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

AMENDMENT 253 - Amend issue of section 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 well­being 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, small­scale or low intensity light­industrial, 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.

AMENDMENT 254 - Amend policies of section 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

**Policy**

1. 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.
2. 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.
3. 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.
4. Provide for residential activities which have quality living spaces for residents, meet the service needs of this type of activity, and adopt on-[site](http://eplan.huttcity.govt.nz/pages/plan/book.aspx?exhibit=hcc_eplan_uvhkbbnlwrbwyslvorpg) measures to mitigate potential incompatibility issues with other activities.
5. Restrict residential activities at ground floor level along Jackson Street, thereby retaining retail and commercial activities along the Jackson Street pedestrian focused frontage.
6. 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.
7. 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](http://eplan.huttcity.govt.nz/pages/plan/book.aspx?exhibit=hcc_eplan_uvhkbbnlwrbwyslvorpg) Areas.
8. 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.
9. 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.

AMENDMENT 255 - Amend explanation and reasons of section 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

**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:

1. 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;
2. 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;
3. The area is well situated in terms of the regional transportation network (including public transport) and other public and community infrastructure and services; and
4. 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](http://eplan.huttcity.govt.nz/pages/plan/book.aspx?exhibit=hcc_eplan_uvhkbbnlwrbwyslvorpg) 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](http://eplan.huttcity.govt.nz/pages/plan/book.aspx?exhibit=hcc_eplan_uvhkbbnlwrbwyslvorpg), such as nearby residential areas. These effects include dust, odour, noise and glare. The [Plan](http://eplan.huttcity.govt.nz/pages/plan/book.aspx?exhibit=hcc_eplan_uvhkbbnlwrbwyslvorpg) 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 ~~Historic Retail Precinct~~ (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 small­scale retail activities in the Petone Mixed Use Area. Applications for small­scale retail activity in the Petone Mixed Use Area are expected to be accompanied by an assessment of their potential effects on the ~~retail efficiency and~~ 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 ~~within the Jackson Street Historic Retail Precinct~~. Although it is recognised that individual small­scale 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 large­scale integrated retail developments (i.e. above 10,000m2) 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](http://eplan.huttcity.govt.nz/pages/plan/book.aspx?exhibit=hcc_eplan_uvhkbbnlwrbwyslvorpg), 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.

AMENDMENT 256 - Delete section 5B 1.1.2B - Area 2 - Petone Mixed Use - Natural Hazards

**~~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~~**

1. ~~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.~~
2. ~~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.~~
3. ~~Ensure that new development does not occur without an understanding of natural hazard risks.~~
4. ~~New development does not take place without appropriate precautions and mitigation measures against natural hazard risks.~~
5. ~~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.~~
6. ~~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 earthquake­related 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 ice­sheet 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

1. 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.
2. 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.
3. 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.
4. 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.

AMENDMENT 257 - Amend explanation and reasons of section 5B 1.1.3 - Area 2 Petone Mixed Use - Main Entrance and Gateway Routes, with regard to The Esplanade

**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.

AMENDMENT 258 - Amend objective of section 5B 1.2.1 - Area 1 Distinctive Character and Built Form of the Area on Jackson Street generally between Victoria and Cuba Streets

**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.

AMENDMENT 259 - Amend policies of section 5B 1.2.1 - Area 1 Distinctive Character and Built Form of the Area on Jackson Street generally between Victoria and Cuba Streets

**Policy**

* 1. 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.
  2. 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.

AMENDMENT 260 - Amend explanation and reasons of section 5B 1.2.1 - Area 1 Distinctive Character and Built Form of the Area on Jackson Street generally between Victoria and Cuba Streets

**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

1. 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.
2. 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 re­developed 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 t~~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.~~ is designed to result in a quality interface with the public realm and, where appropriate, minimize adverse effects on surrounding sensitive interfaces, taking into account the planned urban built environment of the area.

