

OFFICERS' REPORT FOR:

Independent Hearing Commissioners:

Stephen Daysh (Chair)

Liz Burge

David McMahon

SUBJECT:

**Hutt City Proposed District Plan Change 56:
Enabling Intensification in Residential and
Commercial Areas**

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REPORT DATED:

7 March 2023

DATE OF HEARING:

12 – 21 April 2023 (following week as reserve)

1. Executive Summary

1.1. About this report

- (1) The purpose of this Officers' Report is to assist the Independent Hearings Panel in making recommendations on Proposed District Plan Change 56 (PC56), proposed by Hutt City Council (HCC or 'the Council'). The report is also intended to assist submitters attending the hearing.
- (2) This report stands alone to some degree, but refers to other documents, particularly the Section 32 report published by HCC when proposing the plan change, including the technical reports that accompanied it.
- (3) The HCC website at <https://hutt.city/pc56> has available all material for this hearing, including:
 - The proposed plan change itself, including the maps,
 - The Section 32 report for the proposed plan change, including the technical reports that accompanied it,
 - All submissions made on the plan change, including a summary of the decisions requested,
 - All further submissions made on those original submissions,
 - Minutes from the hearing panel,
 - This report, including the appendices, and
 - Our recommended changes to PC56 in Microsoft Word format, to enable submitters to propose their own changes more easily in a useful form.
- (4) The report outlines the consideration of submissions received by the Council on PC56, including a summary of all submissions, an evaluation of the relief sought in submissions, and a recommendation from officers prior to the hearing. The submissions have been grouped against relevant District Plan chapters and key themes which are analysed in this report. Wherever possible, we have provided a recommendation to assist the Hearings Panel in respect of accepting or rejecting submissions made, and recommended changes to District Plan provisions.
- (5) Questions about the report or the hearing process should be sent to the Hearing Administrator, district.plan@huttcity.govt.nz.

1.2. About the plan change

- (6) The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 ("the Housing Supply Amendment Act"), required "tier 1" territorial authorities¹ (Councils) to notify changes or variations to their district plans by 20 August 2022. The changes or variations were to incorporate the Medium Density Residential Standards (MDRS) and give effect to Policies 3 and 4 of the National Policy Statement – Urban Development 2020 (NPS-UD).

¹ Tier 1 Territorial Authorities are identified in the NPS-UD which are the large metropolitan Councils in New Zealand, including Wellington City Council, Porirua City Council, Hutt City Council, Upper Hutt City Council and Kapiti Coast District Council in the Wellington region.

- (7) These changes are Intensification Planning Instruments under section 80E of the Resource Management Act 1991 (RMA). PC56 is Hutt City Council's Intensification Planning Instrument (IPI).
- (8) Intensification Planning Instruments use the Intensification Streamlined Planning Process set out in Schedule 1 Part 1 of the RMA. This process differs from the standard plan change process, both in the process and in limiting what changes to the plan can be made.
- (9) The purpose of PC56 is to:
- Incorporate the Medium Density Residential Standards (MDRS)² in the District Plan;
 - Give effect to Policy 3 of the National Policy Statement on Urban Development 2020 (the 'NPS-UD');
 - To provide for a range of existing and new qualifying matters in relation to (a) and (b) above; and
 - To amend financial contribution provisions.
- (10) Given the specific requirements of the MDRS and policy direction in the NPS-UD, there is a need to 'fit' the MDRS and this policy direction into the current District Plan. As the MDRS and NPS-UD policy direction is to provide for greater intensification than the Operative District Plan, to 'fit' into the current District Plan it results in the consolidation of existing residential Activity Areas (zones) and associated chapters. Some Activity Areas are removed by the plan change, as after implementing the MDRS and NPS-UD there would have no longer been a significant difference between them and other Activity Areas that are retained.
- (11) Most of the changes relate to the height and density of development, and do not change the provisions for land use activities in each Activity Area (zone). A summary of the approach is set out in Section 2.2 of the Section 32 Report for PC56.
- (12) We note that this plan change is particularly complicated due to the legislative and national policy statement requirements, the short time frame available to prepare the plan change, as well as the age of the operative plan.
- (13) Hutt City Council has been undertaking a full review of its district plan since 2019, and much of the information used to prepare this plan change was originally prepared to inform that full review. In some cases, provisions have been designed as an interim step, knowing that a full review of the relevant provisions is outside the scope of the ISPP.

1.3. Public consultation – process and submissions

- (14) PC56 was notified on 18 August 2022 following engagement with mana whenua and the public, which included consultation on a summary document of the Plan Change in April 2022. A total of 275 primary submissions were received on PC56 containing 1,686 decisions requested (also referred to as 'submission points'). Following the request for further submissions, a total of 25 further submissions were received, containing 376 further submission points, some of which were on multiple original submission points, thus resulting in 1,317 further submission point/original submission point combinations.

² MDRS are set of standards that support the development of three homes up to three storeys on each site, without the need for resource consent. See this guide for further information (<https://environment.govt.nz/publications/medium-density-residential-standards-a-guide-for-territorial-authorities/>).

- (15) Submissions on PC56 raised a wide range of matters. These matters are summarised below into key themes and chapters, which form the structure of this report.
- Submissions relating to matters outside of the scope of this plan change (e.g. District Plan matters not covered by this plan change including indigenous biodiversity, rezoning requests for non-residential land, non-District Plan matters)
 - Matters affecting the whole plan, and other general or miscellaneous points
 - Providing for Papakāinga housing
 - General plan structure, formatting, corrections, and definitions
 - Incorporation of the MDRS and implementation of NPS-UD
 - Strategic direction
 - Residential Activity Areas/Chapters
 - Commercial and other non-residential Activity Areas/Chapters
 - Subdivision
 - Financial Contributions
 - District-Wide Matters
 - Wind
 - Qualifying matters
 - Heritage buildings, structures, and precincts
 - Natural hazards
 - Sites of significance to Māori
 - The National Grid
 - Public open space
 - Other matters that could be qualifying matters
- (16) It is noted there are an unusually high number of submissions on this plan change which are considered invalid or out of scope. This situation arises because of the specific requirements for an IPI and the content and purpose of this plan change.
- (17) Despite these submissions being out of scope in PC56, the Council is currently in the process of a full district plan review. This full review provides the opportunity to consider any relevant matter related to the District Plan, including many of the matters raised in the out of scope submissions on this plan change. The community will have an opportunity to comment on a new non-statutory 'Draft' District Plan later this year and a new 'Proposed' District Plan next year.

1.4. Our recommendations

- (18) Having evaluated the submissions received on PC56, we recommend a number of amendments to PC56. The recommended amendments are set out in Appendix 1 to this report. In summary, the key recommended amendments are:
- Update some definitions, for clarity and consistency.
 - Update strategic direction, to clarify the application of the MDRS and NPS-UD and qualifying matters.

- Improve the consistency of the implementation of NPS-UD Policy 3(d) to provide comparable building heights in comparable areas, by adjusting the height limits in Eastbourne, Stokes Valley, and Wainuiomata to match those in Avalon and Moera.
- Recognise Naenae and Waterloo commercial centres as particularly suitable for taller developments,
- Amendments to the medium and high density residential chapters, and commercial chapters to better reflect and enable the flexibility, versatility, and planned urban building character for the areas, enable more ways of achieving desired design, servicing, and amenity outcomes, and improve consent process efficiency by precluding limited notification for development standards that are unlikely to result in effects beyond the subject site.
- Provide additional protection for heritage items and sites of significance to Māori to the degree possible within the scope of the plan change and ISPP process,
- Amendments to the objectives and policies for natural hazards for consistent use of language and consistency in similar situations.

(19) These amendments are set out in more detail in the individual sections of the report and in full in Appendix 1.

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3. Introduction to this report

3.1. Purpose of Report

(20) The purpose of this report is to provide advice to the hearing panel on the proposed plan change and issues raised through submissions. This report also presents recommendations to the hearing panel on the decisions requested by the proposed plan change.

(21) The report is structured as follows:

- **Section 3 Introduction:** Outlines the purpose of this report, describes the authors, supporting evidence, and abbreviations and glossary.
- **Section 4 Procedural Matters:** Outlines procedural matters for the hearing panel's consideration.
- **Section 5 About the proposed plan change:** Outlines the purpose of the plan change, scope and validity of submissions, and statutory and policy considerations relevant to PC56.
- **Section 6 Consideration of submissions received:** The main part of this report. This section describes the consideration given to submissions, including an evaluation of the decisions requested in submissions and officer recommendations. This section of the report is grouped into the following key issues:
 - Submissions relating to matters outside of the scope of this plan change (e.g. District Plan matters not covered by this plan change including indigenous biodiversity, rezoning requests for non-residential land, non-District Plan matters)
 - Matters affecting the whole plan, and other general or miscellaneous points
 - Papakāinga
 - General plan structure, formatting, corrections, and definitions
 - Incorporation of the MDRS and implementation of NPS-UD
 - Strategic direction
 - Residential Activity Areas/Chapters
 - Commercial and other non-residential Activity Areas/Chapters
 - Subdivision
 - Financial Contributions
 - District-Wide Matters
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 - Sites of significance to Māori
 - The National Grid
 - Public open space
 - Other matters that could be qualifying matters

- **Section 7 Issues not raised by submissions:** Outlines matters associated with PC56 which have come to the attention of Council officers which have not been raised by submitters.
- (22) The appendices to this report present the Officer's recommended amendments to Plan Change 56 and the recommended decisions on submissions, legal advice on scope and heritage and evidence from relevant specialists.
- (23) While this report is intended to be able to be read alone, there are references to material in the plan change document (volumes 1 and 2) and the full submissions which are available on the HCC website at <https://hutt.city/pc56>.

3.2. Authors

- (24) This report has been co-authored by Stephen Davis, Hamish Wesley, Erica Wheatley and Bronte Linkhorn. Refer to Section 7 below for the sections prepared by each author.
- (25) The authors have peer reviewed each others' sections, and some additional peer review of particular sections was provided by Hutt City Council officers Nathan Geard, Policy Planning Manager, and Emily Campbell, Pou Whakamahere Kaupapa Here / Tikanga Māori Planner. The final document does not necessarily represent their views, and both the conclusions and errors in this document are solely those of the authors.

3.2.1. Stephen Davis

- (26) My full name is Stephen Davis, and I am an Intermediate Policy Planner at Hutt City Council. I have been employed by Council as a policy planner/environmental policy analyst in the District Plan Team since May 2020.
- (27) I hold the degrees of Bachelor of Science from Victoria University of Wellington, and Master of Urban Planning (Professional) from the University of Auckland. I am an Intermediate member of the New Zealand Planning Institute.
- (28) I have four years' experience in planning and resource management working for local authorities, covering policy analysis, advice, and development, and monitoring and compliance.
- (29) While working at Hutt City Council, I have been involved in the ongoing full review of the district plan, private plan change applications, and plan monitoring, particularly the Housing and Business Development Capacity Assessments. Prior to working for Hutt City Council I was employed as a planning technician in the specialist advice and compliance unit at Wellington City Council.
- (30) My role with PC56 included, as part of the Council's District Plan Team, being involved with preparation of the draft plan change and the Section 32 report for the Council.

