3. <u>The effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces;</u></li> <li>4. <u>The extent to which articulation, modulation and materiality addresses adverse visual dominance effects;</u></li> <li>5. <u>The matters in 4G 3.1, 3.2, 3.3, 3.4, 3.5, 3.8, 3.12, 3.4 and the new policies inserted; and</u></li> <li>6. <u>The positive effects of the construction, development and use of the retirement village.</u></li> </ol>	
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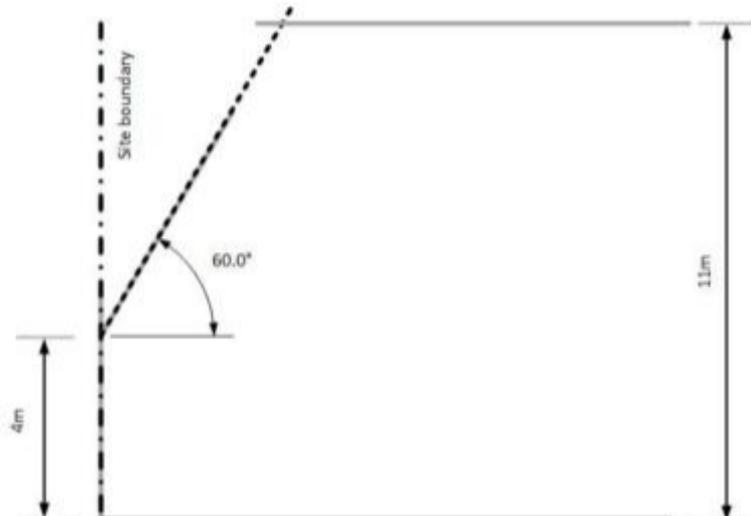
	<p><u>For clarity, no other rules or matters of discretion relating to the effects of density apply to buildings for a retirement village, however plan provisions which address other effects of retirement villages still apply.</u></p> <p><b>Notification status:</b></p> <p><u>An application for resource consent for a restricted discretionary activity under this rule is precluded from being publicly notified.</u></p> <p><u>An application for resource consent for a restricted discretionary activity under this rule that complies with Rule 4G 4.2.2, Rule 4G 4.2.3, Rule 4G 4.2.4 and Rule 4G 4.2.5 is precluded from being limited notified.</u></p>	
<b>4G 4.1.8</b>	Other Non-Residential Activities ( <i>retain as notified / not relevant for the purposes of this text</i> )	NC
<b>4G 4.1.9</b>	Light Spill ( <i>retain as notified / not relevant for the purposes of this text</i> )	PER / RDA
<b>4G 4.1.10</b>	Vibration ( <i>retain as notified / not relevant for the purposes of this text</i> )	PER / RDA
<b>4G 4.1.11</b>	Vegetation Removal ( <i>retain as notified / not relevant for the purposes of this text</i> )	PER

#### 4G 4.2 Development Standards

Development Standards		
<b>4G 4.2.1</b>	<p><b>Number of Residential Units per Site</b></p> <p>(a) Up to three residential units per site are a permitted activity.</p> <p>(b) Four or more residential units per site are a restricted discretionary activity.</p> <p><b>Discretion is restricted to:</b></p> <p>(i) The planned urban built character for the High Density Residential Activity Area, including the requirements to enable buildings of at least six storeys within the High Density Residential Activity Area.</p> <p>(ii) The matters in Policies 4G 3.5 and 4G 3.12.</p> <p>(iii) The matters in Policies 4G 3.10 and 4G 3.11, if the development is four or more storeys.</p> <p>(iv) The on-site amenity for future occupants of the development.</p> <p>(v) The capacity of the network infrastructure for water supply, wastewater, stormwater and land transport to service the proposed development.</p> <p>(vi) Any positive effects, including positive effects of increasing housing capacity and variety.</p> <p>(vii) The following design elements:</p>	PER / RDA

	<ol style="list-style-type: none"> <li>1. Building height</li> <li>2. Recession planes and setbacks</li> <li>3. Indoor and outdoor living spaces</li> <li>4. Open space and boundary treatments</li> <li>5. Entrances, carparking and garages</li> <li>6. Onsite stormwater management</li> <li>7. End / side wall treatment</li> <li>8. Building materials</li> <li>9. Bike parking, storage and service areas</li> <li>10. Privacy and safety</li> <li>11. Landscaping</li> </ol> <p>When considering the matters in (vi), the Council will be principally guided by its Medium Density Design Guide.</p> <p><u>The matters of discretion above do not apply to retirement villages. For a retirement village that infringes this standard, the retirement village specific matters of discretion provided in Rule 4G 4.1.7 apply.</u></p> <p>Public and limited notification is precluded for resource consent applications under Rule 4G 4.2.1(b).</p>	
<p><b>4F 4.2.2</b></p>	<p><b>Building Coverage</b></p> <p>(a) Construction or alteration of a building is a permitted activity if:</p> <ol style="list-style-type: none"> <li>(i) The building coverage does not exceed 50%</li> </ol>	<p>PER</p>
	<p>(b) Construction or alteration of a building that exceeds 50% building coverage is a restricted discretionary activity.</p> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>(i) The planned urban built character for the High Density Residential Activity Area, including the requirements to enable buildings of at least six storeys within the High Density Residential Activity Area.</li> <li>(ii) The effects on the privacy of adjoining sites.</li> <li>(iii) The effects on the amenity of the surrounding residential area, the streetscape and adjoining public space.</li> </ol> <p>Note: When addressing or assessing potential effects in relation to matters (i) and (ii) above, applicants and the Council can be informed by the relevant outcomes identified in the Medium Density Design Guide.</p> <p><u>The matters of discretion above do not apply to retirement villages. For a retirement village that infringes this standard, the retirement village specific matters of discretion provided in Rule 4G 4.1.7 apply.</u></p> <p>Public notification is precluded for resource consent applications under Rule 4G 4.2.2(b).</p>	<p>RDA</p>

<p><b>4G 4.2.3</b></p>	<p><b>Building Height</b></p> <p>(a) Construction or alteration of a building is a permitted activity if:</p> <ul style="list-style-type: none"> <li>(i) The building is within a specific height control overlay shown on the District Plan map and does not exceed the maximum height shown for that overlay, or</li> <li>(ii) In any other case, the building does not exceed a maximum height of 22m.</li> </ul>	<p>PER / RDA</p>
	<p>(b) Construction or alteration of a building that does not comply with Rule 4G 4.2.3(a) is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <li>(i) The planned urban built character for the High Density Residential Activity Area, including the requirements to enable buildings of at least six storeys within the High Density Residential Activity Area.</li> <li>(ii) The effects on the amenity of the surrounding residential area and adjoining streetscape.</li> <li>(iii) The effects on the privacy of adjoining sites.</li> <li>(iv) The effects on shading of adjoining sites including the impacts of shading on their primary internal and external living areas throughout the year.</li> <li>(v) The impacts of shading and additional building bulk on any public open space or recreational grounds and their ability to provide outdoor amenity to users.</li> <li>(vi) Any design features or articulation to reduce the bulk of the building when viewed from neighbouring properties.</li> <li>(vii) The following design elements: <ul style="list-style-type: none"> <li>1. Building height</li> <li>2. Recession planes and setbacks</li> <li>3. Indoor and outdoor living spaces</li> <li>6. Onsite stormwater management</li> <li>7. End / side wall treatment</li> <li>8. Building materials</li> <li>10. Privacy and safety</li> <li>11. Landscaping</li> </ul> </li> </ul> <p>When considering the matters in (iv), the Council will be principally guided by its Medium Density Design Guide.</p> <p><u><a href="#">The matters of discretion above do not apply to retirement villages. For a retirement village that infringes this standard, the retirement village specific matters of discretion provided in Rule 4G 4.1.7 apply.</a></u></p>	