AMENDMENT 261 - Amend policies of section 5B 1.2.3 - Area 2 - Character and Building Form and Quality within Area 2 ­ Petone Mixed Use

**Policy**

1. 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.
2. 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.
3. 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.
4. ~~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.~~

1. ~~Manage the height, location and design of~~ Encourage buildings and development on The Esplanade to create a landscaped street frontage and to protect~~ion~~ ~~of~~ sunlight access to the beach ~~to avoid overshadowing~~.
2. Encourage all new buildings to provide appropriate levels of natural light to occupied spaces within the building.
3. 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](http://eplan.huttcity.govt.nz/pages/plan/book.aspx?exhibit=hcc_eplan_uvhkbbnlwrbwyslvorpg) to building failure and loss of life from seismic hazards, including fault rupture hazard, subsidence and liquefaction.

AMENDMENT 262 - Amend Explanation and Reasons of section 5B 1.2.3 - Area 2 - Character and Building Form and Quality within Area 2 ­ Petone Mixed Use

**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](http://eplan.huttcity.govt.nz/pages/plan/book.aspx?exhibit=hcc_eplan_uvhkbbnlwrbwyslvorpg) 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](http://eplan.huttcity.govt.nz/pages/plan/book.aspx?exhibit=hcc_eplan_uvhkbbnlwrbwyslvorpg) 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](http://eplan.huttcity.govt.nz/pages/plan/book.aspx?exhibit=hcc_eplan_uvhkbbnlwrbwyslvorpg), modification or conversion of the existing building stock in the area. For these small modifications to existing buildings, [Council](http://eplan.huttcity.govt.nz/pages/plan/book.aspx?exhibit=hcc_eplan_uvhkbbnlwrbwyslvorpg) 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](http://eplan.huttcity.govt.nz/pages/plan/book.aspx?exhibit=hcc_eplan_uvhkbbnlwrbwyslvorpg) of linkages within the [site](http://eplan.huttcity.govt.nz/pages/plan/book.aspx?exhibit=hcc_eplan_uvhkbbnlwrbwyslvorpg) 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](http://eplan.huttcity.govt.nz/pages/plan/book.aspx?exhibit=hcc_eplan_uvhkbbnlwrbwyslvorpg) 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](http://eplan.huttcity.govt.nz/pages/plan/book.aspx?exhibit=hcc_eplan_uvhkbbnlwrbwyslvorpg) 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](http://eplan.huttcity.govt.nz/pages/plan/book.aspx?exhibit=hcc_eplan_uvhkbbnlwrbwyslvorpg) manages new buildings and larger additions to existing buildings over 12 metres in [height](http://eplan.huttcity.govt.nz/pages/plan/book.aspx?exhibit=hcc_eplan_uvhkbbnlwrbwyslvorpg) to ensure the wind conditions are not worsened.  
  
The Petone Mixed Use Area shares an extensive interface with adjacent [Residential Activity](http://eplan.huttcity.govt.nz/pages/plan/book.aspx?exhibit=hcc_eplan_uvhkbbnlwrbwyslvorpg) 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](http://eplan.huttcity.govt.nz/pages/plan/book.aspx?exhibit=hcc_eplan_uvhkbbnlwrbwyslvorpg) 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](http://eplan.huttcity.govt.nz/pages/plan/book.aspx?exhibit=hcc_eplan_uvhkbbnlwrbwyslvorpg) 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](http://eplan.huttcity.govt.nz/pages/plan/book.aspx?exhibit=hcc_eplan_uvhkbbnlwrbwyslvorpg" \o "Click for definition) is surrounded by the Petone Mixed Use Area and is recognised for its cultural values (Community Iwi Activity Area). Development adjacent to the [urupa](http://eplan.huttcity.govt.nz/pages/plan/book.aspx?exhibit=hcc_eplan_uvhkbbnlwrbwyslvorpg" \o "Click for definition) is to be managed to protect the cultural values of this area through the use of [height](http://eplan.huttcity.govt.nz/pages/plan/book.aspx?exhibit=hcc_eplan_uvhkbbnlwrbwyslvorpg) 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 tsunami. Fault rupture has the potential to cause significance 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

1. 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.

AMENDMENT 263 - Amend explanation and reasons of section 5B 1.2.4 - Carparking

**Explanation and Reasons**

The provision of suitable on­site 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 on­site 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 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**

1. 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 1,000m².
2. Commercial activities with a gross floor area not exceeding 1,000m².
3. Residential activities above ground floor level.
4. Health care services with a gross floor area not exceeding 1,000m².
5. Licensed Premises with a gross floor area not exceeding 1,000m².