3.2.2. Hamish Wesley

- (31) My full name is Hamish Philip Joseph Wesley and I am a Consultant Planner at Boffa Miskell, who is assisting the District Plan Team at Hutt City Council.
- (32) I hold the qualifications of a Bachelor of Resource and Environmental Planning with 1st class honours from Massey University. I am a Full Member of the New Zealand Planning Institute.
- (33) I have 22 years' experience as a planner, working for both a local authority and a consultancy. For the first four years I was employed as a planner with the Horowhenua District Council, undertaking a variety of planning tasks, including processing numerous land use and subdivision resource consent applications and alterations and outline plans for designations. For the past 18 years, I have been a consulting planner, and have been involved in advising a wide range of clients, including local authorities, corporate entities, central government, and individuals on various projects. In particular, I have been involved in reviewing and drafting of a number of district plans, including the City of Lower Hutt District Plan, Wairarapa Combined District Plan, Horowhenua District Plan, and South Taranaki District Plan.
- (34) My role with the PC56 commenced in December 2022 when I was engaged to assist with preparation of this officer report.

3.2.3. Erica Wheatley

- (35) My full name is Erica Renee Wheatley. I am a Consultant Planner at Boffa Miskell, who is assisting the District Plan Team at Hutt City Council.
- (36) I hold the qualifications of a Postgraduate Certificate of Public Policy, a Graduate Certificate of Commerce in Public Policy, and a Bachelor of Arts in Geography and Religious Studies from Victoria University of Wellington.
- (37) I am an Associate member of the New Zealand Planning Institute.
- (38) I have eight years' experience in planning and resource management, covering policy analysis, advice, and development, preparing resource consent applications for clients, and processing resource consent applications for several New Zealand Councils.
- (39) My role with the PC56 commenced in December 2022 when I was engaged to assist with preparation of this officer report.

3.2.4. Bronte Linkhorn

- (40) My full name is Bronte Elizabeth Linkhorn, and I am a Consultant Planner at Boffa Miskell, who is assisting the District Plan Team at Hutt City Council.
- (41) I hold the qualifications of a Bachelor of Arts and a Master of Planning from the University of Otago. I am an intermediate member of the New Zealand Planning Institute.
- (42) I have seven years' experience in planning and environmental consulting, including preparing and processing resource consent applications, assessment of environmental effects and policy development.

3.2.5. Declaration of interests

- (43) Boffa Miskell also provides policy advice and assistance to Transpower New Zealand Ltd and the Department of Corrections with reviewing and submitting on RMA planning documents. Therefore, in preparing this Section 42A report, where provisions have been submitted on by Transpower or Corrections, Hamish, Erica and Bronte are not the author of those evaluation or recommendations due to potential or perceived conflict of interest. Those evaluations and recommendations (which refer to first person) are authored by Stephen Davis, Intermediate Policy Planner, Hutt City Council.

3.2.6. Code of Conduct

- (44) We confirm that we have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and have complied with it when preparing this report. Other than where we state that we are relying on the advice of another person, this evidence is within our areas of expertise. We have not omitted to consider material facts known to us that might alter or detract from the opinions that we express.

3.2.7. Author by section

- (45) The authors have each written sections of this report and peer reviewed the others' sections. The author whose view is given in each section is given in the table below:

Section	Author
1. Executive Summary	Joint
2. Contents	n/a
3. Introduction to this report	Joint

4. Procedural Matters	Stephen
5. About the proposed plan change	Stephen
6. Consideration of submissions:	
• General Matters	
○ Matters outside scope	Stephen, but some individual submission points are recommendations of other authors – see Appendix 2
○ Whole of plan change	Stephen
○ Papakāinga	Stephen
○ PC1 to the RPS	Stephen
○ General plan structure and format	Hamish
○ General corrections and clarifications	Hamish
○ Definitions	Hamish
• MDRS and NPS-UD	
○ Strategic direction	Stephen (except Natural Hazards) Bronte/Hamish (Natural Hazards)
○ Residential	Erica/Hamish
○ Commercial and other non-residential activity areas	Stephen
○ Subdivision	Hamish
○ Financial contributions	Hamish
○ District-wide matters (except qualifying matters)	Hamish
○ Wind	Stephen
• Qualifying matters	
○ Heritage	Stephen
○ Natural hazards	Bronte/Hamish
○ Sites of significance to Māori	Stephen
○ The National Grid	Stephen
○ Public open space	Stephen
○ Other matters	Stephen
7. Issues not raised by submitters	Stephen
8. Conclusion	Joint
Appendix 1: Officers' recommended amendments	Joint
Appendix 2: Officers' recommended decisions on submissions	Shown within the table in the appendix

Appendices 3 – 9 Expert Evidence	Expert evidence authors as shown in section 3.3
Appendix 10 Tables of the Number of Properties in Natural Hazard Overlays	HCC GIS Staff

3.3. Supporting Evidence

(46) In preparing this report we have relied on the following expert advice:

- Chessa Stevens, Principal Conservation Architect and Heritage Consultant, WSP. Prepared expert evidence in response to submissions on historic heritage which is attached in Appendix 5.
- Alistair Osborne, Senior Hydraulic Modeller, Wellington Water. Prepared expert evidence in response to submissions on flood hazard overlay which is attached in Appendix 6.
- Scott Stephens, Chief Scientist for Coasts and Estuaries, National Institute of Water and Atmospheric Research (NIWA). Prepared expert evidence in response to submissions on coastal hazard overlay – inundation which is attached in Appendix 7.
- Nicola Litchfield, Senior Tectonic Geomorphologist / Earthquake Geologist, Institute of Geological and Nuclear Sciences (GNS Science). Prepared expert evidence in response to submission on fault rupture, including Wellington Fault Special Study Area. Evidence is attached in Appendix 8.
- David Burbidge, Tsunami Team Leader, Institute of Geological and Nuclear Sciences (GNS Science). Prepared expert evidence in response to submission on coastal hazard overlay – tsunami which is attached in Appendix 9.

(47) We have also relied on legal advice from Council's counsel, DLA Piper, by:

- Stephen Quinn, covering the scope and validity of submissions, attached in Appendix 3.
- Stephen Quinn and Kierra Parker, covering whether Council can have a policy of only listing heritage items if the owner voluntarily agrees, attached in Appendix 4. This opinion was obtained specifically for the ongoing full plan review but the reasoning applies to district plans in general.

3.4. Abbreviations and Glossary

3.4.1. Abbreviations

Abbreviation	For
Act	Resource Management Act 1991
CPS / NZCPS	New Zealand Coastal Policy Statement
CPTED	Crime Prevention Through Environmental Design
EQC	The Earthquake Commission (Toka Tū Ake)
ERP	Emissions Reduction Plan
FENZ	Fire and Emergency New Zealand
GNS	Institute of Geological and Nuclear Science (GNS Science)
GW, GWRC, WRC	Wellington Regional Council (Greater Wellington)
HCC	Hutt City Council
HDRAA	High Density Residential Activity Area
IPI	Intensification Planning Instrument
ISPP	Intensification Streamlined Planning Process
MDRAA	Medium Density Residential Activity Area
MDRS	Medium Density Residential Standards
NPS-FM	National Policy Statement for Freshwater Management
NPS-HPL	National Policy Statement for Highly Productive Land
NPS-IB	National Policy Statement for Indigenous Biodiversity
NPS-UD	National Policy Statement on Urban Development
NZS	New Zealand Standard
NZTA	New Zealand Transport Agency (Waka Kotahi)
PC56	(Proposed District) Plan Change 56
RCP	Representative Conservation Pathway
RMA	Resource Management Act 1991
RPS	Regional Policy Statement
SASM	Sites and Areas of Significance to Māori

3.4.2. Glossary

Term	Explanation
Activity area	The district plan divides the city into different activity areas, with somewhat different approaches to managing the natural and built environment in each one. Activity areas are equivalent to “zones” in the National Planning Standards and the district plans of many other cities and districts.

Qualifying matter	<p>As defined in the RMA, in applying MDRS and Policy 3 to relevant residential zones, a qualifying matter is:</p> <p>(a) a matter of national importance that decision makers are required to recognise and provide for under section 6:</p> <p>(b) a matter required in order to give effect to a national policy statement (other than the NPS-UD) or the New Zealand Coastal Policy Statement 2010:</p> <p>(c) a matter required to give effect to Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River:</p> <p>(d) a matter required to give effect to the Hauraki Gulf Marine Park Act 2000 or the Waitakere Ranges Heritage Area Act 2008:</p> <p>(e) a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure:</p> <p>(f) open space provided for public use, but only in relation to land that is open space:</p> <p>(g) the need to give effect to a designation or heritage order, but only in relation to land that is subject to the designation or heritage order:</p> <p>(h) a matter necessary to implement, or to ensure consistency with, iwi participation legislation:</p> <p>(i) the requirement in the NPS-UD to provide sufficient business land suitable for low density uses to meet expected demand:</p> <p>(j) any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area, but only if section 77L is satisfied.</p>
Section 32 report	<p>An evaluation report required under Section 32 of the RMA.</p> <p>Hutt City Council published a Section 32 report when notifying PC56.</p>
Tier 1, Tier 1 local authority	<p>Tier 1 local authority means each local authority listed in column 2 of table 1 in the Appendix of the NPS-UD.</p> <p>Hutt City Council is a Tier 1 local authority.</p>

4. Procedural Matters

4.1. Late original submissions and further submissions

(48) Clause 98 of Schedule 1 of the RMA specifies powers of an independent hearings panel for an Intensification Streamlined Planning Process. Clause 98(3) specifies that an independent hearings panel may decide to accept or reject any late submission.

(49) The following table identifies late submissions and further submissions on the proposed plan change:

Submission number	Submitter name	Date received
DPC56/257	Dorothy Gallagher	23 September 2022 – three working days after close of submissions
DPC56/258	Investore Property Ltd	23 September 2022 – three working days after close of submissions
DPC56/259	Stan Augustowicz	26 September 2022 – four working days after close of submissions
DPC56/263	Poneke Architects Ltd	27 September 2022 – five working days after close of submissions
DPC56/264	Mike Wong	27 September 2022 – five working days after close of submissions
DPC56/274	Te Rūnanga o Toa Rangatira	29 September 2022 – seven working days after close of submissions
DPC56/275	Stride Investments Management Ltd	30 September 2022 – eight working days after close of submissions
DPC56/276	Christopher Fry	30 September 2022 – eight working days after close of submissions
DPC56/277	Glen Andrews	3 October 2022 – nine working days after close of submissions
DPC56/F23	Investore Property Ltd	25 November 2022 – one working day after close of further submissions
DPC56/F24	Te Āti Awa Nui Tonu	30 November 2022 – four working days after close of further submissions
DPC56/F25	Trevor Farrer	29 November 2022 – three working days after close of further submissions

(50) For plan changes that use the standard process, the council (or the person given delegated authority) can decide to waive a failure to comply with the timeframe for making a submission or further submission under section 37 of the Act. However, under section 37A(1) of the Act, the council can make that decision only after taking into account:

- the interests of any person who, in its opinion, may be directly affected by the waiver,
- the interests of the community in achieving adequate assessment of the effects of the proposed plan change, and

- its duty under Section 21 of the RMA to avoid unreasonable delay.
- (51) It is not clear whether this requirement also applies to the Panel under the ISPP. However, even if it does not, I think that these would be reasonable matters to take into account.
- (52) In considering whether to accept or reject the late submissions and further submissions, the Panel may wish to consider the following:
- All late submissions were received within nine working days of the close of the submission period, and all late further submissions were received within four working days of the close of further submissions,
 - All late submissions were included in the Summary of Decisions Requested,
 - The proposed plan change process has not been held up in any way by the late submissions and further submissions.
 - For the submissions of Ms Gallagher (DPC56/257) and Mr Augustowicz (DPC56/259) and further submission of Te Āti Awa Nui Tonu (DPC56/F24), the submitters had signalled their intention to make a submission/further submission and were discussing how to make a submission/further submission with Council officers.
- (53) It is my opinion that the late submissions should be accepted as:
- No person would be directly affected by the waivers,
 - The waivers have not impacted the assessment of the effects of the proposed plan change, and
 - The waivers have not resulted in any delay to the proposed plan change process.

