5E Suburban Mixed Use Activity Area

AMENDMENT 305 - Amend section 5E 1 Introduction / Zone Statement

**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 the key suburban centres of Waterloo and Naenae. The next higher levels are 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.

AMENDMENT 306 - Amend Objective 5E 2.2

**Objective 5E 2.2**

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

**Objective 5E 2.2A**

Recognise that the Naenae and Waterloo centres are particularly suitable for high density development.

AMENDMENT 307 - Amend Objective 5E 2.3

**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.

AMENDMENT 308 - Amend Objective 5E 2.4

**Objective 5E 2.4**

Built development ~~shall maintain is consistent with the amenity values expected in the planned urban environment of adjoining residential areas.~~ adjoining sites in residential activity areas minimises adverse effects on the amenity values of those sites, taking into account the planned urban built environment of the Suburban Mixed Use Activity Area and surrounding residential environment.

**Objective 5E 2.5**

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

AMENDMENT 309 - Delete Objective 5E 2.6

**~~Objective 5E 2.6~~**

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

# 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.

AMENDMENT 310 - Amend Policy 5E 3.5

**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, having regard to the planned amenity values of the activity areas.

**Policy 5E 3.5A**

Provide for taller buildings than the permitted height limit in Naenae and Waterloo where they demonstrate high quality design elements.

AMENDMENT 311 - Amend Policy 5E 3.6

**Policy 5E 3.6**

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

AMENDMENT 312 - Amend Policy 5E 3.7

**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.~~

Manage the adverse effects from development and activities directly adjoining sites within adjacent residential activity areas by ensuring that:

1. Buildings are located and designed to achieve a transition at the activity area interface, and

2. Buildings are located and designed to minimise shading and privacy effects.

**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.

AMENDMENT 313 - Delete Policy 5E 3.10

**~~Policy 5E 3.10~~**

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

# 5E 4 Rules

## 5E 4.1 Activities

**Rule 5E 4.1.1 Offices, Commercial Services, Retail and Entertainment Facilities**

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| 1. Offices, Commercial Services, Retail and Entertainment Facilities are **permitted** activities if:    1. The gross floor area of the activity does not exceed 500m2.    2. For sites adjoining a Residential Activity Area:       1. Servicing hours are limited to 7.00am to 10.00pm.       2. All outdoor storage and servicing areas are screened so they are not visible from adjoining residential sites. |
| 1. Offices, Commercial Services, Retail and Entertainment Facilities that do not meet the above permitted activity standards are **restricted discretionary** activities.   **For non­compliance with (a) (i) above discretion is restricted to:**   * 1. The effects arising from the scale and intensity of the activity.   2. The need to provide for the functional requirements of the activity.   **For non­compliance with (a) (ii) above discretion is restricted to:**   * 1. The effects on the night time amenity of the surrounding residential area.   2. The effects on the visual amenity of adjoining sites. |
| Links to:  Objective 5E 2.1  Policy 5E 3.1 |

**Rule 5E 4.1.2 Service Industries and Cottage Industries**

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| 1. Service industries and cottage industries are **permitted** activities if:    1. The gross floor area of the activity does not exceed 500m2.    2. For sites adjoining a Residential Activity Area:       1. Servicing hours are limited to 7.00am to 10.00pm.       2. All outdoor storage and servicing areas are screened so they are not visible from adjoining residential sites. |

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| 1. Service industries and cottage industries that do not meet the above permitted activity standards are   **restricted discretionary** activities.  **For non­compliance with (a) (i) above discretion is restricted to:**   * 1. The effects arising from the scale and intensity of the activity.   2. The effects on the amenity of the streetscape.   3. The need to provide for the functional requirements of the activity.   **For non­compliance with (a) (ii) above discretion is restricted to:**   * 1. The effects on the night time amenity of the surrounding residential area.   2. The effects on the visual amenity of adjoining sites. |
| Links to:  Objective 5E 2.1  Policy 5E 3.1, 5E 3.3 |

