



Plan Change 56

Enabling Intensification in Residential and Commercial Areas

Opening presentation from Council
reporting officers (continued/updated
18 April 2023)

Introductions

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- Policy Planning Manager – Nathan Geard
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In this presentation

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- Key matters in contention:
 - Strategic
 - Residential
 - Commercial
 - Subdivision
 - Financial contributions
 - Sites of significance to Māori
 - Other(Heritage/Natural hazards were covered last week)

Process for preparing PC56

At its 21 May 2019 meeting, Council resolved to undertake a full review of the District Plan (the District Plan Review). However, following the amendments to the RMA from the Housing Supply Act in early 2022, Council resolved to proceed with the review of the District Plan through the preparation and processing of an IPI, followed by a full new District Plan.

The preparation of the IPI has involved:

- February to March 2022: Preparation of first draft of the IPI
- April 2022: Engagement with the community and other stakeholders
- March 2022 to June 2022: Engagement with Mana Whenua,
- April to June 2022: Preparation of a final draft IPI
- 18 August to 20 September 2022: Proposed Plan Change open for public submissions
- 10 to 24 November 2022: Public notification of summary, further submissions open
- 12 to 28 April 2023: Public hearings held.

Technical inputs informing PC56

- Wellington Regional Housing and Business Development Capacity Assessment (HBA)
- Lower Hutt Residential Character Assessment
- Hutt City Council Heritage Inventory Report and Additional Review of the Petone State Housing and Moera Railway Heritage Areas
- Lower Hutt Walkable Catchment Study*
- Hutt City Probabilistic Tsunami Hazard Maps
- Flood Modelling
- The Stormwater Catchment Model Build Reports for Stokes Valley, Petone, Wainuiomata and Eastern Lower Hutt
- Wellington Fault Investigation*
- Coastal Inundation mapping for Hutt City
- Review of Wind Controls in the Lower Hutt District Plan
- Review of Financial Contributions
- Hutt City: Planning for the Future.

Development capacity (1)

Housing and Business Development Capacity Assessments - see section 5.1 of s32 report

- Business – 2019
 - Very low vacancy rates but demand projected to decline in the long run
 - Significant opportunity for residential development in commercial areas
 - Significant questions about methodology and likely 2023 HBA will have a different conclusion
- Housing – 2021/22
 - Incorporates PC43 but does not account for PC56 capacity
 - Bottom line requirement – 24,773 units in 30 years
 - Capacity greenfield 903 units + infill 15,944 units = 16,847 units, 68% of required

Development capacity (2)

- Plan change is not driven by council's assessment of development capacity needs – we expect to consider this fully in the full plan review, informed by the 2023 HBA
- Plan change is solely to meet minimum legal requirements to do IPI, implement MDRS, and Policies 3 and 4
- The Regulatory Impact Statement for the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act suggests that implementing the MDRS is likely to cure the residential shortfall if assumptions in HBA and RIS are unchanged.
- The 2023 HBA is still in progress. Early indications suggest there may still be a shortfall in realisable development capacity but this is likely to be from non-district plan factors

General approach to plan change

See sections 2.2 and 7.2 of the s32 report:

- Minimalist approach, given forthcoming full plan review, limits on appeal rights, and severe integration problems caused by ISPP limits
- Apply Policy 3 and MDRS by modifying building standards and rezoning
- No change to land uses, new zones carry over provisions not relating to building standards as much as possible
- Apply Policy 4 for existing matters by retaining existing provisions (sometimes reformatted/restructured)
- Apply Policy 4 for new matters with overlays/precincts

Structure of the plan change

- New “urban environment” strategic direction in Chapter 1.10 sums up overall approach to implementation of Policies 3 and 4 and MDRS
- Zone and subdivision chapters – primary implementation of Policy 3 and MDRS. Cross-zone wind provisions moved to Ch 14M Wind for usability.
- Existing qualifying matters carried over wherever they used to be located, often clarified how they apply
- New qualifying matters (hazards and heritage) in Ch 14H Natural Hazards and in zone-specific heritage precincts