AMENDMENT 264 - Add new Permitted Activity Rule 5B 2.1.1(f)

(f) Redecoration, repair or alterations which are internal and not visible from the road or from the road frontage.

AMENDMENT 265 - Add new Permitted Activity Rule 5B 2.1.1(g)

(g) Minor repair, alterations, and maintenance to the existing facade of a building or structure that does not require building consent;

AMENDMENT 266 - Add new Permitted Activity Rule 5B 2.1.1(h)

(h) Signs that are temporary for a period of no more than 3 months.

### 5B 2.1.1.1 Area 1 Permitted Activities ­ Conditions

AMENDMENT 267 - Delete Permitted Activity Condition 5B 2.1.1.1(a) Site Coverage

~~(a)~~ ~~Site Coverage:~~

~~Site Coverage: Up to a maximum of 100%.~~

AMENDMENT 268 - Amend Permitted Activity Condition 5B 2.1.1.1(b) Maximum Height of Buildings and Structures

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

(i) 10m within the Jackson Street Heritage Precinct

(ii) 22m where not within the Jackson Street Heritage Precinct

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

AMENDMENT 269 - Amend Permitted Activity Condition 5B 2.1.1.1(c) Landscaping and Screening

(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.

AMENDMENT 270 - Amend Permitted Activity Condition 5B 2.1.1.1(d) Sites abutting residential activity areas

(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~~ 1m on boundaries with a site ~~abuts~~ in a residential activity area.

(iii) Rear yard ­ minimum depth of ~~8 metres where the~~ 1m 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~~ 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 close­boarded 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

AMENDMENT 271 - Amend Restricted Discretionary Activity Rule 5B 2.1.2(a)

(a) All construction, redevelopment, alterations, repairing or modifications of any building or structure~~, except the following:~~ which is not listed as a Permitted Activity.

1. ~~Redecoration, repair or alterations which are internal and not visible from the road or from the road frontage; and~~
2. ~~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.~~

Public and limited notification is precluded for applications under Rule 5B 2.1.2(a).

AMENDMENT 272- Amend Restricted Discretionary Activity Rule 5B 2.1.2(b)

(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.

### 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:

* 1. Building shape;
  2. Buildings on corner sites;
  3. Building modulation;
  4. Wall materials and openings;
  5. Silhouette, parapets and cornices;
  6. Decoration and colour;
  7. Verandahs;
  8. Under verandahs; and
  9. Signs and lighting.

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

### 5B 2.1.2.2 Other Matters

All Restricted Discretionary Activities must comply with other relevant Permitted Activity Conditions.

## 5B 2.1.3 Discretionary Activities

* + 1. Except where stated in the General Rules, any Permitted Activity which fails to comply with any of the Permitted Activity Conditions.
    2. Residential activity on the ground floor of buildings.
    3. Brothels and commercial sexual services on the ground floor of buildings.
    4. Brothels and commercial sexual services on a site abutting or directly across the road from schools, pre­ school facilities, churches and other similar religious establishments or a residential activity area.

### 5B 2.1.3.1 Assessment Matters for Discretionary Activities

1. The matters contained in sections 104 and 105, and in Part II of the Act shall apply.
2. The degree of compliance or non­compliance with any relevant Permitted Activity Conditions.

## 5B 2.1.4 Non­Complying Activities

1. All other activities not listed as a Permitted, Restricted Discretionary or Discretionary Activity.

## 5B 2.1.5 Other Provisions

1. Subdivisions ­ See Chapter 11.
2. Financial Contributions ­ See Chapter 12.
3. Network Utilities, including the National Grid ­ See Chapter 13.
4. General Rules ­ See Chapter 14.

## 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**

1. Retail activities which comply with the following:
   1. Individual retail stores not less than 500m² gross floor area\*.
   2. Individual retail stores of not more than 3,000m² gross floor area\*.
   3. Cumulative total floor space of all individual retail stores of not more than 3,000m² 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).