	Public notification is precluded for resource consent applications under Rule 4F 4.2.2(b).	
<b>4G 4.2.4</b>	<p><b>Height in Relation to Boundary</b></p> <p>(a) Construction or alteration of a building is a permitted activity if the following height in relation to boundary requirements are being met:</p> <p>(i) 4m +60° from all side and rear boundaries.</p>  <p>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.</p> <p>This standard does not apply to:</p> <p>(a) A boundary with a road,</p> <p>(b) Existing or proposed internal boundaries within a site, <del>and</del></p> <p>(c) Site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed; <del>and</del></p> <p><u>(d) Boundaries adjoining recreation and open space zones, rural zones and commercial, business and mixed use zones.</u></p>	PER / RDA

	<p>(b) Construction or alteration of a building that does not meet the height in relation to boundary requirements is a restricted discretionary activity.</p> <p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"> <li>(i) The planned urban built character for the High Density Residential Activity Area, including the requirements to enable buildings of at least six storeys within the High Density Residential Activity Area.</li> <li>(ii) The effects on the privacy of adjoining sites.</li> <li>(iii) The effects on shading of adjoining sites, including the impacts of shading on their primary internal and external living areas.</li> <li>(iv) The effects on the amenity of the surrounding residential area and adjoining streetscape.</li> <li>(v) The level of additional building bulk and the impact on the amenity of the adjoining residential properties.</li> <li>(vi) The following design elements: <ul style="list-style-type: none"> <li>1. Building height</li> <li>2. Recession Planes</li> <li>3. End / side wall treatment</li> <li>4. Privacy and safety</li> </ul> </li> </ul> <p>Note: When addressing or assessing potential effects in relation to matters (i) to (vi) above, applicants and the Council can be informed by the relevant outcomes identified in the Medium Density Design Guide.</p> <p><u>The matters of discretion above do not apply to retirement villages. For a retirement village that infringes this standard, the retirement village specific matters of discretion provided in Rule 4G 4.1.7 apply.</u></p> <p>Public notification is precluded for resource consent applications under Rule 4G 4.2.4(b).</p>	
<p><b>4G 4.2.5</b></p>	<p><b>Setbacks</b></p> <p>(a) Construction or alteration of a building is a permitted activity if:</p> <ul style="list-style-type: none"> <li>(i) Buildings are set back from the relevant boundary by the minimum depth listed below <ul style="list-style-type: none"> <li>Front yard: 1.5m</li> <li>Side yard: 1m</li> <li>Rear yard: 1m</li> </ul> </li> </ul> <p>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.</p> <p>Eaves may encroach into any yard by up to 0.6m.</p>	<p>PER / RDA</p>

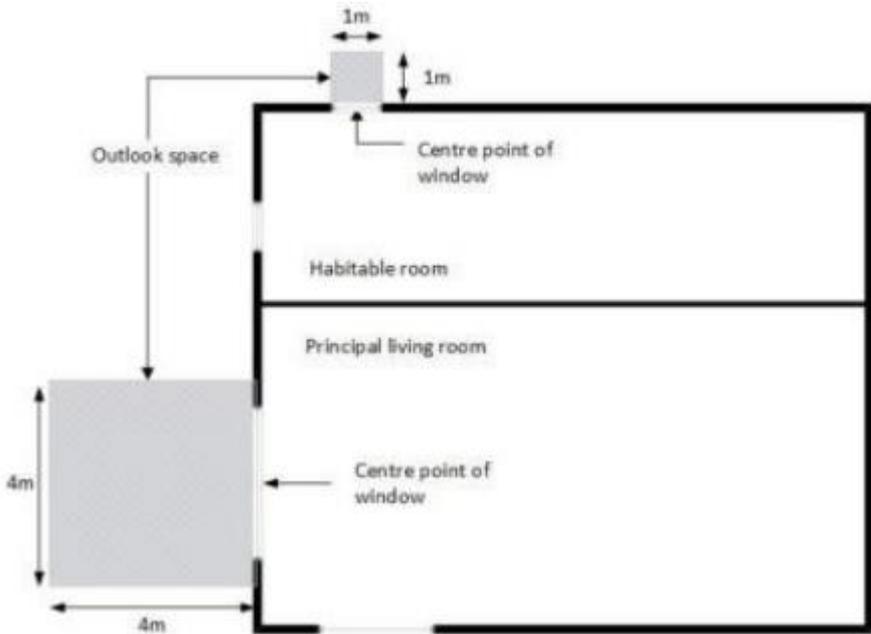
	<p>(b) Construction or alteration of a building that does not meet the setback requirements is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <p>(i) The planned urban built character for the High Density Residential Activity Area, including the requirements to enable buildings of at least six storeys within the High Density Residential Activity Area.</p> <p>(ii) The effects on the privacy of adjoining sites.</p> <p>(iii) The effects on the amenity of the surrounding residential area, the streetscape and adjoining public space.</p> <p>(iv) The effect from any building bulk and its proximity to the main internal and external living areas of adjoining residential properties</p> <p>(v) The effects on the amenity of the surrounding residential area, the streetscape and adjoining public space.</p> <p>(vi) The following design elements:</p> <ol style="list-style-type: none"> <li>1. Building height</li> <li>2. Recession Planes</li> <li>3. End / side wall treatment</li> <li>4. Privacy and safety</li> </ol> <p>Note: When addressing or assessing potential effects in relation to matters (i) to (vi) above, applicants and the Council can be informed by the relevant outcomes identified in the Medium Density Design Guide.</p> <p><u>The matters of discretion above do not apply to retirement villages. For a retirement village that infringes this standard, the retirement village specific matters of discretion provided in Rule 4G 4.1.7 apply.</u></p> <p>Public notification is precluded for resource consent applications under Rule 4G 4.2.5(b).</p>	
<p><b>4G 4.2.6</b></p>	<p><b>Height in Relation to Boundary and Setback Requirements for Sites Abutting Marae in the Community Iwi Activity Area</b></p> <p>(a) Construction or alteration of a building on a site abutting a marae in the Community Iwi Activity Area is a permitted activity if the following height in relation to boundary and setback requirements are met for any boundary shared with the marae:</p> <p>(i) A maximum height in relation to boundary of 2.5m +45°.</p> <p>(ii) A minimum boundary setback of 1m.</p> <p>(iii) One accessory building may be located in a side and/or rear yard, provided that the building does not extend more than 6m along the length of any boundary and is not located in a yard that is directly adjoining the rail corridor.</p> <p>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</p>	<p>PER / RDA</p>