5. About the proposed plan change

5.1. Purpose of the proposed plan change

- (54) The proposed plan change is Hutt City Council's Intensification Planning Instrument, as required by s80F of the RMA.
- (55) The requirements of an Intensification Planning Instrument are detailed in section 3 of the Section 32 Evaluation Report. However, in summary:
- An IPI is a change to a district plan that must:
 - Incorporate the Medium Density Residential Standards (a set of development standards specified in Schedule 3A of the RMA) into the District Plan for every relevant residential zone, and
 - In the case of tier 1 territorial authorities (which includes Hutt City Council) give effect to policies 3 and 4 of the NPS-UD, and
 - An IPI may amend or include the following:
 - Provisions relating to financial contributions,
 - Provisions to enable papakāinga housing, and
 - Related provisions that support or are consequential on the MDRS or Policies 3 and 4 of the NPS-UD.
- (56) An IPI must be processed through an Intensification Streamlined Planning Process (ISPP), as set in Schedule 1 of the RMA. The requirements of an ISPP are also detailed in section 3 of the Section 32 Evaluation Report.
- (57) The Council's proposed approach to the IPI is described in section 2.2 of the Section 32 report. The plan change consciously takes a limited approach to what to include in the proposal, as the Council is concurrently conducting a full district plan review that aims to, among other things, give effect to the National Policy Statements on Highly Productive Land, Freshwater Management, and (if notified) Indigenous Biodiversity, as well as reflecting other new national and regional direction and implementing the national planning standards.
- (58) The ISPP also omits the usual right of appeal to the Environment Court and therefore there is a question about how appropriate it is to use the process where the connection to the purpose of the ISPP is more limited.
- (59) Council is also obtaining a much higher quality or more up to date standard of information on a number of issues for this review, but the work to obtain this information is not yet complete. This is particularly the case for:
- Indigenous biodiversity
 - Natural hazards
 - Sites of significance to Māori
- (60) Therefore, some issues are not updated in the plan, or have limited changes, anticipating that a more wide-ranging update informed by better information and more national and regional direction is not far off.

5.2. Scope and validity for the proposed plan change and submissions

- (61) In making decisions on the proposed plan change the panel must take account of submissions made on the plan change. The question of which submissions are “on” a plan change is a long-standing legal issue in RMA hearings.
- (62) This plan change also uses the unique Intensification Streamlined Planning Process and must meet the RMA’s special legal requirements for an Intensification Planning Instrument.
- (63) In order to assist the authors and the panel in assessing the submissions, we have commissioned legal advice from DLA Piper (attached as Appendix 3) outlining the relevant legislation and case law and suggesting a step by step procedure for assessing whether submissions are “on” the plan change and whether the relief sought can be validly granted by decision-makers.
- (64) The advice covers three broad themes about the relief sought by submissions:
- Whether it is valid to grant. For example, some submissions seek that the plan change be withdrawn, or that the plan change be less enabling than required by the MDRS or Policy 3 of the NPS-UD, without identifying a qualifying matter, or that car parking minimums be imposed in violation of Policy 11 of the NPS-UD.
 - Whether the relief can be pursued through an Intensification Planning Instrument and the Intensification Streamlined Planning Process. Section 80E of the Act sets out the purpose of an IPI and section 80G limits the IPI and ISPP to only those purposes. This is described in section 5.1 above, “Purpose of the Proposed Plan Change”.
 - Whether the relief is within the scope of the plan change notified by the Council. This question has substantial existing case law, such as in *Palmerston North City Council v Motor Machinists Limited*. The advice considers using section 2.2 of the Section 32 report as a starting point for assessing if submissions relate to the plan change as proposed.
- (65) It is worth noting that, unlike the conventional RMA Schedule 1 Part 1 process, the ISPP does not limit the panel to making decisions within the scope of what is raised by submissions, if the matter is one raised by the panel or any other person at the hearing.
- (66) In our view, some submissions clearly fail the test outlined by DLA Piper. They are not all of the following: a valid submission, on the plan change, and within the power of the panel to recommend.
- (67) As in some cases multiple similar submissions clearly fail the test, they are discussed in section 6.2.1 below and not considered individually.
- (68) Other submissions may, in our view, still fail the test, but might be the only submission on the issue, raise other relevant issues, or their scope may be arguable. These are generally discussed along with other submissions with the scope issues noted.

5.2.1. Handling out of scope and invalid submissions

- (69) The panel has the power under s41D of the Act to strike out a submission or parts of a submission if:
- it is frivolous or vexatious:
 - it discloses no reasonable or relevant case:
 - it would be an abuse of the hearing process to allow the submission or the part to be taken further:

- it is supported only by evidence that, though purporting to be independent expert evidence, has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert evidence on the matter, or:
- it contains offensive language.

(70) An out-of-scope or invalid submission inherently qualifies as it discloses no relevant case.

(71) This power is optional for the panel. It is up to the panel both when and whether to exercise this power to strike out submissions, and how to handle submissions that it chooses not to strike out.

5.3. Statutory considerations

- (72) Most of the relevant statutory documents for the proposed plan change are outlined in Appendix 2 of the Section 32 Evaluation Report.
- (73) We adopt the summary of the relevance of those documents included in the Section 32 report.
- (74) However, some changes to the statutory context have occurred since the Section 32 report was prepared and these are listed below.

5.3.1. RPS Change 1

- (75) Section 74(2)(a)(i) of the RMA requires that the Council have regard to any proposed regional policy statement when changing the District Plan.
- (76) The Wellington Regional Council (trading as Greater Wellington or GWRC) notified a proposed change to the Regional Policy Statement for the Wellington Region (the RPS) on 19 August 2022 – the day after PC56 was notified. This proposed change is referred to as RPS Change 1.
- (77) Given the timing of the notification of RPS Change 1, the proposed plan change has not been informed by the proposed changes.
- (78) RPS Change 1 has a broad scope beyond giving effect to Policy 3 of the NPS-UD. It generally covers the following matters:
- Freshwater quality and Te Mana o te Wai;
 - Stormwater quality and quantity;
 - Climate change (including freshwater bodies, water supply, transport infrastructure, emissions assessments, resilient urban areas, and nature-based solutions);
 - Biodiversity offsetting and compensation;
 - Mana whenua/tangata whenua values;
 - Managing indigenous biodiversity;
 - Integrated management and decision making;
 - Natural hazards;
 - Greenhouse gas emission reduction; and
 - Well-functioning urban environments and giving effect to the NPS-UD.
- (79) RPS Change 1 received 156 primary submissions and is at an early stage of the Schedule 1 process (I understand that hearings on submissions are yet to be scheduled, but are expected to be after the PC56 hearings). Many of these submissions challenge the provisions of proposed RPS Change 1. As a result, the notified provisions of the proposed RPS Change 1 may be subject to change through the Schedule 1 process. I therefore consider that the provisions of the proposed RPS Change 1 should be given minimal weighting, until it has progressed further through the Schedule 1 process.
- (80) In addition, it appears RPS Change 1 did not inform many (if any submissions), noting that few submitters other than GWRC itself made reference to the proposed changes to the RPS (submitters would have still been digesting the implications of the changes). In addition, HCC submitted on RPS Change 1, supporting most of the aims of the proposed change. However, HCC provided feedback about a number of the proposed changes, supporting some specific provisions and opposing others.

5.3.2. National Policy Statement on Highly Productive Land

- (81) The National Policy Statement on Highly Productive Land (“NPS-HPL”) came into force on 17 October 2022, after PC56 was notified. This policy statement protects highly productive land for primary production activities and discourages urbanisation and fragmentation of that land.
- (82) Neither Hutt City Council nor the Wellington Regional Council have yet implemented the NPS-HPL. In particular, the Regional Council has not yet mapped which rural areas are included as highly productive land.
- (83) However, the NPS-HPL does not have policy implications for land that was already in an urban zoning before the NPS-HPL came into force.
- (84) Accordingly, there are no implications for this plan change as proposed, as it applies only to existing urban areas, except for minor consequential changes that are not intended to make a practical difference to plan outcomes.
- (85) However, some submissions on the plan change have asked for zoning changes or other changes that would affect rural areas. Where relevant, we will discuss the NPS-HPL in those individual submission points.

5.3.3. National Adaptation Plan and Emissions Reduction Plan

- (86) The first Emissions Reduction Plan (“ERP”) was released in May 2022 and the first National Adaptation Plan (“NAP”) was released in August 2022. These documents are a requirement under the Climate Change Response Act 2002.
- (87) The Resource Management Act was amended on 30 November 2022 to require territorial authorities to have regard to these documents when preparing and changing their district plans.
- (88) The key directions for the Emissions Reduction Plan for the planning system are found in Actions 7.1, 7.2, and 7.4. These are high level directions and are intended to be implemented through more specific national direction to the planning system.
- (89) Parts of this direction have already been given effect to through the NPS-UD and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021. In this case, I do not discuss the Emissions Reduction Plan separately from that more specific direction.
- (90) Other parts of this direction are yet to come, such as the expected design guidance for low-emissions urban design, and the new National Planning Framework. These cannot be given effect to until that guidance and direction is published.
- (91) Accordingly, I do not think there is any relevant direction in the Emissions Reduction Plan that needs to be considered separately from the more specific direction in other, lower-level national direction.
- (92) The National Adaptation Plan outlines the range of government-led strategies, policies and proposals to help New Zealand to adapt to the changing climate and its effects. The plan sets out a series of actions to achieve this purpose, most of which are led by central government agencies or other crown entities. Actions include reform of the resource management system and developing national direction on natural hazard risk management and climate adaptation. Once complete, reform of the resource management system and new or amended national direction would be addressed by the Councils through lower-order planning documents, such as the District Plan.
- (93) I consider that there is one aspect of the National Adaptation Plan that is relevant to PC56. When making or changing district plans, the National Adaptation Plan recommends that Councils consider a range of specified climate change scenarios, and refers to interim

guidance published by the Ministry for the Environment in July 2022 to assist with the consideration of appropriate climate change scenarios for various land use planning purposes. This matter is relevant to consideration of submissions on natural hazards, particularly coastal inundation.

5.3.4. National Policy Statement on Indigenous Biodiversity

- (94) The Ministry for the Environment has been consulting on a forthcoming National Policy Statement on Indigenous Biodiversity which would set out obligations for regional and territorial authorities around protecting significant vegetation and habitats.
- (95) A draft has been released and consulted on in 2019, and at time of writing the Ministry was expecting to notify the NPS at some point in 2023.
- (96) Given that the NPS-IB has not yet been notified it carries no legal weight in this process. The detail of what will be in the final gazetted version is also uncertain.
- (97) Accordingly, as we understand the NPS-IB to be released this year and have a significant impact on how biodiversity is handled, we think there is benefit in waiting until the final NPS-IB is released before doing significant assessment or making major policy changes.