1. Commercial activities, with the exception of activities anticipated to accommodate in excess of 300 persons at any one time.
2. Warehouses.
3. Garden centres.
4. Residential Activities, with the exception of:
   1. Ground floor level on Jackson Street;
   2. Housing for the Elderly; and
   3. Residential Facilities.
5. Brothels and commercial sexual services, with the exception of:
   1. Ground floor level on Jackson Street;
   2. Sites abutting or directly across the road from schools, childcare facility, churches and other similar religious establishments or a Residential Activity Area; and
   3. Within a building which is used or partially used for residential purposes.
6. Commercial garages.
7. Service Industry Activities.
8. Cottage Industry Activities.
9. Service, repair or hire of household goods and services.
10. Research for industrial purposes.

AMENDMENT 273 - Amend Permitted Activity Rule 5B 2.2.1(l)

1. 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.
2. 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.
3. The total or partial demolition or removal of buildings and structures.
4. Minor alterations to existing site activities or land condition:
   1. 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
   2. Change to layout or configuration of existing car parks or existing drive­ through facility.

### 5B 2.2.1.1 Area 2 Permitted Activities ­ Conditions

AMENDMENT 274 - Amend Permitted Activity Condition 5B 2.2.1.1(a) Maximum Height and Recession Plane of Buildings and Structures

1. Maximum Height and Recession Plane of Buildings and Structures: ~~20.0m, with the following exceptions –~~
2. ~~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;~~
3. ~~12.0m for properties abutting a General Residential Area;~~
4. ~~14.0m for properties to the east of Victoria Street, except for those sites which abut the General Residential Activity Area;~~
5. ~~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.

AMENDMENT 275 - Delete Permitted Activity Condition 5B 2.2.1.1(b) Minimum Yard and Setback Requirements

1. ~~Minimum Yard and Setback Requirements:~~
2. ~~Buildings and structures on sites abutting an urupa shall have a minimum setback of 3m.~~
3. ~~Buildings and structures on sites abutting a General Residential Activity Area shall have a minimum setback of 3.0m.~~
4. ~~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.~~
5. Verandahs, Building Frontages and Display Windows on Jackson Street:

For sites fronting Jackson Street:

* 1. 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.
  2. Buildings and structures shall have a maximum ground floor street frontage width for individual occupiers of 30.0m.
  3. 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.

***AMENDMENT 276 - Amend Permitted Activity Condition 5B 2.2.1.1(d) Landscaping and Screening***

1. Landscaping and Screening:
2. 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.
3. All outdoor storage areas shall be screened so that they are not visible from a road or public space.
4. 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.
5. ~~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 on­site pedestrian and vehicle activities and pedestrian/vehicular activities taking place on the street.~~

***AMENDMENT 277 - Amend Permitted Activity Condition 5B 2.2.1.1(e) Sites abutting Residential Activity Areas***

1. Sites abutting Residential Activity Areas:

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

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

***AMENDMENT 278 - Amend Permitted Activity Condition 5B 2.2.1.1(f) Sites abutting or directly opposite the Community Iwi Activity Area***

1. Sites abutting or directly opposite the Community Iwi Activity Area (Te Puni Urupā):

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

1. ~~The maximum building height is 8m where a site abuts the Community Iwi Activity Area.~~
2. For all buildings and structures, a recession plane applies of 2.5m + 45° from all site boundaries with the urupā. 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 urupā.
3. A minimum yard of 3 metres on any boundary with the urupā.
4. Noise Insulation:
   1. 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:

DnT,w + Ctr > 30 dB¹

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

1. Accords with the schedule of typical building construction set out in Appendix Central Commercial 7 – Noise Insulation Construction Schedule; or
2. 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.

[¹DnT,w + Ctr > 30 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)]

1. Ventilation:

Where bedrooms with openable windows are proposed, a positive supplementary source of fresh air ducted from outside is required at the time of fit­out. 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.

***AMENDMENT 279 - Amend Permitted Activity Condition 5B 2.2.1.1(i) Outdoor Living Areas for Residential Activities ~~5B 2.2.1.1(f) Sites abutting or directly opposite the Community Iwi Activity Area~~***

1. Outdoor Living Areas for Residential Activities:

A minimum area of 20m² per residential unit shall be provided as either private or shared outdoor amenity space. Of this area, a minimum of 2.5m² 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 5m² with a minimum dimension of 1.8m.