	<p>boundary of that legal right of way, entrance strip, access site, or pedestrian access way.</p> <p>Eaves may encroach into any boundary setback by up to 0.6m.</p> <p>This rule is in addition to Rule 4G 4.2.4 Height in Relation to Boundary and Rule 4G 4.2.5 Yards.</p> <hr/> <p>(b) Construction or alteration of a building that does not meet the height in relation to boundary and setback requirements of Rule 4G 4.2.6(a) is a restricted discretionary activity.</p> <p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"> <li>(i) Privacy, visual dominance, and noise impacts on the tikanga and cultural safety of activities that occur at the marae.</li> <li>(ii) Whether there are alternative methods, locations or designs that would avoid or reduce impacts on tikanga and cultural safety.</li> <li>(iii) The outcomes of any engagement undertaken with tangata whenua responsible for the marae, relevant to the effects of the standard not met.</li> </ul> <p>Public notification is precluded for resource consent applications under Rule 4G 4.2.6(b).</p>	
<p><b>4G 4.2.7</b></p>	<p><b>Permeable Surface</b></p> <p><i>Rule deleted in its entirety</i></p>	<p>PER/ RDA</p>

<p><b>4G 4.2.8</b></p>	<p><b>Outdoor Living Space</b></p> <p>(a) Construction or alteration of a building is a permitted activity if:</p> <p>(i) Each residential unit at ground floor level has an outdoor living space that is at least 20m<sup>2</sup> and comprises ground floor, balcony, patio, or roof terrace space that:</p> <ol style="list-style-type: none"> <li>1. Where located at ground level, has no dimension less than 3m;</li> <li>2. Where provided in the form of a balcony, patio, or roof terrace, is at least 8m<sup>2</sup> and has a minimum dimension of 1.8m;</li> <li>3. Is accessible from the residential unit; and</li> <li>4. May be: <ol style="list-style-type: none"> <li>i. Grouped cumulatively by area in one communally accessible location, or</li> <li>ii. Located directly adjacent to the unit; and</li> </ol> </li> <li>5. Is free of buildings, parking spaces, and servicing and manoeuvring areas.</li> </ol> <p>(ii) Each residential unit located above ground floor level must have an outdoor living space in the form of a balcony, patio, or roof terrace that:</p> <ol style="list-style-type: none"> <li>1. Is at least 8m<sup>2</sup> and has a minimum dimension of 1.8m; and</li> <li>2. Is accessible from the residential unit; and</li> <li>3. May be: <ol style="list-style-type: none"> <li>i. Grouped cumulatively by area in one communally accessible location, in which case it may be located at ground level; or</li> <li>ii. Located directly adjacent to the unit.</li> </ol> </li> </ol> <p><u>(iii) For retirement units, clauses (i) and (ii) apply with the following modifications:</u></p> <ol style="list-style-type: none"> <li><u>1. the outdoor living space may be in whole or in part grouped cumulatively in 1 or more communally accessible location(s) and/or located directly adjacent to each retirement unit; and</u></li> <li><u>2. a retirement village may provide indoor living spaces in one or more communally accessible locations in lieu of up to 50% of the required outdoor living space.</u></li> </ol> <p>(b) Construction or alteration of a building that does not meet the outdoor living space requirements is a restricted discretionary activity.</p> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>(i) The planned urban built character for the High Density Residential Activity Area, including the requirements to enable buildings of at least six storeys within the High Density Residential Activity Area.</li> <li>(ii) The design, layout, access for residents, functionality, and on-going maintenance (including legal instruments) of any communal space provided on site to provide outdoor living.</li> </ol>	<p>PER / RDA</p>
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	<p>(iii) Any positive effects that not meeting the standard has on the retention of vegetation or other site features that add to the amenity of the site and surrounding residential area.</p> <p>(iv) The effects on the amenity for residents of the site, including access to sunlight and open space and accessibility of the outdoor living space proposed.</p> <p>(v) The usability and functionality of the proposed outdoor living area for future occupants.</p> <p>(vi) The proximity of the site to communal or public open space that has the potential to offset any lack of private outdoor living space.</p> <p>(vii) The following design elements:<sup>3</sup> Indoor and outdoor living spaces</p> <ol style="list-style-type: none"> <li>1. Indoor and outdoor living spaces</li> <li>2. Open space and boundary treatments</li> <li>3. Entrances, carparking and garages</li> <li>4. Bike parking, storage and service areas</li> <li>5. Privacy and safety</li> <li>6. Landscaping</li> </ol> <p>When considering the matters in (iii), the Council will be principally guided by its Medium Density Design Guide.</p> <p><u>The matters of discretion above do not apply to retirement villages. For a retirement village that infringes this standard, the retirement village specific matters of discretion provided in Rule 4G 4.1.7 apply.</u></p> <p>Public notification is precluded for resource consent applications under Rule 4G 4.2.8(b).</p>	
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<p><b>4G 4.2.9</b></p>	<p><b>Accessory Building</b></p> <p>(a) Construction or alteration of an accessory building is a permitted activity if:</p> <p>(i) Development Standards 4G 4.2.1 (Building Coverage), 4G 4.2.2 (Building Height), 4G 4.2.3 (Height in Relation to Boundary), <u>and</u> 4G 4.2.4 (Setbacks) <u>and</u> <del>4G 4.2.5 (Permeable Surface)</del> are complied with.</p> <p>b) Construction or alteration of an accessory building that does not comply with one or more of the standards listed above is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <p>(i) The effects on the amenity of adjoining sites.</p> <p>(ii) The effects on the amenity of the surrounding residential area, the streetscape and adjoining public space.</p>	<p>PER / RDA</p>
<p><del>4G 4.2.10</del></p>	<p><del><b>4F 4.2.8 Screening and Storage</b></del></p> <p><i>Rule deleted in its entirety</i></p>	<p><del>PER / RDA</del></p>
<p><b>4G 4.2.11</b></p>	<p><b>Demolition</b></p> <p>(a) The demolition of a building is a permitted activity.</p> <p>For buildings listed in Appendix Heritage 1 or 2 or in Appendix Significant Natural, Cultural and Archaeological Resources 1 the relevant rules of the Chapters 14E and 14G relating to demolition apply.</p>	<p>PER</p>
<p><del>4G 4.2.12</del></p>	<p><del><b>Stormwater Retention</b></del></p> <p><i>Rule deleted in its entirety</i></p>	<p><del>PER / RDA</del></p>