Consequential and supporting changes

- Very large number of minor, consequential changes due to age, structure, and existing inconsistencies in plan
- Rezoning changes have minor side-effects to land use rules, have tried to balance no-unnecessary-change philosophy with ensuring plan stays readable and implementable
- Changes to zone names in district-wide chapters and cross-references (e.g. this is the only change to Ch 13 Network Utilities, Ch 14C Noise, & Ch 14D Hazardous Facilities)
- Reformatting of some awkwardly structured provisions so new provisions can be inserted in a user-friendly way, especially in Petone Commercial
- Updates to design guides and design policies to remove grossly inconsistent wording, but not fixing more minor issues or making major overhauls

Incorporating the MDRS (1)

- The proposed plan change must incorporate the MDRS for all **relevant residential zones** (s80E(1)(a)(i) of the RMA).
- The MDRS include density standards on building height, height in relation to boundaries, setbacks, building coverage, outdoor living space, outlook space, windows to street, and landscaped area. It also includes a “number of residential units per site” standard.
- Council can modify the density standards to be more enabling of development by either omitting 1 or more of the standards of the MDRS or including rules that regulate the same effect as a standard but are more lenient (s77H of the RMA).

Incorporating the MDRS (2)

- For each of the density standards of the MDRS, Council has three high-level options:
 1. Include the standard without modification
 2. Omit the standard
 3. Include a more enabling standard or rule.
- In summary, except for the building height standard, the proposed plan change incorporates all density standards of the MDRS without modification for all areas in relevant residential zones (Option 1).
- While the building height standard would be incorporated without modification for the Medium Density Residential Activity Area, a more enabling standard is proposed for the High Density Residential Activity Area (Option 3). This is part of the proposed plan change's approach to giving effect to Policy 3(c) of the NPS-UD.

Relevant Residential Zones (1)

- The District Plan must incorporate the MDRS for all **relevant residential zones**. Based on this definition and the definitions of “relevant residential zone”, “equivalent zone”, and “residential zone” also set out in the RMA, the following zones are interpreted to be the **relevant residential zones** for the City of Lower Hutt District Plan:
 - General Residential Activity Area
 - Special Residential Activity Area
 - Historic Residential Activity Area, and
 - Medium Density Residential Activity Area.

Relevant Residential Zones (2)

- **Relevant residential zones** does not include '**large lot residential zone**'.
- The **Large Lot Residential Zone** is described in the National Planning Standards as:
 - *“Areas used predominantly for residential activities and buildings such as detached houses on lots larger than those of the Low density residential and General residential zones, and where there are particular landscape characteristics, physical limitations or other constraints to more intensive development.”*
- The following zones are interpreted to be the **Large Lot Residential Zones** for the City of Lower Hutt District Plan as they are consistent with the above description:
 - Hill Residential Activity Area
 - Landscape Protection Residential Activity Area

Applying Policy 3 – City Centre

Policy 3(a): enable, in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification;

- The equivalent zone is Central Commercial
- Implementation: remove height limits in Central Commercial

Applying Policy 3 – Metropolitan Centre

Policy 3(b): enable, in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys

- Equivalent zone is Petone Commercial
- Implementation: remove height limits in almost all of Area 2, raise height limit to 22 metres in Area 1.
- Removing height limits is not necessary to provide for demand for housing and business use, but the Council considers it appropriate to encourage growth to occur in the most advantageous locations.

Applying Policy 3 – Walkable catchments

Policy 3(c): enable building heights of at least 6 storeys within at least a walkable catchment of ... existing and planned rapid transit stops, the edge of city centre zones, [and] the edge of metropolitan centre zones

We have applied walkable catchments of:

- 1200 metres / 15 minutes from city centre (Central Commercial)
- 800 metres / 10 minutes from metropolitan centre (Petone Commercial)
- 800 metres / 10 minute from rapid transit (railway stations)

Achieved with rezoning to High Density Residential Activity Area for residential areas, and rezonings and Specific Height Control Overlay for non-residential areas.

Applying Policy 3 – Centres

Policy 3(d): *enable, within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and densities of urban form commensurate with the level of commercial activity and community services.*

Equivalent zones are Suburban Mixed Use, Suburban Commercial, and Special Commercial zones (not respectively – no hierarchy between these in operative plan).

- Always provide for 3 storeys / 12 metres to be in line with MDRS which surrounds these centres
- In major centres comparable to centres on the rapid transit network (Avalon, Eastbourne, Moera, Stokes Valley, Wainuiomata), provide for 4-6 storeys.