**Rule 5E 4.1.3 Health Care Services, Community Facilities, Marae, Education Facilities and Places of Assembly**

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| 1. Health Care Services, Community Facilities, Marae, Education Facilities and Places of Assembly are   **permitted** activities if:   * 1. The gross floor area of the activity does not exceed 500m2.   2. For sites adjoining a Residential Activity Area:      1. Servicing hours are limited to 7.00am to 10.00pm.      2. All outdoor storage and servicing areas are screened so they are not visible from adjoining residential sites. |
| 1. Health Care Services, Community Facilities, Marae, Education Facilities and Places of Assembly that do not meet the above permitted activity standards are **restricted discretionary** activities.   **For non­compliance with (a) (i) above discretion is restricted to:**   * 1. The effects arising from the scale and intensity of the activity.   2. The effects on the amenity of the streetscape.   3. The need to provide for the functional requirements of the activity.   **For non­compliance with (a) (ii) above discretion is restricted to:**   * 1. The effects on the night time amenity of the surrounding residential area.   2. The effects on the visual amenity of adjoining sites. |
| Links to:  Objective 5E 2.1  Policy 5E 3.1 |

**Rule 5E 4.1.4 Residential Activities**

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| 1. Residential Activities are **permitted** activities if:    1. The ~~dwelling is~~ residential units are located above the ground floor; or    2. The ~~dwelling is~~ residential units are located on the ground floor but ~~has~~ have no frontage to public open spaces including streets except for access. |
| 1. Residential Activities that do not meet the above permitted activity standards are **restricted discretionary**   activities.  **Discretion is restricted to**:   * 1. The effects on the continuity of the design and appearance of the frontage of buildings including display windows and verandahs.   2. The effects on the amenity of the streetscape and public open space.   3. The effects on the privacy and amenity of residents of the site.   4. 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 |

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| 1. On­site stormwater management 2. End / side wall treatment 3. Building materials 4. Bike parking, storage and service areas 5. Privacy and safety 6. Landscaping   [When considering the matters in (iv), the Council will be principally guided by its Medium Density Design Guide.](http://iportal.huttcity.govt.nz/Record/ReadOnly?Tab=3&Uri=5587573)  Public and limited notification is precluded for resource consent applications under Rule 5E 4.1.4(b). |
| Links to:  Objectives 5E 2.1  Policies 5E 3.1, 5E 3.2 |

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

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| 1. Care Facilities, Residential Facilities, Boarding Houses, Hostels and Visitor Accommodation are **permitted**   activities if:   * 1. Any habitable rooms are located above ground floor; or   2. Any habitable rooms located on the ground floor have no frontage to public open spaces including streets. |
| 1. Care Facilities, Residential Facilities, Boarding Houses, Hostels and Visitor Accommodation that do not meet the above permitted activity standards are **restricted discretionary** activities.   **Discretion is restricted to**:   * 1. The effects on the continuity of the design and appearance of the frontage of buildings including display windows and verandahs.   2. The effects on the amenity of the streetscape and public open space.   3. The effects on the privacy and amenity of residents of the site.   4. The following mixed use and medium density residential development design elements:      1. Building height      2. Recession planes and setbacks      3. Indoor and outdoor living spaces      4. Open space and boundary treatments      5. Entrances, carparking and garages      6. On­site stormwater management      7. End / side wall treatment      8. Building materials      9. Bike parking, storage and service areas      10. Privacy and safety      11. Landscaping   [When considering the matters in (iv), the Council will be principally guided by its Medium Density Design Guide.](http://iportal.huttcity.govt.nz/Record/ReadOnly?Tab=3&Uri=5587573)  Public and limited notification is precluded for resource consent applications under Rule 5E 4.1.5(b). |
| Links to:  Objectives 5E 2.1  Policies 5E 3.1 |

**Rule 5E 4.1.6 Emergency Facilities**

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| 1. Emergency Facilities are **restricted discretionary** activities.   **Discretion is restricted to:**   * 1. The effects of the activity on the amenity of the surrounding residential area. |
| Links to:  Objective 5E 2.1  Policy 5E 3.1, 5E 3.3 |

**Rule 5E 4.1.7 Commercial Garages and Service Stations**

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| 1. Commercial Garages and Service Stations are **restricted discretionary** activities.   **Discretion is restricted to:**   * 1. The effects of the activity on the amenity of the surrounding area.   2. The effects on the streetscape and on pedestrian amenity. |
| Links to:  Objective 5E 2.1  Policy 5E 3.1, 5E 3.3 |

**Rule 5E 4.1.8 Other Activities**

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| (a) Activities not specifically provided for as permitted, or restricted discretionary activities are **non­complying**  activities. |
| Links to:  Objective 5E 2.1  Policy 5E 3.1, 5E 3.3 |