<p><b>4G</b> <b>4.2.13</b></p>	<p><b>Outlook Space (per unit)</b></p> <p>(a) Construction or alteration of a building is a permitted activity if:</p> <p>(i) Outlook space is provided for each residential unit as specified in this rule.</p> <p>(ii) Outlook space is provided from habitable room windows as shown in the diagram below:</p>  <p>(iii) The minimum dimensions for a required outlook space are:</p> <p>(a) A principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and</p> <p>(b) All other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width.</p> <p>(iv) The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.</p> <p>(v) Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.</p> <p>(vi) Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building.</p> <p>(vii) Outlook spaces may be under or over a balcony.</p> <p>(viii) Outlook spaces required from different rooms within the same building may overlap.</p> <p>(ix) Outlook spaces must:</p> <p>(a) Be clear and unobstructed by buildings; and</p> <p>(b) Not extend over an outlook space or outdoor living space required by another dwelling.</p>	<p>PER / RDA</p>
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	<p><u>(ix). For retirement units, clauses i – ix apply with the following modification: The minimum dimensions for a required outlook space are 1 metre in depth and 1 metre in width for a principal living room and all other habitable rooms.</u></p>	
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	<p>(b) Construction or alteration of a building that does not comply with one or more of the standards listed above is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"><li>(i) The planned urban built character for the High Density Residential Activity Area.</li><li>ii) The matters in Policy 4G 3.7</li><li>(iii) The effects on internal privacy of future occupants resulting from a reduced outlook.</li><li>(iv) Any mitigation factors such as view or landscaping that compensates for a reduced outlook..</li></ul> <p>When considering the matters in (ii), the Council will be principally guided by its Medium Density Design Guide.</p> <p><u>The matters of discretion above do not apply to retirement villages. For a retirement village that infringes this standard, the retirement village specific matters of discretion provided in Rule 4G 4.1.7 apply.</u></p> <p>Public notification is precluded for resource consent applications under Rule 4G 4.2.13(b).</p>	
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<p><b>4G</b> <b>4.2.14</b></p>	<p><b>Windows to Street</b></p> <p>(a) Construction or alteration of a building is a permitted activity if:</p> <p>(i) Residential units facing the street have a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors; <u>and</u></p> <p><u>(ii) Any retirement unit facing a public street must have a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors.</u></p> <p>(b) Construction or alteration of a building that does not comply with the above standard is a restricted discretionary activity.</p> <p><b>Discretion is restricted to:</b></p> <p>(i) The planned urban built character for the High Density Residential Activity Area, including the requirements to enable buildings of at least six storeys within the High Density Residential Activity Area.</p> <p>(ii) The matters in Policy 4G 3.12.</p> <p>(iii) The following design elements:</p> <ol style="list-style-type: none"> <li>1. Open space and boundary treatments.</li> <li>2. Entrances, carparking and garages.</li> <li>3. End / side wall treatment.</li> <li>4. Privacy and safety.</li> <li>5. Landscaping.</li> </ol> <p>When considering the matters in (iii), the Council will be principally guided by its Medium Density Design Guide.</p> <p><u>The matters of discretion above do not apply to retirement villages. For a retirement village that infringes this standard, the retirement village specific matters of discretion provided in Rule 4G 4.1.7 apply.</u></p> <p>Public notification is precluded for resource consent applications under Rule 4G 4.2.14(b).</p>	<p>PER / RDA</p>
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<p><b>4GF</b> <b>4.2.15</b></p>	<p><b>Landscaped Area</b></p> <p>(a) Construction or alteration of a building is a permitted activity if the following landscaped area standards are met:</p> <p>(i) A residential unit <u>or retirement unit</u> at ground floor level has a landscaped area of a minimum of 20% of a developed site with grass or plants, and can include the canopy of trees regardless of the ground treatment below them.</p> <p>(ii) The landscaped area may be located on any part of the development site and does not need to be associated with each residential unit <u>or retirement unit</u>.</p> <p>(b) Construction or alteration of a building that does not comply with either of the standards listed above is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <p>(i) The planned urban built character for the High Density Residential Activity Area, including the requirements to enable buildings of at least six storeys within the High Density Residential Activity Area.</p> <p>(ii) The matters in Policy 4G 3.7.</p> <p>(iii) The accommodation of any visually prominent or established vegetation on the site into the landscaping design and the visual effects from the loss of any existing visually prominent or established vegetation on the local streetscape and visual amenity values of the local area.</p> <p>(iv) The proposed measures and ownership of the landscaping to ensure on-going maintenance.</p> <p>(v) The timing of the implementation of the landscaping relative to the proposed development</p> <p>(vi) The appropriateness of the proposed species for the local area and their ability to service the local climate.</p> <p>(vii) The appropriateness of the species to be planted for the spaces that have been allowed, and.</p> <p>(viii) The following design elements:</p> <ol style="list-style-type: none"> <li>1. Building height</li> <li>2. Recession planes and setbacks</li> <li>3. Indoor and outdoor living spaces</li> <li>4. Open space and boundary treatments</li> <li>5. Entrances, carparking and garages</li> <li>6. On-site stormwater management</li> <li>7. End / side wall treatment</li> <li>8. Building materials</li> <li>9. Bike parking, storage and service areas</li> </ol>	<p>PER / RDA</p>
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	<p>10. Privacy and safety</p> <p>11. Landscaping</p> <p>When considering the matters in (ix), the Council will be principally guided by its Medium Density Design Guide.</p> <p><u>The matters of discretion above do not apply to retirement villages. For a retirement village that infringes this standard, the retirement village specific matters of discretion provided in Rule 4G 4.1.7 apply.</u></p> <p>Public notification is precluded for resource consent applications under Rule 4G 4.2.15(b).</p>	
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APPENDIX C

# Proposed District Plan Change 56

**Enabling Intensification in Residential and  
Commercial Areas**

**VOLUME 1 of 2  
Proposed Amendments and New Chapters**

**Publicly Notified:  
Submissions Close:**

**18 August 2022  
20 September 2022**



*The following sets out the provisions sought by the RVA and Ryman within Chapter 12 Financial Contributions as part of Plan Change 56 to the City of Lower Hutt District Plan.*

*Text highlighted with **blue** represents the further amendments following the hearing and text shown as **strikethrough** represents the proposed deletions.*

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## Chapter 12 Financial Contributions

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**AMENDMENT 363** [Chapter 12 Financial Contributions (Introduction)]  
*Amend Introduction to Chapter 12 Financial Contributions*

### Introduction

~~Section 108(a) as part of a resource consent authorises a condition requiring a financial contribution be made for purposes specified in the Plan.~~

Section 77E(1) of the Act authorises rules requiring a financial contribution for any class of activity other than a prohibited activity.

Section 108 (9) defines financial contribution as -

- (a) Money; or
- (b) Land, including an esplanade reserve or esplanade strip (other than in relation to a subdivision consent), but excluding Maori land within the meaning of the Maori Land Act 1993 unless that Act provides otherwise; or
- (c) A combination of money and land.

This Chapter contains the requirements for financial contributions which can be imposed for resource consents in all activity areas, subdivision and development of land, noting that Financial Contributions referred to in this Chapter are different from, and have a different purpose than, Development Contributions imposed under the Local Government Act 2002. Under section 200 of that Act, the Council cannot collect financial contributions for the same development and for the same purpose as a development contribution (and vice versa).

The provisions of this Chapter apply to all activity areas. Activities must also be assessed in terms of the requirements of each activity area, and the requirements of Chapters 11, 13 and 15, to determine whether or not a resource consent is required.