Achieved with rezoning to Suburban Mixed Use (within centres), rezoning to High Density Residential (adjacent to centres), and applying Specific Height Control Overlay.

Applying Policy 3 – General

- Not as simple as just raising height limits but not far off, especially in non-residential areas.
- In non-residential areas, and for residential areas above the scale anticipated by the MDRS, the NPS-UD does not specify exactly what is involved in “enabling” 6 storeys
- We have viewed “enabled” as enabling in practice, considering the whole district plan. So this enabling can have conditions, but those conditions should not reduce development capacity below Policy 3 requirements.
- We have applied new objectives, policies, assessment criteria, and standards to newly enabled development – almost always in zone provisions, but for plan usability, wind provisions are in a new district-wide chapter (but applies only to areas with increased development capacity)

Applying Qualifying Matters (1)

- In preparing the plan change, Council identified the following qualifying matters as justifying limiting building height, density, or development capacity – s32 report section 7.3.2:
 - RMA section 6 matters:
 - Māori culture and traditions
 - Historic heritage
 - Natural hazards
 - Nationally significant infrastructure
 - Open space for public use

Applying Qualifying Matters (2)

- The section 32 report mostly does not cover issues where the Council or officers considered a qualifying matter but rejected it. The main exception is residential character, which was considered as an “other” qualifying matter but rejected – see section 7.2.3.3 and Appendix 6 of the s32 report.
- Matters considered by officers but not taken to Council and not included in the s32 report were:
 - Expanding some of the matters provided for (e.g. new sites of significance to Māori as opposed to only existing ones) – insufficient existing evidence
 - The other explicitly listed matters (particularly indigenous biodiversity and low-density business land) – limiting building height and density not necessary
 - Infrastructure capacity and suburbs with only a single access route as possible “other” matters – managed outside plan, subdivision & unit controls can address, insufficient existing evidence

Applying Qualifying Matters (3)

Qualifying matter	Tools in plan
Māori culture and traditions	Retain operative Significant Cultural Resources, add new and carry over recession planes and height limits in zones
Historic heritage	Retain (most of) operative heritage listings and provisions, add new height and density control overlays in zone precincts
Natural hazards	Replacement Natural Hazards chapter carries over (most) existing protections and adds new height and density control overlays
Nationally significant infrastructure	Retain existing National Grid chapter
Open space	Retain (most) existing recreation zoning

Assessments of qualifying matters (1)

- Three processes for qualifying matters in s32 reports:
 - Alternative s77K/s77Q process for existing, explicitly listed matters
 - Standard s77J/s77P process for new, explicitly listed matters
 - Standard s77J/s77P process plus further s77L/s77R further requirements for “other matters” (per s77I(j)/s77O(j))
- We have prepared a flowchart

Assessments of qualifying matters (2)

- Council has not proposed any “other” matters under s771(j)/s770(j) so has only used two of the three processes
- Additional assessment is covered in Appendix 5 of the s32 report
- All new matters considered under standard process
- Existing matters considered under alternative process if no (meaningful) change to the provisions proposed, or under standard process if there was a mix of new and existing qualifying matter areas/issues

Assessments of qualifying matters (3)

Alternative s77K/s77Q process for existing matters	Standard s77J/s77P process	Standard s77J/s77P process + further requirements for “other matters”
<ul style="list-style-type: none"> • Significant cultural resources - s6(e) and (f) • Jackson St heritage – s6(f) • Heretaunga/Riddlers heritage – s6(f) • Fault hazard – s6(h) • National grid – s77I(e) • Recreation activity areas – s77O(f) 	<ul style="list-style-type: none"> • Sites adjacent to marae and urupā – s6(e) • Historic residential precincts – s6(f) • Flood hazard, coastal hazard (tsunami), coastal hazard (inundation) – s6(h) 	None

Design Guides – outcomes of PC43 (1)

- The Medium Density Design Guide (MDDG) was introduced through Plan Change 43. It applied to the General Residential, Medium Density Residential and Suburban Mixed Use Activity Areas.
- In the proposed plan change, the MDDG was *in* the District Plan, and linked to through policies and matters of discretion for:
 - Buildings that did not comply with bulk, location and density standards,
 - Comprehensive Residential Developments.
- Example of provisions from the proposed plan change:
 - ***Policy 4A 3.8: Encourage medium density built development and comprehensive residential development that is in general accordance with the Medium Density Design Guide.***
 - ***Matter of Discretion 4A 4.2.1(b)(vi): Consistency with the Medium Density Design Guide.***