5.3.5. Resource Management Reforms

- (98) At the time of writing, the Natural and Built Environment Bill and Spatial Planning Bill are before the House of Representatives in the Select Committee phase. This proposed legislation would implement the government's intended direction for resource management reform.
- (99) This legislation has not yet passed, although it may do so before the proposed plan change becomes operative. However, the transitional provisions under those bills leaves the plan-making provisions of the Resource Management Act 1991 in force during a multi-year transition process from the RMA to the new system.
- (100) Accordingly, the reforms do not affect consideration of the plan change, as, even if the bills pass, they will not have an impact on the plan change process during its expected timeframe.
- (101) However, if the reforms pass in their current form, district plans will be replaced with region-wide Natural and Built Environment Plans within approximately the next decade.
- (102) This gives extra weight to benefits from regional consistency and conformance with the national planning standards, as this will simplify the transition to the new system and provide greater certainty about the longevity of decisions made in the PC56 process.

5.4. Section 32AA evaluation

- (103) This report uses key issues to group, consider and provide reasons for the recommended decisions on similar matters raised in submissions. Where applicable, the recommended decisions have been evaluated using Section 32AA of the RMA.
- (104) The s32AA further evaluation for each key issue considers:
- Whether the amended objectives are the best way to achieve the purpose of the RMA.
 - The reasonably practicable options for achieving those objectives.
 - The environmental, social, economic and cultural benefits and costs of the amended provisions.
 - The efficiency and effectiveness of the provisions for achieving the objectives.
 - The risk of acting or not acting where there is uncertain or insufficient information about the provisions.
- (105) The required section 32AA evaluation for the changes recommended in this report are located with each recommended change. The s32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made.
- (106) Recommendations on editorial, minor and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated.
- (107) Some of the changes recommended to PC56 in this report relate to qualifying matters. Sections 77J and 77P of the RMA require that an evaluation report prepared under section 32 of the RMA include additional specified assessments in relation to the qualifying matter – see Appendix 5 of the Section 32 Report for PC56.
- (108) It is not clear under Sections 77J and 77P whether these assessments are required for evaluations under section 32AA. However, given the overall scheme of the Amendment Act in relation to qualifying matters, it is logical that these assessments would be necessary for evaluations under section 32AA.
- (109) For the avoidance of doubt, where changes are recommended to provisions that relate to qualifying matters, and these changes may have the effect of restricting the level of development otherwise required by the MDRS or Policy 3 of the NPS-UD, the assessments required by sections 77J(3) and 77P(3) of the RMA are included with the relevant section 32AA evaluation.

6. Consideration of submissions received

6.1. General

6.1.1. Submissions relating to matters outside the scope of the plan change

- (110) Some submitters have requested relief that is outside the scope of the plan change, that is not within the power of the panel to grant, or clearly fail to meet mandatory requirements of the NPS-UD or the Act.
- (111) A discussion of the scope of the plan change and its legal requirements is given in section 5.2.
- (112) I would like to acknowledge that this is a complex plan change, and the ISPP requirements are quite limiting. It proposes many minor consequential amendments that are sometimes the only amendments in their chapter. There is also a strong level of interest in parts of the plan currently being reviewed in the Council's full plan review, and likewise a strong level of interest in matters around urban intensification already set by national direction. This makes PC56 particularly challenging for people unfamiliar with district plans and the RMA.
- (113) Understandably given these issues, there were an unusually large number of out of scope or invalid submission points.
- (114) There are many submissions that raise common or clearly out-of-scope or invalid points that can be dealt with briefly. Others may have been coded as a submission point in error in the summary of submissions and were not intended by the submitter as a requested decision of the Panel. To streamline this report, we will deal with many of them here, rather than in the main discussion of submissions.
- (115) For these points for the reasons set out in the below table, we recommend either rejecting them or noting that no decision is necessary or possible, as relevant:

Submission point	Requested relief	Reason for rejecting/not making decision
Invalid submission points		
4.1, 7.1, 9.1, 13.1, 14.1, 18.1, 29.1, 33.1, 34.1, 35.1, 40.1, 49.1, 60.1, 68.1, 73.1, 79.1, 80.1, 85.1, 87.1, 89.1, 90.1, 93.1, 93.2, 95.1, 104.1, 106.3, 109.1, 112.1, 113.1, 113.3, 115.2, 115.5, 115.7, 118.2, 127.1, 133.1, 137.1, 140.1, 159.1, 164.1, 164.2, 165.1, 165.2, 171.1, 182.1, 184.1, 184.2, 185.1, 191.2, 194.1, 203.1, 210.6, 214.1, 217.1, 220.1, 224.1, 225.1, 230.1, 256.1, 260.1, 261.1, 262.1, 262.2, 262.3, 262.4, 270.1, 273.1	Do not notify the plan change / withdraw the plan change / reject the plan change (explicitly or inferred).	The plan change has already been notified. It cannot be withdrawn per s80G(1)(c) of the Act. It cannot be rejected in full as that would fail to meet the requirements of s77G and s77N of the Act.
31.1, 43.2, 46.1, 61.1, 89.2, 104.2, 156.4, 195.16, 199.12, 223.7, F22.7 (in part)	Various	Relief is not a decision on provisions in the proposed district plan change (potentially

Submission point	Requested relief	Reason for rejecting/not making decision
		misidentified in summary of submissions).
81.2, 252.5, 257.3	Various	Relates to Council's Building Act functions rather than Resource Management Act functions.
17.2, 54.12, 76.2, 139.6, 166.13, 210.2, 227.3, 277.3, 277.4, 277.6	Various	Relates to Council's responsibilities as manager of the road corridor rather than Resource Management Act functions.
19.2, 43.3, 54.10, 54.11, 96.3, 131.2, 156.3, 166.12, 183.1, 183.2, 183.3, 195.6, 195.9, 195.10, 195.15, 199.9, 220.3, 227.4, 277.5	Various	Relates to Council's revenues, spending or general operations rather than Resource Management Act functions.
149.2, 252.2, 252.3, 274.2, F02.8, F02.9, F24.1	Provisions to protect the Hutt Aquifer	Relates to a regional council responsibility (regional plan)
149.92	Provisions about discharges to air (direct greenhouse gas emissions)	
139.3, 220.2	Various	Relates to a regional council responsibility (public transport operations)
2.2, 139.5, 166.4, 166.5, 166.6, 199.2, 199.4, 215.5	Various	Relates to enforcement and implementation of the district plan rather than its provisions
159.3	Various	Requests relating to the content of the full plan review
2.1, 78.2, 79.2, 199.5, 202.12, 240.3, 257.1	Mandatory limited notification / notification required where precluded by the MDRS / consents not to be granted without neighbour approval	Conflicts with the process for notification and notified consents set out in the Act
26.1, 45.1, 82.3, 96.1, 117.2, 147.2, 149.130, 220.4, 223.6, 232.1, 240.2, 253.1, 274.9, 276.1, F02.13, F04.1	Unclear / various	Unclear how to reflect as a decision on specific provisions of the proposed plan change (it may be possible that submitters can clarify this at the hearing)
149.102, 149.103, 275.1, F10.2	Submission is in support of an already operative plan provision	Not actionable
151.7, 189.3, 211.13	Changes to an activity area not within the scope of the MDRS or NPS-UD Policies 3 and 4 /	Cannot be progressed through an IPI and the ISPP

Submission point	Requested relief	Reason for rejecting/not making decision
	changes that only apply outside the urban environment	
149.4, 149.5, 149.87, 149.89, 149.93	Changes to district-wide provisions with no supporting or consequential connection to the MDRS or NPS-UD Policies 3 and 4.	
28.3, 31.3, 32.3, 57.3, 65.2, 75.4, 76.1, 81.4, 82.1, 108.7, 110.7, 115.5, 122.3, 123.2, 126.3, 134.2, 138.3, 149.56 (in part), 164.4, 165.3, 167.2, 169.1, 185.1, 199.8 (in part), 245.3 (in part), 252.1 (in part), 256.3, 257.2, 259.3, 276.1 (in part)	Impose off-street car parking minimums	Precluded by Policy 11 of the NPS-UD
1.1, 1.2, 3.1, 26.2, 26.3, 28.1, 45.2, 72.1, 122.1 (in part), 167.1, 198.1 (in part), 199.7, 221.4, 234.2, 243.6, 244.6, 246.6, 259.2, FS22.34	Impose height limits inconsistent with NPS-UD Policy 3 without a qualifying matter	Inconsistent with NPS-UD Policies 3 and 4
57.4, 125.1, 199.6, 201.1, 202.1, 221.5	Impose other restrictions on application of NPS-UD Policy 3 without a qualifying matter	Inconsistent with NPS-UD Policies 3 and 4
26.4, 39.2, 78.1, 91.1, 100.1, 102.5, 108.1, 108.3, 108.4, 108.5, 108.6, 108.8, 110.1, 110.3, 110.4, 110.5, 110.6, 110.8, 135.1, 169.2, 172.1, 172.2, 177.1, 177.2, 198.1 (in part), 199.8 (in part), 218.4, 250.2, 271.1	In a relevant residential zone, impose provisions less enabling of development than the MDRS without a qualifying matter	Fails to meet requirements of s77I of the Act
Out of scope submission points		
96.2, 131.3, 149.91, 149.97, 149.98, 149.99, 149.100, 149.101, 149.104, 149.105, 149.127, 149.128, 149.129, 149.131, 149.132, 149.133, F10.5, F10.7, F10.8, F12.7, F12.18, F12.19, F13.17, F13.18, F13.19, F20.1, F20.2	Changes to a district-wide topic not within the scope of the proposed plan change – Earthworks, Notable Trees, Significant Natural, Cultural, and Archaeological Resources, Transport, Renewable Energy and that are not a consequence of the notified plan change.	Submission/requested decision is not “on” the proposed plan change OR Further submission is supporting or seeking amendment on a point that itself is out of scope.
176.65, 188.11, 188.12, F10.9, F12.31, F12.32, F13.40, F13.41	Substantive changes to district-wide topics where only minor consequential amendments (e.g. names of activity areas) were proposed – Network	Submission/requested decision is not “on” the proposed plan change OR

Submission point	Requested relief	Reason for rejecting/not making decision
	Utilities, Noise, Hazardous Facilities and that are not a consequence of the notified plan change.	Further submission is supporting or seeking amendment on a point that itself is out of scope.
149.56, 149.85, 149.86, 149.88, 149.90, 149.94, 149.95, F10.6, F12.13, F13.13	New district-wide provisions with no connection to a notified provision	Submission/requested decision is not "on" the proposed plan change OR Further submission is supporting or seeking amendment on a point that itself is out of scope.

- (116) Further submission points F12.10, F12.57, F12.58, F13.20, F13.66, F13.69, F13.70, F17.5, F17.9, F17.10, F17.31, F17.32, F18.1, F18.2, F18.3, F18.6, F18.7, F18.8, F18.10, F18.11, F18.12, F18.20 and F22.1 all sought to disallow an original submission point that itself was invalid or out of scope. We recommend accepting these points to the extent that the original point should not proceed.
- (117) Some submissions may be both out of scope and invalid, or be invalid for multiple reasons, they have generally been listed in only one place.
- (118) The discussions below will also consider the scope and validity of some submissions individually, particularly where they are arguable, complex, or relate to only part of a submission point.
- (119) Some submissions themselves raised the issue of scope, anticipating the question over their relevance. Of particular note is Wellington Regional Council (149) whose submission claims that new provisions requested in their submission are within scope simply because they are "related provisions" within the meaning of RMA s80E(1)(b)(iii) and (2), as they cover one or more of the following:
- District-wide matters
 - Earthworks
 - Fencing
 - Infrastructure
 - Qualifying matters
 - Storm water management
 - Subdivision of land
- (120) This is not correct. Falling under one of those seven categories does not automatically mean a requested provision is valid and within scope. To be a "related provision", it must also support or be consequential on the MDRS or NPS-UD policies 3, 4, or 5.
- (121) It is worth noting that even if it would have been valid for the Council itself to have notified a provision, it is not automatically in scope of PC56. The submission must also be on the plan change that was notified by Council.