This chapter uses the term developers to refer to those undertaking alterations or development works resulting in an increased intensity of use of the site, including (but not limited to) new buildings, redevelopment of existing buildings, changes of use or any form of subdivision of land.

**AMENDMENT 364** [Chapter 12 Financial Contributions (Issues, Objectives and Policies)]  
*Amend Issue of section 12.1.1*

## 12.1 Issues, Objectives and Policies

### 12.1.1 Provision of Utility Services and Reserves when land is subdivided or developed

#### Issue

In the subdivision or development of land it is important that the cost of providing the necessary services and land for reserves are allocated fairly between ~~subdividers or~~ developers and the Council.

**AMENDMENT 365** [Chapter 12 Financial Contributions (Issues, Objectives and Policies)]  
*Amend Policies of section 12.1.1*

#### Policy

- (a) Subdividers and developers should bear the cost of providing all utility services within the

Commented [MD1]: Addresses double dipping point

land being subdivided or developed where the benefits accrue to the land being subdivided or developed.

- (b) In circumstances where the existing services outside the land being subdivided or developed are adequate but, the proposed subdivision or development will require upgrading or provision of new services and facilities, the subdivider or developer shall pay a fair and reasonable contribution pay the full and actual cost of such upgrading or new utility services and facilities that is proportionate to its demand on those services, accounting for cumulative effects from other developments.
- (c) Where Council has provided the necessary utility services in advance of land being subdivided or developed, it is necessary for owners of such land to make a fair and reasonable contribution when the land is subdivided or developed, that is proportionate to its demand on those services, accounting for cumulative effects from other developments.
- (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, that is proportionate to their demand on reserves, accounting for cumulative effects from other developments, either in cash or land, so that demand or need can be met and adverse effects can be avoided, remedied or mitigated.
- (e) Recognise that different types of development may place different demands on services and reserves and that any financial contributions imposed should be proportionate to the actual demand of a development on those services and reserves accounting for cumulative effects from other developments.
- (f) Recognise that the demand for services and reserves associated with retirement villages are expected to be substantially less than those from typical multi-unit developments, on a per unit basis due to the age and mobility of older residents, onsite amenities and operational efficiencies.
- (g) When calculating and determining Financial Contributions under this Plan, the Council must ensure that the matters addressed by such Financial Contributions are distinct from and do not overlap with, any Development Contributions imposed under the Local Government Act 2002 and meet the other requirements of section 200 of that Act.

**AMENDMENT 366** [Chapter 12 Financial Contributions (Rules)]  
*Amend heading of section 12.2.1 Financial Contributions relating to subdivision of land*

## 12.2 Rules

### 12.2.1 Financial Contributions relating to subdivision or development of land

**AMENDMENT 367** [Chapter 12 Financial Contributions (Rules)]  
*Amend Rules 12.2.1.1 Financial Contributions relating to roads, private ways, service lanes, accessways, footpaths and walkways*

#### 12.2.1.1 Financial Contributions relating to roads, private ways, service lanes, accessways, footpaths and walkways

- (a) The full and actual costs of providing all new roads, private ways, service lanes, accessways, footpaths and walkways within the land being developed or subdivided.
- (b) Where existing roads, service lanes, accessways, footpaths and walkways outside the subdivision development are adequate to serve the existing development but the proposed subdivision development will result in such roading facilities being inadequate in terms of

**Commented [MD2]:** To recognise that there will be cumulative effects from multiple developments that lead to the need for an upgrade and it would be unfair on the developer to pay all costs of upgrades when others have benefited from existing capacity.

**Commented [MD3]:** As above.

**Commented [MD4]:** As above

**Commented [MD5]:** As above

**Commented [MD6]:** As above and to particularly address retirement village demands.

**Commented [MD7]:** Addresses double dipping point

the specified performance standards Council engineering performance standards (see Subdivision Chapter for performance standards) the subdivider developer must pay the full and actual cost a fair and reasonable contribution for all upgrading and/or any new facilities that is proportionate to its demand on those roading facilities, accounting for cumulative effects from other developments.

- (c) Notwithstanding (b) above, where the existing road(s), service lane, footpath, accessway and walkway outside the land being subdivided already are not in accordance with the engineering performance standards (see Subdivision Chapter for performance standards) and the increase in traffic, due to the subdivision development, requires the existing road, service lane, footpath, accessway and walkway to be upgraded or widened, the subdivider shall make a contribution. The amount the subdivider will have to contribute will be based on the following method: developer shall pay the full and actual costs a fair and reasonable contribution for all upgrading and/or any new facilities that is proportionate to its demand on those roading facilities. In assessing what is fair and reasonable, the Council may elect to reduce the financial contributions from full and actual costs where must take into account whether the works provide significant benefits to other parties, such as other development sites, vacant land to be developed, or address an existing and meaningful level of service deficit, as well as cumulative effects from other developments.
- (i) Determine the number of dwelling units or buildings that could be developed in the proposed subdivision.
  - (ii) Using the number of dwelling units or buildings obtained, estimate the number of vehicular and pedestrian trips likely to be generated (including any future growth in traffic) by the proposed subdivision.
  - (iii) Estimate the number of vehicular and pedestrian trips generated by the existing development (including any future growth in traffic) and where appropriate taking into account future development (i.e. vacant land that could be subdivided in the future).
  - (iv) Determine the cost of upgrading the road, footpath, accessways or service lane based on the combined vehicular and/or pedestrian traffic.
  - (v) Divide the cost of upgrading the road, footpath, accessway or service lane by the total vehicular and/or pedestrian trips generated and allocate costs based on (i) and (ii).
- (d) Where in (c) above Council has contributed to the cost of upgrading or the provision of new roading facilities subdividers developers of such vacant land development sites will pay the full and actual cost involved based on the trips generated and a fair and reasonable contribution based on what is proportionate to its demand on those roading facilities in terms of the trips generated and the related impact on levels of service after taking into account the time value of money.
- (e) Where Council has upgraded facilities to take into account both vehicular and pedestrian traffic increases from land yet to be developed subdividers or other development sites, developers of such undeveloped land development sites shall be required to pay the full and actual costs a fair and reasonable contribution based on what is proportionate to its demand on those roading facilities of the upgrading and/or the new facilities based on in terms of the trips generated by the subdivision development and the related impact on levels of service after taking into account the time value of money.
- (f) Where Council provides or contributes to the necessary roading facilities for vacant land in advance of land being subdivided either by carrying out the necessary work or through other means such as in (c) above, the Council shall require a fair and reasonable contribution from the developer when land is subdivided based on what is proportionate to its demand on the upgrading and/or the new facilities in terms of the trips generated by the subdivision development and the related impact on levels of service.
- (g) Except where (f) above applies, where Council provides or contributes to the roading

Commented [MD8]: Remaining additions address the fairness point unless otherwise specified.

facilities for land being developed either by carrying out the necessary work or through other means such as in (c) above, the contribution is payable by the 20th of the following month (after the issue of a financial contribution notice by the Council) unless Council agree to different payment timing for large scale multi-stage developments. For financial contributions related to future works, a deposit of up to 100% of the estimated cost of the works may be required at the time building consent is issued.