1. Lighting:

Any activity shall comply with the following requirements:

* 1. 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
  2. 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.

1. 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.

1. 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.

1. General Rules:

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

## 5B 2.2.2 Restricted Discretionary Activities

***AMENDMENT 280 - Delete Restricted Discretionary Activity Rule 5B 2.2.2***

1. The construction, alteration of, addition to buildings and structures, except for those works permitted under Rule 5B 2.2.1 (l) and (m).
2. ~~The construction, alteration of, addition to buildings and structures over 12 metres in height, except:~~
3. ~~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~~
4. ~~The alteration of, addition of buildings and structures which does not change the external building form (floor area and height) of the existing building.~~
5. 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:
   1. Any non­compliance with rules in Chapter 14 – General Rules, is specifically identified as requiring assessment under an alternative activity status.

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

***AMENDMENT 281 - Amend Matter of Discretion 5B 2.2.2.1(a)***

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

1. Design, external appearance and siting of the building or structures.
2. 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.

1. Amenity Values

* Effects upon the amenity values both within the site concerned and upon the planned amenity values for surrounding areas from buildings, structures and use of outdoor areas.

1. 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 on­site parking areas.

1. ~~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).~~

1. Capacity of Infrastructure

* The capacity of the City's infrastructure to service additional development on the site.

1. 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.

1. Cultural significance of Te Puni Urupā

* Where adjacent, impacts on the cultural and historic values of the Te Puni Urupā.

***AMENDMENT 282 - Delete Matter of Discretion 5B 2.2.2.1(b)***

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

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

* 1. **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 non­compliance, and measures to avoid, remedy or mitigate such effects.

### 5B 2.2.2.2 Restricted Discretionary Activity ­ Conditions

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

***AMENDMENT 283 - Delete Restricted Discretionary Activity Condition 5B 2.2.2.2(b)***

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

1. ~~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:~~

1. ~~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.~~
2. ~~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.~~

|  |  |  |
| --- | --- | --- |
| **~~Wind strength~~** | **~~Change in annual hours of occurrence with the development at all measurement points~~** | **~~Requirements on developer~~** |
| ~~Strong (mean hourly wind speed = 3.5 m/s)~~ | ~~If hours that 3.5 m/s is equalled or exceeded increase by more than 170 hr/yr (i.e. 2 % of the year)~~ | ~~Reduce change in hours to a maximum of 170 hours.~~ |
| ~~Moderate (mean hourly wind speed = 2.5 m/s)~~ | ~~If hours that 2.5 m/s is equalled or exceeded increase by more than 170 hr/yr (i.e. 2 % of the year)~~ | ~~Reduce change in hours to a maximum of 170 hours.~~ |

1. ~~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.~~
2. ~~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

1. 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.
2. Residential activities at ground floor level on Jackson Street.
3. Service stations.
4. Retail activities with an individual or cumulative total floor space of more than 3,000m² gross floor area.\*
5. Retail activities with a gross floor area below 500m² 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.

1. Licenced premises.
2. Childcare facility.
3. Places of assembly.
4. Community activities/facilities.
5. Education and training facilities.
6. Commercial activities anticipated to accommodate more than 300 persons at any one time.
7. Housing for the elderly.
8. Residential facilities.
9. Car sales yards.
10. Industrial activities except for:
    1. service, repair or hire of household goods and services;
    2. research for industrial purposes.
11. Brothels and commercial sexual services on the ground floor level on Jackson Street.
12. 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.
13. All other activities not listed as a Permitted, Restricted Discretionary or Non­Complying Activity.

### 5B 2.2.3.1 Assessment Matters for Discretionary Activities

1. The matters contained in sections 104 and 105, and in Part II of the Act shall apply.
2. Design, external appearance and siting of the building or structures.
3. 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.
4. Natural hazards, including geotechnical investigation on seismic hazards, including fault rupture, subsidence, tsunami and liquefaction, and measures 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).

1. Amenity Values
   * Effects upon the amenity values both within the site concerned and upon surrounding areas from buildings, structures and use of outdoor areas.
2. 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 on­site parking areas.
3. Capacity of Infrastructure
   * The capacity of the City's infrastructure to service additional development on the site.
4. Impact on Historic Heritage
   * 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.
5. The degree of compliance or non­compliance with any relevant Permitted or Restricted Discretionary Activity Conditions.