6.1.2. Whole of plan change submissions

Support the plan change in full or large part

- (122) Rosemary Waters (38.1), Woolworths New Zealand (136.1), Marcel Podstolski (152.1), M Playford (187.1), and Alex Ward (272.1, inferred) support the plan change as notified.
- (123) Oyster Management (179.28) supports the proposed changes to the Central and Petone Commercial Activity Areas, the General Business Activity Area, and the Natural Hazard and Wind district-wide chapters. The Petone Historical Society (F22.18) opposes that support.

Submissions supporting other submissions in full or large part

- (124) Ryman Healthcare (204.1) supports the submission of the Retirement Villages Association (211).
- (125) The Jackson Street Programme (F06.1) supports “[all parts] of the [Petone Historical Society] submission that relate to the Jackson Street heritage precinct, the area described in the District Plan as Petone Commercial Area 1, the Jackson Street frontage to the west of the heritage precinct, and the residential areas directly adjoining Petone Commercial Area 1.”
- (126) This general support is noted. We will generally not discuss these submissions for each individual submission point in the original submission unless the further submission provides additional relevant reasoning that the original does not.

Submissions opposing other submissions in full

- (127) The further submission of Investore (F23.1) opposes the original submission of the Wellington Regional Council (149) in full, on the grounds that it would impose inappropriate constraints on development that are inconsistent with the NPS-UD, both in general and as they would apply specifically to Investore’s site in Petone.
- (128) This opposition is noted. We will generally not discuss the Investore submission for each individual Regional Council submission point except where it is particularly closely connected with our reasoning for accepting or rejecting the original submission point.

Submissions requesting consequential or general relief

- (129) A number of submitters made routine submission points requesting any necessary consequential changes to their other relief (e.g. 151.1 in part, 206.4, 206.5, 206.6, 206.52, 206.118, 206.127, 206.243, 206.252, 206.298, 206.303, 206.306, 206.312, 263.3, 264.3, 274.1). Some further submitters requested that some of these points be disallowed (F22.26, F22.27)
- (130) Given the panel's expanded powers in the ISPP process, the panel can make, and we have recommended, consequential changes where necessary even without it being explicitly requested. These submission points do not need to be considered individually.

Application of zoning

- (131) Wellington Regional Council (149.3) supports the plan change’s approach of not including any greenfield rezonings.
- (132) Te Āti Awa Nui Tonu (F24.09) support limiting greenfield development on a wide scale, but seek that mana whenua be able to develop greenfields without restriction.
- (133) Cuttriss (221.2) seeks that land partly or fully surrounded by proposed new rezoning or height limits be included in the same zone or height limit.
- (134) Rezoning between residential and commercial areas is likely to be out of scope of the plan change as proposed.
- (135) However, the height limits in relevant residential zones, walkable catchments, and NPS-UD Policy 3(d) areas are within scope. I will discuss each example given by the submitter:

- Alicetown between Hume St and Te Mome Road – this land already has proposed height limit consistent with its surrounding.
- Melling between Leary Street and Pharazyn Street – it is not entirely clear what area is meant by this, but regardless, Melling has a consistent height limit in the proposed PC56.
- Taitā north of Nash Street – this area is not surrounded by a proposed new zoning. It is between a proposed new High Density Residential area and an existing River Recreation area, and has a proposed height limit between the limits of those two zones.
- Boulcott between Allen Street and Stellin Street – as above, except between High Density Residential and General Recreation.

(136) Accordingly, I believe the height limits provided for are already consistent within these areas.

General issues about the urban environment

(137) Wellington Regional Council (149.1) supports provisions that provide for well-functioning urban environments.

(138) In my view the plan change (including the changes recommended in this report) does so.

General issues about landscaping and permeability

(139) Richard Parry (31.4) and Michael Taylor (33.2) seek provisions that encourage greater protection for landscaping.

(140) In my view, the plan already provides the greatest degree of protection compatible with the MDRS and needing to implement NPS-UD Policy 3.

(141) Ana Coculescu (77.3) seeks a permeability standard of 30-40%. It is not clear which areas this is expected to apply to.

(142) David Smith (81.7) challenges housing intensification where there is conflict between the proposed housing and the surrounding environment, and encourages considering the role of developers in this process. In addition, David Smith (81.8) requests to provide engineering reports on intensive housing for areas where water runoff could cause issues.

(143) Residential activity areas already have a 30% permeability standard, and in commercial areas stormwater infrastructure is generally designed to handle fully impervious sites. In addition, the design of all developments is subject to technical requirements set by Wellington Water for managing on-site stormwater. To meet these requirements, on-site investigations and engineering designs are required.

General issues about transport

(144) Wellington Regional Council (149.57, F02.2) and NZTA (151.1, F10.4) seek provisions encouraging active and public transport. Kiwirail (F20.3) support this. Ryman Healthcare (F13.14) and the Retirement Villages Association (F12.14) seek to exempt retirement villages from these provisions. Kāinga Ora (F17.6) oppose the provisions.

(145) NPS-UD Policies 3 and 4 are designed to encourage a compact urban form that is walkable, cyclable, and well-served by the rapid transit network, by encouraging growth around key centres and the rapid transit network.

(146) Encouraging active and public transport in a more general, plan-wide sense is not a valid use of the ISPP nor in scope of the plan change as proposed.

(147) Transport issues may be more relevant in specific topic or activity area chapters, and where the submitters have requested more specific relief that is discussed in the relevant sections of this report.

- (148) Living Streets Aotearoa (227.1, 227.2) seeks provisions that protect the comfort and safety of people walking and using recreation spaces.
- (149) This is an issue primarily relating to Council's operational management of the street corridor, and while it could be regulated through the District Plan in my view it is better handled in the Long Term Plan and other Council operational plans, policies, and strategies.
- (150) Fiona Christeller (166.7) seeks to require resource consent for all encroachments onto the road corridor.
- (151) Council already has discretion to decline encroachment licences or place conditions on them for amenity, safety, and natural environment reasons (among others). I do not think adding a second bureaucratic process to encroachments would advance the Council's management of the safety, amenity, and vegetation of the road corridor.

General issues about the relationship of the plan with design guides

- (152) Fiona Christeller (166.7) seeks that design guides sit within the plan.
- (153) Kāinga Ora (206.9, 206.10, 206.11, 206.12, and in activity area chapters e.g. 206.260, 206.265, 206.266, 206.267) seeks that references to design guides be removed from the plan and design issues be limited to matters of discretion.
- (154) Ryman Healthcare (F13.20) oppose design guides applying to retirement villages. They also oppose design guides as a non-statutory tool (F13.43) as do the Retirement Villages Association (F12.34, FS12.49).
- (155) The issue of how design guides sit in relation to the plan was addressed in the hearings for the Suburban Mixed Use, General Residential, and Medium Density Residential Activity Areas in Plan Change 43. The approach for the latter two activity areas has been rolled over in PC56 for the Medium and High Density Residential Activity Areas.
- (156) The operative plan approach is the result of that process and is continued in PC56. This is to have design principles in the plan and the guide sit outside. The Council is also conducting a comprehensive review of the zone chapters and design guides as part of the full plan review. I do not think the proposed changes to PC56 fundamentally alter the issues at play and the benefits and drawbacks of the different approaches. Therefore I do not think it is productive to revisit the issue yet again in this forum and so recommend rejecting these points.
- (157) In relation to the Central Commercial and Petone Commercial design guides, which do sit inside the plan, I have discussed these issues in more detail in the relevant sections of this report.
- (158) The York Bay Residents' Association (210.5) seeks that the plan adopt the Wellington City design guides (it is not clear if this is in reference to the operative or proposed Wellington City District Plan). This is opposed by Ryman Healthcare (FS13.64, F13.65) and the Retirement Villages Association (F12.53).
- (159) The Wellington City design guides are designed to accompany the Wellington City District Plan (operative and proposed as relevant). Both operative and proposed Wellington district plans are quite different to the City of Lower Hutt District Plan, in structure and policy direction. I therefore do not think using the Wellington design guides is appropriate.

General issues about freshwater

- (160) Te Rūnanga o Toa Rangatira (274.3) seeks that the plan be amended to include provisions that give effect to Te Mana o Te Wai (a concept from the National Policy Statement on Freshwater Management). This is supported by Te Āti Awa Nui Tonu (F24.01, F24.22) and Wellington Regional Council (a theme through the submission, but e.g. F02.5).
- (161) Appropriately implementing the NPS-FM is a complex task that largely cannot be progressed through the ISPP, and it is more appropriate to implement the NPS-FM through the full district plan review.

General issues about universal design and accessibility

- (162) Amos Mann (52.3) seeks that incentives be provided for lifts in multi-storey developments.
- (163) The building code already covers situations where lifts must be provided in multi-storey developments (see Building Code clause D1.3.4(c)). This generally applies for residential buildings of four or more storeys and for most commercial buildings of any significant size of more than one storey. In these situations no incentive is necessary, as providing a lift is legally required.
- (164) It is difficult to see what other incentives could be provided for providing lifts in buildings of up to three storeys through the provisions of a district plan while complying with the requirements of the MDRS. As the issue of which buildings are required to have lifts is one covered by the building code, it is not necessarily an efficient or effective approach to revisit the same issue in a district plan.
- (165) Councils may have other ways of incentivising lifts, such as discounts on rates or development contributions. That is beyond the scope of the decision available to the Panel.
- (166) Henry Zwart (54.13) seeks to prioritise universal accessibility, and Lesley Haines (193.4) seeks that residential developments be required to have a minimum proportion designed to have universal design suitable for persons with disabilities.
- (167) No submitter has provided a suggested standard for universal design. Access for persons with disabilities is an issue covered by the building code, although the building code only applies to non-residential buildings and the common areas of multi-unit developments. This was an intentional decision in enacting the building code.
- (168) As with incentives for lifts, it is not necessarily an efficient or effective approach to revisit this issue in a district plan, and even if it is, I do not think there is a practical way to implement this in a district plan while complying with the MDRS and NPS-UD.

General issues about social well-being

- (169) Justin Cargill (199.10) requests minimum unit sizes be specified considering the psychology of personal space.
- (170) The building code and the Housing Improvement Regulations 1947 cover minimum unit sizes and psychological factors were considered in developing these standards. I do not think it is useful to revisit the issue in this forum.
- (171) Monica Murphy (76.4) requests when providing housing, assess the complete social well-being effect on current and new residents, to keep Lower Hutt a happy, thriving, desirable place to live, work, and play.
- (172) The proposed residential provisions seek to enable social wellbeing, health and safety, to recognise that amenity values contribute to wellbeing, and to ensure long-term, stable communities. These outcomes would be achieved by managing development through the policies, rules and standards in PC56 and Operative District Plan. For example, requirements apply for access to daylight, on-site outdoor living spaces, privacy between units, and relationship of new development to the street. The achievement of these social outcomes can also be monitored. If these outcomes are not being achieved, then changes can be made to the District Plan. Therefore, I recommended this submission is accepted in part as this relief is already generally provided for through PC56.