**AMENDMENT 368** [Chapter 12 Financial Contributions (Rules)]

*New Rule 12.2.1.2, relocated from current Rule 12.2.2.1 (Traffic Impact Fee - for retail activities in all activity areas and places of assembly in all residential and rural areas)*

**12.2.1.2** **Traffic Impact Fee for retail activities in all activity areas and places of assembly in all residential and rural activity areas**

In all activity areas for all retail activities with a gross floor area exceeding 3,000 m<sup>2</sup>, and all places of assembly in Rural and Residential Activity Areas, shall be assessed to determine whether a traffic impact fee is required.

- (a) Where the existing roading network is adequate to serve the current level of development but the proposed retail activity or place of assembly will result in the need to upgrade or provide new facilities due to an increase in traffic generated the developer must pay the full and actual cost of the upgrading or the provision of new facilities.
- (b) Where the existing roading network is below specified performance standards the developer shall pay for the upgrading or the provision of new facilities. The amount the developer shall pay will be determined in accordance with the following method:
  - (i) Determine the number of vehicular and pedestrian trips likely to be generated by the proposed development (including any future growth in traffic).
  - (ii) Determine the number of vehicular and pedestrian trips generated by current development (including any future growth in traffic) and where appropriate taking into account future development.
  - (iii) Determine the cost of upgrading the roading network and/or the provision of new facilities.
  - (iv) Divide the cost of upgrading the roading network by the total number of vehicular and/or pedestrian trips generated and allocate costs based on (i) and (ii) above.
  - (v) Discounting the cost of upgrading the roading network, by the cost of completion of any works required, to bring the roading infrastructure up to an appropriate well maintained level for the activity area.
- (c) Council recognises that the impact fee is not appropriate in all cases and that each case must be assessed based on the particular circumstances that exist. In determining whether the base maximum should be adjusted the following matters need to be taken into account:
  - (i) Whether there will be increase in intensity of use of land from that which existed before. Whether there is a change in nature and character of the use of land.
  - (ii) The subsidies that council may receive from Transit New Zealand.

**AMENDMENT 369** [Chapter 12 Financial Contributions (Rules)]

*Amend Rule 12.2.1.3 Financial Contributions relating to lighting*

**12.2.1.3** **Financial Contributions relating to road lighting**

The subdivider developer must meet the full and actual cost of providing the necessary road lighting within the land being subdivided developed.

**AMENDMENT 370** [Chapter 12 Financial Contributions (Rules)]  
*Amend Rules 12.2.1.4 Financial Contributions relating to water supply*

**12.2.1.4 Financial Contributions relating to water supply**

- (a) Within the land being subdivided or developed the subdivider developer must pay the full and actual cost of providing the water supply for the proposed allotments.
- (b) Where the existing water supply capacity and pressure is adequate to serve existing development but the proposed subdivision will result in the capacity and/or pressure being inadequate the subdivider must pay the full and actual costs for a fair and reasonable contribution based on what is proportionate to its demand on water supply services of all such upgrading and new facilities accounting for cumulative effects from other developments.
- (c) Where a developer subdivider is required to provide additional capacity to address existing constraints or accommodate future demand beyond the land being subdivided or developed, the Council shall pay the additional cost involved based generally on the following method:
  - (i) Estimate the total number of litres per day in the area to be served by the new facility.
  - (ii) Determine the actual and full cost of providing the new facility.
  - (iii) Determine average cost per litre: (ii)/(i) = (iii).
  - (iv) Multiply (iii) by the development potential of land outside the land being subdivided to obtain the amount the Council has to contribute.
- (d) Where Council provides or contributes to the necessary water supply facilities for vacant land in advance of land being subdivided either by carrying out the necessary work or through other means such as in (c) above, the Council shall require a fair and reasonable contribution from the subdivider developer when land is subdivided based on the actual cost of providing the service to that land what is proportionate to its demand on the upgrading and/or the new water supply facilities after taking into account the time value of money.
- (e) Except where (d) above applies, where Council provides or contributes to the necessary water supply facilities for land being developed either by carrying out the necessary work or through other means such as in (c) above, the Council shall require a fair and reasonable contribution from the developer based on what is proportionate to its demand on the upgrading and/or the new water supply facilities the actual cost of providing the service to that land after taking into account the time value of money. The contribution is payable by the 20th of the following month (after the issue of a financial contribution notice by the Council) unless Council agree to different payment timing for large scale multi-stage developments. For financial contributions related to future works, a deposit of up to 100% of the estimated cost of the works may be required at the time building consent is issued.

**AMENDMENT 371** [Chapter 12 Financial Contributions (Rules)]  
*Amend Rules 12.2.1.5 Financial Contributions relating to disposal of wastewater and stormwater*

**12.2.1.5 Financial Contributions relating to disposal of waste water and stormwater for subdivision of land**

- (a) Within the land being subdivided or developed the subdivider developer must pay the full and actual cost of providing the necessary waste water and stormwater disposal facilities for the development.
- (b) Where the existing waste water and/or stormwater capacity outside the land being subdivided or developed is adequate to serve existing development but the proposed subdivision or development will result in the capacity being inadequate the subdivider

developer shall pay a fair and reasonable contribution the full and actual cost for all such upgrading and new facilities that is proportionate to its demand on those services, accounting for cumulative effects from other developments.

- (c) Where the Council provides or contributes to the necessary sewage and/or stormwater disposal system for vacant land in advance of such land being subdivided either by carrying out the necessary work the Council shall require a fair and reasonable contribution from the subdivider developer when such land is subdivided based on what is proportionate to its demand on those the actual and full cost of providing the services to that land after taking into account the time value of money.
- (d) Except where (c) above applies, where the Council provides or contributes to the necessary sewage and/or stormwater disposal system for development sites in advance of such sites being developed the Council shall require a fair and reasonable contribution from the developer based on what is proportionate to its demand on the the actual and full cost of providing the services to that land after taking into account the time value of money. The contribution is payable by the 20th of the following month (after the issue of a financial contribution notice by the Council) unless Council agree to different payment timing for large scale multi-stage developments. For financial contributions related to future works, a deposit of up to 100% of the estimated cost of the works may be required at the time building consent is issued.
- (e) The above provisions shall apply to all staged subdivisions and other developments.
- (f) The above provisions shall apply to all staged subdivisions.

**AMENDMENT 372** [Chapter 12 Financial Contributions (Rules)]  
*Amend Rules 12.2.1.8 Financial Contributions relating to Reserves*

**12.2.1.8 Financial Contributions relating to reserves**

- (aa) Where the subdivision results or will result in an increase or an intensification of use of land, whether for residential or commercial or industrial activities, the reserve contribution shall be a maximum contribution in cash or land to an equivalent value equal to 7.5% of the value of each new allotment, to provide a maximum dollar contribution of \$10,000 per allotment created in residential activity areas or \$5,000 per allotment created in rural activity areas.
- (ab) For other residential developments including unit title developments, where the development results or will result in an increase or an intensification of use of land, the reserve contribution shall be a contribution in cash or land to an equivalent value equal a dollar contribution of \$10,000 per residential unit. The contribution is payable by the 20th of the following month (after the issue of a financial contribution notice and invoice by the Council) unless Council agree to different payment timing for large scale multi-stage developments. This notice will usually be issued shortly after building consent is issued.