### 5B 2.2.3.2 Additional Assessment Matters for Small Scale Retail below 500m² gross floor area

Economic effect on the Jackson Street Historic Retail Precinct including:

* + Incremental effect of proposed store(s) on the economic vitality and viability of the Jackson Street Historic Retail Precinct;
  + Cumulative effect of proposed store(s) in development proposed and any other small­scale retail approved in the Petone Mixed Use Area over the past five calendar years;
  + Effect on the economic efficiency of the Jackson Street Historic Retail Precinct as a retail centre;
  + Number of existing vacancies in the Jackson Street Historic Retail Precinct at the time of lodging resource consent;
  + Whether a suitable location is available for the development within the Jackson Street Historic Retail Precinct.

### 5B 2.2.3.3 Additional Assessment Matters for Licensed Premises

Economic effect on the Jackson Street Historic Retail Precinct including:

* + Incremental effect of proposed store(s) on the economic vitality and viability of the Jackson Street Historic Retail Precinct;
  + Cumulative effect of proposed store(s) in development proposed and any other small­scale retail approved in the Petone Mixed Use Area over the past five calendar years;
  + Effect on the economic efficiency of the Jackson Street Historic Retail Precinct as a retail centre;
  + Number of existing vacancies in the Jackson Street Historic Retail Precinct at the time of lodging resource consent; and
  + Whether a suitable location is available for the development within the Jackson Street Historic Retail Precinct.

### 5B 2.2.3.4 Additional Assessment Matters for Retail above 3,000m² gross floor area

Economic effect on the Jackson Street Historic Retail Precinct including:

* + Economic effect of proposed store(s) on the economic vitality and viability of the Jackson Street Historic Retail Precinct over a minimum time period of 5 years;
  + Economic effect of proposed store(s) on the economic vitality and viability of the Hutt City Central Commercial Activity Area (Lower Hutt CBD) over a minimum time period of 5 years; and
  + Identification of the proportion of floorspace to be used for 'comparison¹' and convenience goods.

[¹Comparison goods refers to the range of goods which are typically provided for in existing centres, such as books, clothing, music, footwear, cosmetics, accessories, stationary, health and beauty products]

## 5B 2.2.4 Non­Complying Activities

1. Emergency Facilities.
2. Integrated Retail Developments with a gross floor area in excess of 10,000m².

## 5B 2.2.5 Other Provisions

1. Subdivisions ­ See Chapter 11.
2. Financial Contributions ­ See Chapter 12.
3. Network Utilities, including the National Grid ­ See Chapter 13.
4. General Rules ­ See Chapter 14.

# 5B 3 Anticipated Environmental Results

1. The distinctive built form, style and character of buildings in Petone [Commercial Activity](http://eplan.huttcity.govt.nz/pages/plan/book.aspx?exhibit=hcc_eplan_uvhkbbnlwrbwyslvorpg) Area 1 are retained and enhanced.
2. Amenities of adjoining properties in [Residential Activity](http://eplan.huttcity.govt.nz/pages/plan/book.aspx?exhibit=hcc_eplan_uvhkbbnlwrbwyslvorpg) Areas will be protected.
3. The commercial and retail needs of residents and other users will be met.
4. The Jackson Street Historic Retail Precinct continues to be vital and vibrant, with the mixed use area catering for increased diversity of complementary activities.
5. Safe and attractive Petone [Commercial Activity](http://eplan.huttcity.govt.nz/pages/plan/book.aspx?exhibit=hcc_eplan_uvhkbbnlwrbwyslvorpg) Areas 1 and 2.
6. A sense of place and identity that reflects the character, qualities and context of the Petone area.
7. Protection of the biodiversity and recreational values of Korokoro Stream and Petone foreshore situated outside the Petone Mixed Use Area.
8. Protection of thAe historic character and economic vitality and viability of the Jackson Street Historic Retail Precinct.
9. A reduction in hazard risks for people and property within Petone [Commercial Activity](http://eplan.huttcity.govt.nz/pages/plan/book.aspx?exhibit=hcc_eplan_uvhkbbnlwrbwyslvorpg) Area 2.