6.1.3. Papakāinga

- (173) Amos Mann (52.1 in part), Wellington Regional Council (149.7, F02.13) and Te Rūnanga o Toa Rangatira (274.36), supported by Kāinga Ora (F17.3) and Te Āti Awa Nui Tonu (F24.11) support provisions throughout the plan to enable papakāinga.

- (174) Under s80E of the Act, an IPI may amend or include provisions to enable papakāinga housing.
- (175) The operative plan includes explicit reference to papakāinga housing only in the introduction and resource management issue statement for the Community Iwi Activity Area. The plan change as proposed does not include any provisions that explicitly mention papakāinga housing.
- (176) Neither the Act nor the National Planning Standards define papakāinga. The Section 32 report in section 3.4.2 provides one description:
- Papakāinga are housing and community developments on mana whenua land that reflect their cultural customs and values. In addition to housing and residential activities, papakāinga can include a range of other complementary activities, including social, cultural, economic and recreation activities.*
- (177) Whereas the operative plan defines “papakāinga housing” as:
- residential accommodation on Maori owned land.*
- (178) There is some controversy over the term, in particular whether papakāinga inherently must be sponsored by mana whenua. There is also some ambiguity in the term “papakāinga housing”, as to whether it only includes housing or also includes other land uses that might form part of a papakāinga development.
- (179) However, a plan does not necessarily need to explicitly mention papakāinga in order to provide for it. The plan change as proposed does affect the extent to which the district plan enables papakāinga housing, however it is defined. Depending on what a papakāinga project includes, it might fall within the definitions of one or more of a residential activity, residential facility, community facility, cottage industry, commercial activity, kohanga reo, kokiri centre, marae, or other activities.
- (180) The plan change as proposed does not change which of these activities are provided within a particular activity area. It does indirectly provide greater ability to undertake papakāinga projects within the proposed Medium Density and High Density Residential Activity Areas, the Commercial Activity Areas, the General Business Activity Area, and (most relevantly) the Community Iwi Activity Area, by increasing the scale of development provided for.
- (181) The Section 32 report discusses the process of developing the plan change and the feedback from mana whenua about the possibility of papakāinga provisions. In my view, this is a complex issue which will need substantial engagement with mana whenua and other relevant Māori entities such as marae. It will also require significant integration work with the rest of the plan. It is therefore better handled in the full review, unless there are specific papakāinga projects mana whenua wish to advance in the short term before the new plan is notified. If there are such projects this could be raised at the hearing and it may be appropriate to provide site-specific provision for papakāinga if the existing plan is inappropriate.
- (182) I accordingly recommend rejecting these submission and further submission points.

6.1.4. PC1 to the Regional Policy Statement

- (183) This issue relates to whether and to which degree the proposed plan change should attempt to give effect to Proposed Change 1 to the Wellington Regional Policy Statement (“RPS Change 1”).
- (184) This issue was primarily raised in submission points by the Wellington Regional Council (149) and NZTA (151).
- (185) In making a decision on how far, if at all, to do so, it is worth noting:

- The proposed change to the RPS is still not yet far advanced. It was notified after (by a day) PC56, and is using the standard Schedule 1 RMA plan change process rather than the streamlined process. Hearings on RPS Change 1 will not occur until after PC56's hearings. Unlike PC56, there will be the ability to make appeals to the Environment Court on decisions on submissions on RPS Change 1. Accordingly, it is still behind PC56 in the Schedule 1 process.
- A large number of submissions were made on RPS Change 1, including some in opposition on almost all provisions of the RPS Change.
- Therefore, the final form RPS Change 1 will take is still extremely uncertain.
- In addition, until the RPS change becomes operative, Council is only required to "have regard to" the proposed change, rather than "give effect" to it.

- (186) PC56 is also a plan change with a specific purpose and limited scope, set out in the Act. This purpose and scope is to implement Policies 3 and 4 of the NPS-UD and the MDRS, not to be a general-purpose review of the district plan (which Council is conducting separately).
- (187) The relief sought by Wellington Regional Council in many cases has little connection with the proposed plan change, may well be out of scope, and is better pursued through a separate plan change.
- (188) Accordingly, I think extremely limited weight should be given to the proposed RPS change at this point in the process, and in general, submission points of the Regional Council relating to implementing RPS Change 1 be rejected to the extent they only serve to implement RPS Change 1. This report will not discuss this issue for the submission points independently.
- (189) However, independently of the RPS, the submission points raised by Wellington Regional Council may have merit in their own terms, or in giving effect to the operative RPS. In this report we will discuss these submission points in their own terms without considering RPS Change 1.

6.1.5. General plan structure and format matters

- (190) Kāinga Ora (206.7) seek all qualifying matters and supporting overlay provisions be relocated to chapter(s) contained within the District-Wide section of the District Plan. KiwiRail (FS20.12) support this submission.
- (191) The requested approach to locating all qualifying matters in the District-Wide chapters is generally supported as most of the qualifying matters relate to these topics. However, PC56 follows the existing structure of the Operative District Plan. It would be more efficient and effective to apply the structure sought by Kāinga Ora through the full district plan review rather than as part of the PC56 process and it would involve relatively extensive changes. It is recommended the current structure and location of qualifying matters is retained.
- (192) The Retirement Villages Association (211.1) seeks that Explanation and Reasons sections throughout the plan be deleted and relevant text be integrated with provisions.
- (193) The Explanation and Reasons sections are part of the structure and contents of the Operative District Plan. They complement the objective and policy framework by providing additional context and understanding to aid the implementation of the District Plan. More recent District Plan drafting approaches has been not to include Explanation and Reasons sections and to have more fulsome objectives and policies. This approach is reflected in the Residential Chapters of the Operative Lower Hutt District Plan where no Explanation and Reasons sections are included – the Residential Chapters are the outcome of the residential review undertaken in 2017 -2019 via Plan Change 43. The overall structure and contents of the District Plan will be considered as part of the full district plan review. I do not consider it would be efficient or effective to delete these sections and integrate relevant text into the provisions as part of PC56 as it could involve significant re-drafting. In addition, these

changes are likely to be out of scope. Therefore, it is recommended to reject this submission point.

6.1.6. General corrections and clarifications

Use of “dwelling” vs “residential unit”

- (194) Kāinga Ora requests in 206.284 (in part) that Rule 5E 4.1.4 use the term “residential unit” instead of “dwelling”. The term ‘residential unit’ is used in the National Planning Standards and has been adopted by Council for use in PC56. This term (residential unit) should be consistently used throughout PC56 for clarity. I recommend accepting this point with minor wording changes and consequential amendments for other provisions that are within scope of this plan change. The only provisions where I do not recommend using ‘residential unit’ is where the term ‘dwelling’ is used in the MDRS which cannot be changed.

Plan Change 47

- (195) District Plan Change 47 was a private plan change to enable further residential development at 280 Major Drive, 50 Kaitangata Crescent and 204 Liverton Road, Kelson. This plan change involved rezoning the area to a combination of General Residential Activity Area and General Recreation Activity, and including a few site specific policies and rules. This plan change was made operative on 13 April 2021.
- (196) In the preparation of PC56, rezoning this land from General Residential to Medium Density was inadvertently missed. This omission was picked up by the property owner, with Major Gardens Ltd (216) requesting that 280 Major Drive, 204/205 Liverton Road, and 36/50 Kaitangata Crescent, Kelson, be rezoned to Medium Density. Transpower New Zealand (FS7.2) seek this amendment be allowed in part if the site is able to be subdivided and developed in a manner that complies with the relevant National Grid rules. Waka Kotahi (FS10.18) oppose this submission and seek further site-specific assessments to justify the need for additional greenfield zoned land in this location.
- (197) I agree with the submitter that these sites that are currently zoned General Residential Zone should be rezoned Medium Density for consistency with the city-wide approach to zoning Residential land. It is recommended this submission is accepted.



Figure 1: Extract from Plan Change 47 Decision

6.1.7. Definitions

New Definitions

- (198) A few submissions were received requesting new definitions. These requests for new definitions were in conjunction with requests for new rules.
- (199) The Department of Corrections (111.001, plus a number of related amendments) sought a new definition for “community corrections activities”. As discussed further below, this submission is outside the scope of the plan change, which as notified did not seek to make amendments to the land uses enabled in different activity areas, except minor consequential changes.

- (200) The Department of Corrections (111.002, plus a number of related amendments) sought a new definition for “residential activity”. This was supported by Kāinga Ora (F17.1). There is already a definition of ‘residential activity’ in the Operative District Plan which is very similar to that sought by Corrections. It is recommended this submission is accepted in part.
- (201) The Department of Corrections (111.004, plus a number of related amendments) sought a new definition for “household”. This was opposed by Kāinga Ora (F17.2). As discussed further below, this submission is outside the scope of the plan change, which as notified did not seek to make amendments to the land uses enabled in different activity areas, except minor consequential changes.
- (202) Wellington Regional Council (149.041) sought a new definition of “minimise”. The term ‘minimise’ is a generally understood term, and a definition would be superfluous. Investore (FS23.1) oppose this submission.
- (203) Transpower (153.8) request a new definition of “qualifying matter area” to list the specific qualifying matters used in the Lower Hutt District Plan. This is supported by Kiwirail (F20.8) and opposed by Kāinga Ora (F17.15). While a definition of this nature would provide certainty, this relief is achieved by Policy 2 in Chapter 1.10.1A (Amendment 5) which identifies the qualifying matters. Therefore, it is recommended that this submission is rejected.
- (204) Fire and Emergency (176.3) request a new definition of “natural hazard”, being the definition used in the RMA. As a qualifying matter and new chapter is proposed relating to natural hazards, this submission is within scope. As the requested definition is from the RMA, it is in effect already, and used in the interpretation of the District Plan. For certainty and ease of reference for plan users, adding a definition of “natural hazard” to the District Plan is supported.
- (205) Kāinga Ora (206.32, 206.33, 206.34, 206.35, 206.36) request a series of new definitions associated with natural hazards relating to mapping flood hazards outside of the District Plan. As discussed further below in the natural hazards section of this report, it is not recommended to map flood hazards outside of the District Plan. Therefore, these requests for new definitions are recommended to be rejected.

Existing Definitions

- (206) The Department of Corrections (111.003) support the definition of ‘residential unit’.
- (207) Wellington Regional Council (149.42 and 149.43) support the definition of “qualifying matter” and “rapid transit stop”. This support is noted.
- (208) Waka Kotahi (151.8) and Kāinga Ora (206.42 and 206.43) support the definition of “rapid transit stop”. Waka Kotahi (FS10.11) support Kāinga Ora submission. This support is noted.
- (209) Kāinga Ora (206.41) support the definition of “net site area”. This support is noted.
- (210) Transpower (153.7) request the definition of “qualifying matter” be amended to refer to the definition in the Act rather than the NPS-UD. The definition of ‘qualifying matter’ in the Act is a more recent version than that used in the NPS-UD. Therefore, it is recommended the most up-to-date version of this definition is used. It is recommended this submission is accepted.
- (211) Design Network Architecture (162.10) request the definition of ‘building/structure’ be amended to exclude stormwater tanks up to a certain height (i.e. up to a fence height by 2.0m). The definition of “building/structure” is not proposed to change in PC56, therefore this submission is outside the scope of the plan change.
- (212) KiwiRail (188.13) request an amendment to the existing definition of “noise sensitive activity”. This definition is not part of PC56 as notified, therefore this submission is outside the scope of the plan change.