~~Where the subdivision results or will result in an increase or an intensification of use of land, whether for residential or commercial or industrial activities, the reserve contribution shall be a maximum contribution in cash or land to an equivalent value equal to 7.5% of the value of each new allotment, to provide a maximum dollar contribution of \$10,000 per allotment created in residential activity areas or \$5,000 per allotment created in rural activity areas.~~

- (b) Council recognises that the maximum reserve contribution is not appropriate in all cases and that each case must be assessed based on the particular circumstances that exist. In determining whether the base maximum should be reduced the following matters will be taken into account:
  - i. Whether there will be an increase in intensity of use of land which will lead to an increase in demand or need for reserves and open space.

- ii. Whether the development generates substantially lower levels of demand or need for reserves and open space per residential unit than the average (for example, Retirement Villages).
  - iii. Whether there will be changes to the nature and character of the use of land which will have adverse effects on the environment.
  - iv. The nature, type and suitability of recreation and open space provisions provided by the development.
  - v. The amount, type and distribution of open/recreation space and whether they are adequately meeting community needs and requirements.
  - vi. The nature of the topography, natural features, vegetation, landscape and visual amenity values of the land being developed to meet community open space and recreational requirements and/or to ensure protection of amenity values.
  - vii. The amount of reserve contribution paid on the land in the last ten years.
  - viii. The amount and nature of planting or improvements made to new and existing reserves and open space areas.
- (c) In determining whether land, cash or a combination of cash and land will be required the following matters will be taken into account:
- i. The size and nature of the proposed open/recreation space.
  - ii. The ability of the open/recreation areas to be used for the proposed purpose.
  - iii. The distance and accessibility of the proposed open/recreation space to users.
  - iv. The cost of maintaining the proposed open/recreation space.
  - v. The topography of the proposed open/recreation space.
  - vi. The ability to link the proposed open/recreation space to an existing or future network of open/recreation space and/or community facilities.

**AMENDMENT 373** [Chapter 12 Financial Contributions (Rules)]

*Add new Rule 12.2.1.9, relocated from current Rule 12.2.2.2 (Reserve Impact Fee – for all activities in the business and commercial activity areas)*

**12.2.1.9**            **Reserve Impact Fee for all activities in the business and commercial activity areas**

- (a) Where commercial or industrial development results or will result in an increase or intensification of use of land a contribution of money equivalent to 0.5% of the value of the development in excess of \$200,000 is required.
- (b) Council recognises that the maximum reserve contribution is not appropriate in all cases and that each case must be assessed based on the particular circumstances that exist. In determining whether the base maximum should be reduced the following matters will be taken into account:
  - (i) Whether there will be an increase in intensity of use of land which will lead to an increase in demand or need for reserves and open space.
  - (ii) Whether there will be changes to the nature and character of the use of land which will have adverse effects on the environment.
  - (iii) The nature, type and suitability of recreation and open space provisions provided by the development.

- (iv) The amount, type and distribution of open/recreation space and whether they are adequately meeting community needs and requirements.
- (v) The nature of the topography, natural features, vegetation, landscape and visual amenity values of the land being developed to meet community open space and recreational requirements and/or to ensure protection of amenity values.
- (vi) The amount of reserve contribution paid on the land in the last ten years.
- (vii) The amount and nature of planting or improvements made to new and existing reserves and open space areas.
- (viii) The amount of floor area to be used exclusively for public recreation activities.

**AMENDMENT 374** [Chapter 12 Financial Contributions (Rules)]

*Delete current Rules 12.2.2.1 and 12.2.2.2, relocated to Rules 12.2.1.2 and 12.2.1.9, respectively*

**Financial Contributions relating to the development of land**

**Traffic Impact Fee – for retail activities in all activity areas and places of assembly in all residential and rural activity areas**

In all activity areas for all retail activities with a gross floor area exceeding 3,000 m<sup>2</sup>, and all places of assembly in Rural and Residential Activity Areas, shall be assessed to determine whether a traffic impact fee is required.

- (a) — Where the existing roading network is adequate to serve the current level of development but the proposed retail activity or place of assembly will result in the need to upgrade or provide new facilities due to an increase in traffic generated the developer must pay the full and actual cost of the upgrading or the provision of new facilities.
- (b) — Where the existing roading network is below specified performance standards the developer shall pay for the upgrading or the provision of new facilities. The amount the developer shall pay will be determined in accordance with the following method:
  - (i) — Determine the number of vehicular and pedestrian trips likely to be generated by the proposed development (including any future growth in traffic).
  - (ii) — Determine the number of vehicular and pedestrian trips generated by current development (including any future growth in traffic) and where appropriate taking into account future development.
  - (iii) — Determine the cost of upgrading the roading network and/or the provision of new facilities.
  - (iv) — Divide the cost of upgrading the roading network by the total number of vehicular and/or pedestrian trips generated and allocate costs based on (i) and (ii) above. Discounting the cost of upgrading the roading network, by the cost of completion of any works required, to bring the roading infrastructure up to an appropriate well maintained level for the activity area.
- (c) — Council recognises that the impact fee is not appropriate in all cases and that each case must be assessed based on the particular circumstances that exist. In determining whether the base maximum should be adjusted the following matters need to be taken into account:
  - (i) — Whether there will be increase in intensity of use of land from that which existed before.
  - (ii) — Whether there is a change in nature and character of the use of land.
  - (iii) — The subsidies that council may receive from Transit New Zealand.

**Reserve Impact Fee – for all activities in the business and commercial activity areas**

- ~~(a) — Where commercial or industrial development results or will result in an increase or intensification of use of land a contribution of money equivalent to 0.5% of the value of the development in excess of \$200,000 is required.~~
- ~~(b) — Council recognises that the maximum reserve contribution is not appropriate in all cases and that each case must be assessed based on the particular circumstances that exist. In determining whether the base maximum should be reduced the following matters will be taken into account:
  - ~~(i) — Whether there will be an increase in intensity of use of land which will lead to an increase in demand or need for reserves and open space.~~
  - ~~(ii) — Whether there will be changes to the nature and character of the use of land which will have adverse effects on the environment.~~
  - ~~(iii) — The nature, type and suitability of recreation and open space provisions provided by the development.~~
  - ~~(iv) — The amount, type and distribution of open/recreation space and whether they are adequately meeting community needs and requirements.~~
  - ~~(v) — The nature of the topography, natural features, vegetation, landscape and visual amenity values of the land being developed to meet community open space and recreational requirements and/or to ensure protection of amenity values.~~
  - ~~(vi) — The amount of reserve contribution paid on the land in the last ten years.~~
  - ~~(vii) — The amount and nature of planting or improvements made to new and existing reserves and open space areas.~~
  - ~~(viii) — The amount of floor area to be used exclusively for public recreation activities.~~~~