**Rule 5E 4.1.9 Light Spill**

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| 1. Activities are **permitted** activities if:    1. Artificial light does not result in added illuminance in excess of 8 lux measured at the window of any dwelling.    2. Light spill is avoided beyond the boundary of the site. |
| 1. Activities that do not meet the above permitted activity development standards are **restricted discretionary**   activities.  Discretion is restricted to:   * 1. The effects on the amenity of the surrounding area. |
| Links to:  Objective 5E 2.1, 5E 2.3  Policy 5E 3.1, 5E 3.4, 5E 3.5, 5E 3.7, 5E 3.8 |

**Rule 5E 4.1.10 Vegetation Removal**

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| (a) The removal of vegetation (whether indigenous or exotic) is a **permitted** activity. |

## 5E 4.2 Development Standards

AMENDMENT 314 - Amend Rule 5E 4.2.1 Building Height

**Rule 5E 4.2.1 Building Height**

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| (a) Construction or alteration of a building is a **permitted activity** if:  (i) The building is within a specific height control overlay shown on the District Plan map and does not exceed the maximum height shown for that overlay, or  (ii) In any other case, the building does not exceed a maximum height of 12m. |
| (b) Construction or alteration of a building that exceeds the maximum height ~~of 12m~~ in Rule 5E 4.2.1(a) is a **restricted discretionary** activity.  **Discretion is restricted to**:  (i) The effects on the amenity of adjoining sites.  (ii) The effects on the privacy of adjoining sites.  (iii) The effects on shading of adjoining sites.  (iv) The effects on the amenity of adjoining Residential Activity Areas, the streetscape and adjoining public space.  (v) The following mixed use and medium density residential development design elements:  1. Building height  2. Recession planes and setbacks  3. Indoor and outdoor living spaces  4. Open space and boundary treatments  5. Entrances, carparking and garages  6. On­site stormwater management  7. End / side wall treatment  8. Building materials  9. Bike parking, storage and service areas  10. Privacy and safety  11. Landscaping  [When considering the matters in (v), the Council will be principally guided by its Medium Density Design Guide.](http://iportal.huttcity.govt.nz/Record/ReadOnly?Tab=3&Uri=5587573) |
| 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**

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| 1. Construction or alteration of a building is a **permitted** activity if the following recession plane requirements are being met:    1. 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. |
| 1. Construction or alteration of a building that does not meet the recession plane requirements is a **restricted discretionary** activity.   **Discretion is restricted to**:   * 1. The effects on the amenity of adjoining residential sites.   2. The effects on the privacy of adjoining residential sites.   3. 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. |
| 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 |

AMENDMENT 315 - Amend Rule 5E 4.2.3 Yards

**Rule 5E 4.2.3 Yards**

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| (a) Construction or alteration of a building 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 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. |
| 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 |

AMENDMENT 316 - Amend Rule 5E 4.2.4 Outdoor Living Space

**Rule 5E 4.2.4 Outdoor Living Space**

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| (a) Construction or alteration of a building is a **permitted activity** if:  (i) Each ~~dwelling~~ residential units has an outdoor living space that:  1. Has a minimum area of 10m2.  2. Has a minimum dimension of 2m.  3. Has direct access from the dwelling to which it relates.  For ~~dwellings~~ 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 ~~2m~~ 1.8m. |
| (b) Construction or alteration of a building that does not meet the outdoor living space requirements is a restricted discretionary activity.  **Discretion is restricted to:**  (i) The 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. On­site stormwater management  7. End / side wall treatment  8. Building materials  9. Bike parking, storage and service areas  10. Privacy and safety  11. Landscaping  [When considering the matters in (iii), the Council will be principally guided by its Medium Density Design Guide.](http://iportal.huttcity.govt.nz/Record/ReadOnly?Tab=3&Uri=5587573)  Public and limited notification is precluded for resource consent applications under Rule 5E 4.2.4(b). |
| 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**

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| 1. Construction or alteration of a building is a **permitted** activity if the following requirements are being met:    1. All buildings are built to the front boundary of the site.    2. Any parts of a building fronting a pedestrian footpath have a verandah.    3. At least 50% of the ground floor frontage of a building are display windows. |
| 1. Construction or alteration of a building is a **restricted discretionary** activity if the above permitted activity standards are not met   **Discretion is restricted to**:   * 1. The effects on the amenity of the streetscape.   2. 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 |