Design Guides – outcomes of PC43 (2)

- In response to submissions, the hearing panel for Plan Change 43 recommended that the MDDG sit **outside** the District Plan, but with matters of discretion that refer to design elements. This recommendation was accepted as part of Council's overall decision on the plan change.
- As a result:
 - The MDDG sits **outside** the District Plan
 - The District Plan **does not** include policies referring to the MDDG
 - For relevant zones, the District Plan includes matters of discretion that identify design elements (these design elements link directly to sections in the MDDG)
 - The District Plan includes advice notes, advising plan users that Council will be principally guided by the MDDG.

Key matters in contention – Strategic

- Providing for height and density above MDRS/Policy 3 requirements
- Requests for additional strategic direction (and whether these are in scope)
- Relationship with national and regional direction (e.g. NPS-FM, RPS PC1 – and whether these are in scope)

Key matters in contention – Residential

- Spatial extent of the Medium and High Density Residential Areas (MDRAA and HDRAA)
- Allowing for additional density and adopting more enabling development standards than those required by the MDRS (particularly in the HDRAA)
- Design guides - in or out of the Plan (and whether this is in scope)
- Integrating management of urban intensification with freshwater management and embedding nature-based solutions in the Plan (and whether this is in scope)
- Specific provision for retirement villages (and whether the requested amendments are within scope)
- Five-metre building setback from the rail corridor (and whether this is in scope)
- Balancing providing for development capacity and managing its effects on the surrounding residential environment, while ensuring quality urban design outcomes are achieved.

Key matters in contention – Commercial

- Centres hierarchy – e.g. role of Petone
- Whether to provide for additional land uses (community corrections, retirement villages), and whether in scope
- Role of/updates to design guides, and whether in scope
- Relationship between Petone Commercial & Jackson Street Heritage Area provisions

Key matters in contention – Subdivision

- Greater recognition and provision for efficient water use and alternative water supplies for non-potable use
- Greater recognition and provision for subdivision design that supports modal shift and reducing greenhouse gas emissions

Key matters in contention – Financial contributions

- Relationship between financial contributions and development contributions – ‘double dipping’
- Clarification of the methodology and calculation of financial contributions
- Recognition and provision for specific financial contributions for retirement villages

Key matters in contention – Sites of Significance to Māori

- Which controls to apply in protecting SASMs
- Controls on the surroundings of marae and urupā
- Additional proposed sites

Key matters in contention – Other

- Possible other qualifying matters (infrastructure, indigenous biodiversity, residential character)
- Providing for papakāinga
- Heritage / Natural hazards (discussed on Wed 12th)



Extra slides

Walkable catchments (Extra)

Walkable catchments – see Appendix 4 of the s32 report:

- Based on in-house GIS model of walking network
- Distances were set out based on the existing hierarchy of centres, RPS direction, the walking distances implied from existing railway station stop spacing, MfE guidance, and results of community consultation
- Distances are followed along public roads and accessways where walking is permitted, but does not include roads outside the urban area, or where there is no safe provision for walking and it would not be possible to add.
- Distances are modified for slope (5% penalty per 1% of slope)
- When turning walkable catchments into zone boundaries, adjust to meet natural boundaries. Typically adjust outwards rather than inwards unless the outward adjustment would be massive and the inward trivial. This is as the NPS-UD sets walkable catchments as a minimum, Council is free to be more enabling.

Centres (Extra)

Commercial activity and community services – see Appendix 4 of the s32 report & “Hutt City: Planning for the Future” technical report from PC43:

- Multi-criteria assessment of centres
- Assessment based on whether centres that are *outside* the walkable catchments are comparable to key centres *inside* the catchment, and if so provide a comparable level of development capacity (i.e. 6 storeys)
- Identified five standout centres (outside the walkable catchments), Avalon, Eastbourne, Moera, Stokes Valley, Wainuiomata
- All are 6 storeys within the centre. Surrounding areas (proposed) are 4 storeys where standalone, 6 storeys where contiguous with walkable catchment 6 storey area. Officers’ report recommends simpler approach of 6 storeys everywhere (based on Kāinga Ora submission)