## Appendix D - Section 32AA Evaluation – Commercial and Mixed Use Zones

### Having regard to Section 32AA, the following is noted:

<p>The specific provisions recommended to be amended are:</p> <ul style="list-style-type: none"><li>• Amend the existing 'retirement village' definition to the definition included in the National Planning Standards 2019;</li><li>• Insert a new definition for 'retirement unit';</li><li>• Insert a new objective and three new policies into each of the Medium Density Residential Activity Area and High Density Residential Activity Area (MDR-PX Provision of housing for an ageing population, RES-PX Larger Sites, MRZ-PX Role of density standards and RESZ-PX Changing Communities); and each of the commercial zones - Central Commercial Activity Area (CCAA), Petone Commercial Activity Area (PCAA) and the Suburban Mixed Use Activity Area (SMUAA) including:</li><li>• Objective Ox Provision of housing for an ageing population; and</li></ul>	<p><b>Reasons for the Changes</b></p> <p>The recommended new definition, and policies within the Residential, Commercial, and Mixed Use zones, fill a critical gap in the policy regime of Proposed Plan Change 56 associated with actively providing support for the ageing population in Lower Hutt City and the provision for retirement villages. It is considered that including a retirement unit definition and the new objective and policies appropriately recognises the acute needs for the ageing population and will more appropriately achieve the efficient use of land and patterns of development which are compatible with the role, function and predominant planned character of each particular zone. The further changes recommended to the polices and restricted discretionary activity assessment criteria are in response to the discussions at the hearing and the questions of the Hearing Plan to enable retirement villages in the residential and commercial zones and ensure that their environmental effects are managed.</p> <p><b>Effectiveness and Efficiency</b></p> <p>The recommended new objective and policies within the Residential Commercial, and Mixed Use zones, fill a critical gap in the policy regime of Proposed Plan Change 56 associated with actively providing support for the ageing population in Lower Hutt City and the provision for retirement</p>
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- Policy PX Housing in the commercial zones, Policy PX Larger Sites, Policy -PX Role of density standards and Policy PX Changing Communities; and
- Insert a new restricted discretionary activity for the construction of retirement villages.

**'Retirement Village'** - a managed comprehensive residential complex or facilities used to provide residential accommodation for people who are retired and any spouses or partners of such people. It may also include any of the following for residents within the complex: recreation, leisure, supported residential care, welfare and medical facilities (inclusive of hospital care) and other non-residential activities.

**'Retirement Unit'** - means any unit within a retirement village that is used or designed to be used for a residential activity (whether or not it includes cooking, bathing, and toilet facilities). A retirement unit is not a residential unit.

**[Insert Zone]- Objective Ox:** - Provision of housing for an ageing population

villages. It is considered that including the new policies appropriately recognises the acute needs for the ageing population and will more appropriately achieve the efficient use of land and patterns of development which are compatible with the role, function and predominant planned character of each particular zone.

### **Costs/Benefits**

The recommended amendments enable retirement village development to occur in the Residential zones and each of the Central Commercial Activity Area, Petone Commercial Activity Area, and the Suburban Mixed Use Activity Area, in line with the direction of the NPS-UD and Enabling Housing Act. This will have benefit in encouraging residential redevelopment and intensification to support the outcomes expressed in both the PC56 and NPS-UD. It will encourage quality design outcomes for retirement villages. It will provide addition population within residential zones which will contribute to great economic support in Lower Hutt City and provide employment.

The amended restricted discretionary activity assessment criteria provides clarity and ensures that the effects of concern are appropriately managed.

### **Risk of acting or not acting**

I consider that the appropriateness of adopting the relief sought must be considered in the context of the direction set out in the higher order policy documents, and in particular the NPS-UD and the Housing Enabling Act,

Provide a diverse range of housing and care options that are suitable for the particular needs and characteristics of older persons such as retirement villages.

**[Insert Zone] – Policy Px:- Housing in Central Commercial, Petone Commercial and Suburban Mixed-Use Zones**

Housing in Commercial and Mixed-Use Zones

Enable medium and high-density residential development including retirement villages where this:

- a. Contributes towards accommodating anticipated growth in the City;
- b. Offers a range of housing types, price, size and tenure that is accessible to people of all ages including the aging population and a range of 'lifestyles', cultures and abilities; and
- c. Achieves an appropriate mix of activities.

**[Insert Zone] – PX: Larger sites**

which provide a significant step change in meeting the needs of communities, including providing a variety of homes for a range of households.

The NPS-UD seeks to enable growth by requiring local authorities to provide development capacity to meet the demands of communities, address overly restrictive rules, and encourage quality, liveable urban environments. It also aims to provide growth that is strategically planned and results in vibrant cities. In my opinion, the relief sought by the RVA and Ryman will be more in line with the outcomes expressed in the NPS-UD.

The risk of not acting and council not giving effect to the changes sought by the RVA and Ryman, is that intensification or redevelopment options are not taken up or are unnecessarily prevented from occurring.

#### **Other Reasonably Practicable Options for Achieving the Objectives**

The other reasonably practicable option is to retain the provisions as originally proposed. However for the reasons, set out in the evidence, it is considered more beneficial to make the recommended changes to enable retirement villages within the residential and commercial zones.

Recognise the intensification opportunities provided by larger sites within all residential zones by providing for more efficient use of those sites.

**[Insert Zone] – PX: Changing communities.**

To provide for the diverse and changing residential needs of communities, recognise that the existing character and amenity of the residential zones will change over time to enable a variety of housing types with a mix of densities.

**[Insert Zone] – PX: Role of density standards**

Enable the density standards to be utilised as a baseline for the assessment of the effects of developments, **other than in areas where the Plan provides location-specific density standards.**

**[Insert Rule]: Amended Restricted Discretionary Activity Rule**

X \_\_\_\_\_ The construction of buildings for a retirement village

Matters of Discretion

i. The **extent and** effect arising from exceeding any of the following standards **(both individually and**

<p><b><u>cumulatively</u></b> where relevant: [<u>Rule 5A2.1.1 and 5B2.2.1.1.1, 5B2.2.1.1 and 5E4.2.1.1, 5E4.2.2, 5E4.2.3 and 5E4.2.4</u>];</p> <p>ii. <u>The effects of the retirement village on the safety of adjacent streets or public open spaces;</u></p> <p>iii. <u>The effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces;</u></p> <p>iv. <u>When assessing the matters in (i) <del>(iii)</del>, consider:</u></p> <p style="padding-left: 20px;">a. <u>The need to provide for efficient use of larger sites;</u></p> <p style="padding-left: 20px;"><u>and</u></p> <p style="padding-left: 20px;">b. <u>The functional and operational needs of the retirement village;</u></p> <p>v. <b><u>The matters in [CCAA 5A 1.1.3, 5A 1.1.4, 5A 1.2.1, and PX (New policies)] and / or [PCAA 5B 1.1.2A, 5B 1.1.3 and PX (New policies)] and /or [SMUAA 5E 3.2, 5E3.5, 5E 3.6, 5E 3.7, 5E 3.10 and PX (New policies)] (insert as required).</u></b></p> <p>vi. <u>The positive effects of the construction, development and use of the retirement village.</u></p>	
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The s32AA evaluation is to be undertaken at a scale and degree that is commensurate with the anticipated effects of the amendments.