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| 1. On­site stormwater management 2. End / side wall treatment 3. Building materials 4. Bike parking, storage and service areas 5. Privacy and safety 6. Landscaping   [When considering the matters in (ii), the Council will be principally guided by its Medium Density Design Guide.](http://eplan.huttcity.govt.nz/Images/Medium%20Density%20Design%20Guide%20-%20reduced.pdf) |
| 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**

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| 1. Provision for car parking on a site is **permitted** if:    1. Any parking areas are located within, under, at the rear or at the side of buildings.    2. No parking areas are located between the frontage of buildings and the street.    3. For sites adjoining a Residential Activity Area all parking areas must be screened so they are not visible from the adjoining residential site(s). |
| 1. Developments that do not meet the above permitted development controls are **restricted discretionary**   activities.  **Discretion is restricted to**:   * 1. The layout and design of the parking area(s).   2. The effects on the amenity of the streetscape.   3. The effects on the safety of pedestrians accessing buildings on the site.   4. The following mixed use and medium density residential development design elements:      1. Building height      2. Recession planes and setbacks      3. Indoor and outdoor living spaces      4. Open space and boundary treatments      5. Entrances, carparking and garages      6. On­site stormwater management      7. End / side wall treatment      8. Building materials      9. Bike parking, storage and service areas      10. Privacy and safety      11. Landscaping   [When considering the matters in (iv), the Council will be principally guided by its Medium Density Design Guide.](http://eplan.huttcity.govt.nz/Images/Medium%20Density%20Design%20Guide%20-%20reduced.pdf) |
| 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 4.2.7 Screening and Storage**

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| 1. Construction or alteration of a building is a **permitted** activity if:    1. All outdoor storage and servicing areas are screened so they are not visible from a road or public space.    2. All outdoor storage and servicing areas are screened so they are not visible from adjoining residential   sites. |
| 1. Construction or alteration of a building that does not meet the screening and storage requirements is a   **restricted discretionary** activity.  **Discretion is restricted to**:   * 1. The effects on the amenity of the streetscape, adjoining public space and adjoining residential sites.   2. The following mixed use and medium density residential development design elements:      1. Building height |

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| 1. Recession planes and setbacks 2. Indoor and outdoor living spaces 3. Open space and boundary treatments 4. Entrances, carparking and garages 5. On­site stormwater management 6. End / side wall treatment 7. Building materials 8. Bike parking, storage and service areas 9. Privacy and safety 10. Landscaping   [When considering the matters in (ii), the Council will be principally guided by its Medium Density Design Guide.](http://eplan.huttcity.govt.nz/Images/Medium%20Density%20Design%20Guide%20-%20reduced.pdf) |
| Links to:  Objectives 5E 2.4  Policies 5E 3.5, 5E 3.6, 5E 3.7, 5E 3.8 |

AMENDMENT 317 - Amend Rule 5E 4.2.8 Demolition

**Rule 5E 4.2.8 Demolition**

(a) The demolition of a building is a **permitted** **activity**.

For buildings listed in Appendix Heritage 1, ~~or~~ 2 or 3 or in Appendix Significant Natural, Cultural and Archaeological Resources 1 the relevant rules of the Chapters 14E and 14F relating to demolition apply.

**Rule 5E 4.2.9 Stormwater Retention**

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| 1. Construction of a roofed building, excluding accessory buildings or additions to an existing building, is a   **permitted** activity if:   * 1. 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:   Roof area of 100m2 or less ­ 2,000 litre capacity. Roof area of 100m2 to 200m2 ­ 3,000 litre capacity. Roof area of more than 200m2 ­ 5,000 litre capacity.  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,*](http://eplan.huttcity.govt.nz/Images/Lower%20Hutt/Wellington%20Water%20Guides/Managing-Stormwater-Runoff-Acceptable-Solution-1.pdf)  [*Acceptable solution #1* dated June 2019 (Appendix General Residential 1).](http://eplan.huttcity.govt.nz/Images/Lower%20Hutt/Wellington%20Water%20Guides/Managing-Stormwater-Runoff-Acceptable-Solution-1.pdf) |
| 1. 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.   **Discretion is restricted to**:   * 1. The effects on the stormwater system.   2. The potential for increased surface ponding and flooding.   3. The mitigation of additional stormwater runoff through other means |
| Links to:  Objective 5E 2.5  Policy 5E 3.9 |

**Note 5E 4.3 General Rules**

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