- (213) Kāinga Ora (206.40) request replacing the definition of “construction” with alternative wording relating to new buildings, additions and alterations to existing buildings, total or partial demolition or removal of an existing building, or relocation of a building. The request from Kāinga Ora effectively expands the type of construction works to include demolition, removal and relocation. Including these terms would have unintended consequences in the application of the rules. For example, a number of rules relating to ‘construction’ require compliance with performance standards. It would be a perverse outcome to require demolition or removal to comply with these performance standards. It is recommended this submission is rejected.
- (214) Retirement Villages Association of New Zealand Incorporated (211.15 and 211.16) request amendments to the existing definitions of “retirement village” and “retirement units”. These definitions are not part of PC56 as notified, therefore these submission points are outside the scope of the plan change.
- (215) Survey and Spatial New Zealand (219.1) request the definition of “site” be amended to replace references to “computer freehold register” with “record of title”. This request is supported as it makes the definition consistent with current terminology used by Land Information New Zealand and used elsewhere in the notified PC56. This change is also considered a minor correction.
- (216) Nick Ursin (252.4) noted the definition of “residential” does not take into account changes to households and property ownership – e.g. co ownership or blended families. The definition of “residential activity” refers to ‘use of land and buildings by people for living purposes’. This definition would capture a wide variety of living arrangements as indicated by the submitter.

6.2. MDRS and NPS-UD

6.2.1. Strategic direction

Overview

- (217) This issue encompasses decisions in relation to the general application of the National Policy Statement on Urban Development and the Medium Density Residential Standards, particularly as reflected in the following strategic direction chapters:
- Chapter 1.10.1A: Urban Environment
 - Chapter 1.10.2: Amenity Values
 - Chapter 1.10.3: Residential Activity
 - Chapter 1.10.4: Commercial Activity
 - Chapter 1.10.10: Heritage Buildings and Structures
 - Chapter 1.10.11: Lessening Natural Hazards
- (218) This issue also covers submissions of a more general nature that largely address the way in which the NPS-UD and MDRS have been interpreted and applied, where these are reflected in strategic direction objectives and policies, such as the interpretation of:
- Metropolitan centre zone
 - Walkable catchment
- (219) This section relates to plan change's core purpose of the application of the NPS-UD and MDRS as a strategic matter, and consequential and supporting changes to strategic direction. More specific issues around the application of the NPS-UD and MDRS are covered in the sections below. Some requests for new or altered strategic matters are covered in the sections above, for example where it is out of scope or relates primarily to implementation of Regional Policy Statement Proposed Change 1.

Provisions raised	Relevant submissions
Urban Environment (1.10.1A)	25, 37, 52, 54, 77, 116, 124, 149, 151, 153, 163, 176, 193, 202, 206, 211, 215, 218, 223, 227, 229, 237, 274, F01, F02, F04, F06, F08, F10, F12, F13, F15, F16, F17, F18, F19, F20, F21, F22, F23, F24
Amenity Values (1.10.2)	86, 149, 206, 211, 237, F15, F16, F24
Residential Activity (1.10.3)	149, 151, 153, 163, 199, 206, 211, F01, F04, F08, F20
Commercial Activity (1.10.4)	116, 206, F22
Heritage Buildings and Structures (1.10.10)	37, 116, 149, 163, 206, F1, F8, F18, F22
Lessening Natural Hazards (1.10.11)	116, 149, 176, 180, 206, 229, F02, F17, F21, F23
Other/new strategic direction	149, 211, 274, F02, F12, F13, F24

- (220) No submissions were received on the proposed amendment to section 1.10.3A – Housing Bottom Lines.

Urban Environment

1.10.1A – Issue

- (221) Te Rūnanga o Toa Rangatira (274.7) requested two changes: inserting the phrase “Tangata Whenua” as a third element to the mention of “people and communities”, and requesting an additional issue statement covering the role of tangata whenua as kaitiaki and rangatira in the urban environment. This is supported by Wellington Regional Council (F02.12) and Te Āti Awa Nui Tonu (F24.02), the latter requesting the addition of “mana whenua” instead of tangata whenua, and also adding “future generations”.
- (222) Te Āti Awa Nui Tonu (F24.04, F24.07, F24.10, F24.20) sought additional language mentioning “mana whenua and their aspirations”, “Te Āti Awa Nui Tonu aspirations”, and “cultural expression of Te Āti Awa Nui Tonu values”.
- (223) In my view issue statements do not have significant value in a district plan and often restate matter in objectives or that would be better included in explanation sections or supporting reports. However, given that the operative plan has issue statements, it is worth including issue statements solely for consistency.
- (224) Given that, I think the issue statement should be informed by the issues covered in the objective in this section. The phrase “people and communities” is also a reference to section 5 of the Act and altering it would weaken that link. The submitters’ changes do not assist in providing context to the objective or their other proposed relief.
- (225) I recommend retaining the issue statement as notified.

1.10.1A – Objective

- (226) Wellington Regional Council (149.16), Transpower (153.1), Fire and Emergency (176.1), Kāinga Ora (206.13) supported by the Hutt Voluntary Heritage Group (F01.1), the Retirement Villages Association (211.2), and Living Streets (227.5) support inclusion of the objective as notified.
- (227) Pam Crisp (229.1) supported by York Bay Residents Association (F19.4) seeks to add environmental wellbeing to the three listed wellbeings (social, economic, and cultural).
- (228) This is a mandatory objective of the MDRS and cannot be modified, although it could be included elsewhere instead, or an additional objective relating to environmental wellbeing included as well. In my view, there is adequate existing strategic direction in the plan covering the natural environmental issues managed by the plan. The objective also adequately summarises the overall direction of the changes required by the MDRS and NPS-UD.
- (229) I recommend retaining the objective as notified.

1.10.1A – Policy 1

- (230) Policy 1 sets out the levels of building height and density provided for in different parts of the urban area. This is key to the high level implementation of the MDRS and Policy 3 of the NPS-UD.
- (231) The proposed approach to implementing the MDRS and Policy 3 of the NPS-UD are set out in sections 7.2.1 and 7.2.2 of the Section 32 report.
- (232) Relatively few submitters sought changes to this provision directly, but many submitters requested changes to height and density in broad areas or situations. If accepted, those should be reflected in this policy.
- (233) Wellington Regional Council (149.18), Transpower (153.2), and the Retirement Villages Association (211.4) support the policy as notified. This is supported by NZTA in their further submission (F10.3).

- (234) NZTA however in their original submission (151.4) seeks changes to the policy that would limit its application to only residential zones. This is supported by Kiwirail (F20.5).
- (235) Living Streets Aotearoa (227.6) seeks changes that would limit the provision for 6 storey buildings to only main routes and commercial centres.
- (236) Both NZTA's and Living Streets' points are inconsistent with Policy 3 of the NPS-UD which applies to the whole of the tier 1 urban area, including all residential and non-residential areas.
- (237) Petone Community Board (116.1) seeks to limit the heights provided for in Petone and Moera to four storeys. This is opposed by Ryman Healthcare (F13.1) and the Retirement Villages Association (F12.1). Petone Historical Society (F22.15) similarly wants to limit height to below six storeys in the Petone Commercial area.
- (238) This is not compatible with NPS-UD Policy 3 unless there is a relevant qualifying matter. The approach of the plan change is that Policy 1.10.1A.1 sets out the implementation of NPS-UD Policy 3 and the MDRS, and Policy 1.10.1A.2 sets out the implementation of qualifying matters. The relevance of heritage as a qualifying matter is discussed in relation to Policy 1.10.1A.2 and in section 6.3.1 Qualifying Matters – Heritage.
- (239) EQC (F21.7) seeks that Policy 1 be modified to take account of natural hazards in Petone and Eastbourne. As set out in the Section 32 report, the approach of the plan change is to identify the NPS-UD Policy 3 requirements first (in Policy 1.10.1A.1) and then apply qualifying matters (in Policy 1.10.1A.2). I believe this is the most appropriate way to ensure that qualifying matters are used only to the extent necessary.
- (240) Petone Historical Society (163.2, and consequential points e.g. 163.1, 163.8) seeks changes that would treat the Petone Commercial Activity Area as equivalent to a town centre zone under the National Planning Standards, rather than a metropolitan centre zone. This is opposed by Central Apartments (F18.17, F18.19), Shayne Hodge (FS8.2) and Hutt Voluntary Heritage Group (FS1.4) in so far as they request 'step down' areas – those areas that are adjacent to the proposed areas have increased restriction on them.
- (241) The Petone Community Board (116.5, and consequential points e.g. 116.4, 116.26, 116.55), and Merran Bakker (124.1, and consequential points 124.2, 124.5) do not specifically seek changes to Policy 1 but generally ask that the plan not treat the Petone Commercial Activity Area as equivalent to a metropolitan centre zone. This is supported by the Petone Historical Society (F22.9, F22.12) and opposed by Central Apartments (F18.13, F18.14).
- (242) The Section 32 report in Appendix 4 sets out reasoning for considering Petone as equivalent to a metropolitan centre zone and I adopt that reasoning. The Society's submission sets out alternative reasoning supporting their view it should be treated as a town centre. This reasoning centres on the historic heritage values of the Jackson Street area. They also contend that the range of services available in the area is limited compared to other metropolitan centres in the region.
- (243) In my view, the historic heritage values are relevant only as a qualifying matter and do not affect the operative plan's strategic role for the Petone commercial area. The commercial area is planned to be a major regional centre comparable to the Lower Hutt city centre and other proposed metropolitan centres identified in the RPS such as Johnsonville and Kilbirnie.
- (244) The Society's submission also notes the Petone Commercial area is divided into two sub-areas in the operative plan, a heritage area with small scale retail and a mixed use area with larger format retail. In my view, these two specialised parts work together economically as a single centre which is planned in the operative plan to have an organised urban form, with dense but smaller format activity in Area 1 and larger format activity in Area 2. Accordingly, the entire Petone Commercial Activity Area is the equivalent of the metropolitan centre.
- (245) Ken Hand (202.2) submits an amendment that would replace the provision of 6 storeys around Avalon and Moera and 4 storeys around Eastbourne, Stokes Valley and

Wainuiomata, with 3 storeys in these areas, implying a different interpretation of NPS-UD Policy 3(d). This is opposed by Ryman Healthcare (F13.42).

- (246) Appendix 4 of the Section 32 report sets out the reasoning for the approach in the proposed plan change. I adopt that reasoning and accordingly recommend rejecting Mr Hand's request.
- (247) Kāinga Ora (206.14) submits a package of amendments to Policy 1 that reflects their proposed approach to building heights and density, being:
- Unlimited height in the Central Commercial Activity Area and Petone Commercial Activity Area 2,
 - A map-based set of finite height limits above six stories in areas which NPS-UD Policy 3 requires at least six storeys – these vary between 22 metres, 29 metres, 36 metres, 43 metres, and 53 metres.
 - An increase in height limit from 4 to 5 storeys around Eastbourne, Stokes Valley, and Wainuiomata.
- (248) Kāinga Ora's submission in relation to Petone Commercial Activity Area 2 would clarify the application of unlimited height in this area and I recommend accepting this change.
- (249) I also agree with Kāinga Ora's identification of Naenae and Waterloo as key suburban centres where additional building height is warranted. Naenae and Waterloo are directly on the rapid transit network at major stops. Both are interchanges to frequent bus services. Waterloo is well connected to the city centre, and the largest centre other than the city centre and Petone in the southern end of the valley. Naenae is the main centre for the northern suburbs and has potential to anchor larger commercial activities. Both locations also have relatively good resilience to natural hazards and either do not have heritage constraints or have a heritage fabric conducive to taller buildings.
- (250) However, there is a question about how this increase in height could be done. The strategic direction would still need to be implemented in the Suburban Mixed Use Activity Area chapter, and there is a question about whether a difference in strategic direction is actually required, and whether an explicit height limit should be stated and if so what it is.
- (251) Kāinga Ora has requested 36 metres, approximately eleven storeys. They have not provided reasoning for why this height in particular.
- (252) Proposals for buildings over six storeys in height are extremely rare in Lower Hutt, especially outside the city centre and Petone Commercial area, and so there is little experience to guide us about what types of heights are likely to be market attractive. These heights are also so vastly different to the existing urban form of these areas that it is hard to say that any specific height of over six storeys rather than another is the most appropriate.
- (253) I therefore do not think there is value in providing for a map of specific high-rise height limits, and these buildings are best assessed in a case by case basis with appropriate guidance in the Suburban Mixed Use Activity Area chapter. Accordingly, I believe Naenae and Waterloo should be specifically mentioned as being appropriate for over six storeys without specifying an explicit taller height. This is mentioned further, and I have recommended changes, in Chapter 5E Suburban Mixed Use.
- (254) The rest of Kāinga Ora's submission point relates to residential areas. In general, I think there is limited value in anticipated height limits in residential areas that are greater than 6 storeys but still provide a limit. Buildings of this scale are likely to be rare given the market demand, construction difficulties (e.g. geotechnical factors such as the depth of the aquifer), and substantial increase in low and mid-rise development capacity. Buildings of this scale can be considered case by case in a resource consent process regardless.

- (255) The plan change as proposed provides for buildings over 6 storeys as a restricted discretionary activity, including policy direction.
- (256) The proposed change of height limit around Eastbourne, Stokes Valley, and Wainuiomata is warranted in light of the level of commercial activity and community services in these centres, which is comparable to or greater than Avalon and Moera, which provide for six storeys. However, Kāinga Ora's approach is complex in order to achieve a difference in height of just four metres in a mid-rise context and involves both changing the zoning down a step (to Medium Density) while increasing the height limit.
- (257) I therefore recommend retaining these areas in the High Density Residential Activity Area but removing the special provisions and simply applying the standard High Density Residential provisions in those areas (e.g. 22 metre height limit).
- (258) While not raised by submitters, I also recommend clarifying that the policy does not apply to Recreation Activity Areas, in the same way as it does not apply to Hill Residential and Landscape Protection Residential Activity Areas.

1.10.1A – Policy 2

- (259) Policy 2 sets out the qualifying matters that reduce the level of building height and density provided for in Policy 1. This implements Policy 4 of the NPS-UD.
- (260) The proposed approach to qualifying matters is set out in section 7.2.3 of the Section 32 report.
- (261) Relatively few submitters sought changes to this provision directly, but many submitters requested additional, removed, or altered qualifying matters explicitly or by implication. If accepted, those should be reflected in this policy.
- (262) Heritage NZ (37.1), Wellington Regional Council (in part, 149.19, 149.20), Transpower (153.3), FENZ (176.2), Kāinga Ora (206.15), and the Retirement Villages Association (211.5) support the policy as notified.
- (263) The language of this policy directly quotes the qualifying matters listed in the NPS-UD and section 6 of the Act. This is appropriate in my view to ensure that the qualifying matter is accurately presented, and so in my view the only question is which matters are to be listed, and recommend rejecting all proposed changes to wording – Petone Community Board (116.2, 116.3) and Te Rūnanga o Toa Rangatira (274.13, in part).
- (264) The NPS-UD and the Act also set out which qualifying matters are provided for. Some submitters requested new qualifying matters that were not listed – Living Streets (227.7), Te Rūnanga o Toa Rangatira (274.13 in part, 274.14). The Section 32 report considered which qualifying matters could qualify as an “other matter” (NPS-UD cl. 3.32(h)). This “other matter” is a high bar under NPS-UD cl. 3.32(h) and requires a site-by-site assessment. This assessment has not been provided by either submitters or the Council.
- (265) Pam Crisp (229.4) requests a new qualifying matter for natural areas, and Wellington Regional Council (149.21) requests a new qualifying matter for indigenous ecosystems. This is opposed by Kāinga Ora (F17.4). The NPS-UD and MDRS allow for protecting significant indigenous vegetation and significant habitats of indigenous fauna as a qualifying matter as it is listed in section 6 of the Act.
- (266) However, the Section 32 report does not identify this as a qualifying matter and I concur with the reasoning in that report. Areas of significant indigenous biodiversity in the City of Lower Hutt are highly likely to be outside the areas to which NPS-UD Policy 3 apply, and so it is appropriate to consider the requirements for a qualifying matter to the MDRS only.
- (267) Indigenous vegetation and habitats are primarily protected through controls on vegetation clearance and land disturbance, including rules of the operative plan that have been carried over into the proposed plan change. The operative plan, in my view, does not fully give

effect to the requirements of the Regional Policy Statement (Policies 23 & 24) to identify and protect areas of significant indigenous biodiversity value.

- (268) However, PC56 is not a plan change on indigenous biodiversity and it is outside the scope of the ISPP to use the plan change to introduce new protection for indigenous biodiversity.
- (269) A qualifying matter is a situation where building height or density may be restricted. I do not consider that building height or density, in themselves, are likely to have any significant impact on indigenous biodiversity – the damage is done through clearing vegetation, regardless of whether a one-storey or three-storey building is built on the site afterwards.
- (270) Accordingly, I do not recommend adding, removing, or modifying any qualifying matters from the list in this policy and recommend retaining it as notified.

1.10.1A – Policies 3 and 4

- (271) Policies 3 and 4 are mandatory policies of the MDRS and cannot be modified, although they do not need to be included in the strategic direction section as opposed to within zones. It is also optional whether they apply to zones other than relevant residential zones for the MDRS.
- (272) Wellington Regional Council (149.22), Petone Historical Society (163.2 in part), Kāinga Ora (206.16, 206.17), and the Retirement Villages Association (211.6, 211.7) support one or both policies as written.
- (273) NZTA (151) and Living Streets (227) sought minor wording changes. Living Streets also sought additional policy direction requiring communal facilities in taller buildings.
- (274) Neither NZTA nor Living Streets' submissions in my view are significant enough to require additional strategic direction beyond the MDRS policies and are better handled, if at all, in zone chapters or the transport chapter. The Transport Chapter policies (14A 4.2 and 14A 4.7) already recognise and provide for all transport modes and accessible design.
- (275) I recommend retaining Policies 3 and 4 as notified.

1.10.1A – Explanation and Reasons

- (276) Wellington Regional Council (149.23) and Kāinga Ora (206.18) support the explanation as notified.
- (277) Transpower (153.4) requests an expansion and rewording of the explanation, however, I do not think this would make a material difference to the plan and its implementation.
- (278) As with issue statements, it is my view that there is limited value in explanation and reasons sections in a district plan. However, there is value in consistency with existing strategic direction and so I recommend retaining it as notified.

General – size of walkable catchments

- (279) Amos Mann (52.4), Henry Zwart (54.1), Ana Coculescu (77.1, 77.11), and Lesley Haines (193.1) supported a larger definition of walkable catchment than the 1200m/800m proposed in the plan.
- (280) Felicity Rashbrooke (215.2), Richard Perry (218.1), Joanne Gallen and Kevin Doyle (25.1), the East Harbour Environmental Association (223.2), and Bruce Spedding (F04.1) supported smaller walkable catchments.
- (281) The purpose of walkable catchments in the NPS-UD is to enable more development capacity in locations with relatively good access to the rapid transit network and major centres. Appendix 4 of the Section 32 report sets out the Council's reasons for selecting the distances proposed, and I agree with that reasoning.

Amenity Values

1.10.2 – Objectives 1 and 2

- (282) The objectives proposed are designed to set out the plan's general approach to recognising amenity values. Objective 1 sets out a new approach for urban areas that recognises that amenity values change over time in response to changing needs, rather than being primarily about preserving existing amenity values. Objective 2 is intended to effectively restate the objective for the operative plan as it applies to non-urban areas, as a change to the approach in those areas would be outside the scope of the plan change.
- (283) Wellington Regional Council (149.31), Kāinga Ora (206.19), and the Retirement Villages Association (211.8) support Objective 1 as notified.
- (284) Ian McLauchlan (86.1) opposes Objective 1 as being too "fluid" and not providing enough certainty.
- (285) In my view, the proposed objective gives effect to Objective 4 of the NPS-UD and is necessary as the types and relative importance of different amenity values will change over time and vary significantly by area. The objective is necessarily high-level as policy varies across the city, and further detail is better placed in the individual descriptions of amenity values for activity areas.
- (286) Te Āti Awa Nui Tonu (F24.05, and consequential F24.06-08) seek to add reference to mana whenua in Objective 1.
- (287) As with my discussion on the Urban Environment issue statement, this weakens the link to section 5 of the Act. Mana whenua/tangata whenua values are also a plan-wide issue and in my view are better handled through more specific objectives (such as in section 1.10.1) rather than being specifically mentioned in every topic mana whenua concerns may relate to.
- (288) Kāinga Ora (206.20) supports Objective 2. The Retirement Villages Association (211.9) opposes it requesting that commercial and residential areas be excluded.
- (289) Objective 2 already does not apply to commercial areas or most residential areas as these are covered by Objective 1 which applies to the urban environment. The only residential area that Objective 2 applies to is the Rural Residential Activity Area. Making a significant change in policy direction for rural areas is not appropriate for a plan change targeted to urban intensification and is outside the valid purposes of an IPI.
- (290) I recommend retaining both objectives as notified.

1.10.2 – Policy

- (291) Kāinga Ora (206.21) and the Retirement Villages Association (211.10) both seek that the policy be modified to refer to only the built environment, rather than the wider environment.
- (292) In my view, while the built environment is an important contributor to character and amenity values, it is far from the only one. Vegetation, landscapes, and waterbodies are among natural contributions to amenity values, while the presence or absence of land uses and services such as public transport are human-created contributions. These contributions or elements are mentioned in many of the amenity value descriptions, particularly those that are not proposed to be amended in this plan change.
- (293) Accordingly, I recommend retaining the policy as notified.

1.10.2 – Explanation and Reasons (Amenity Area descriptions)

- (294) Most submitters on this section either supported the changes as notified or sought consequential changes for their other requested relief. These points are not discussed separately.
- (295) Trevor Farrer (237.2) sought additional wording to clarify whether developments needed to provide amenity values or be provided with a sufficient level of amenity value. This is supported by Vina Dahya (F15.2) and Elayna Chhiba (F16.2).

- (296) I believe this issue is better addressed, if at all, in the objectives, policies, and matters of discretion of individual activity areas.
- (297) I recommend retaining the explanation and reasons (amenity area descriptions) as notified.

Residential Activity

1.10.3 – all provisions

- (298) Wellington Regional Council (149.33, 149.34) supports the policies as notified.
- (299) NZTA (151.6) seeks greater clarification of the distinction between High Density and Medium Density Residential in Policy 1.
- (300) I think greater clarification is warranted and I have provided suggested wording in Appendix 1.
- (301) Transpower (153.5) seeks to replace the reference to “circumstances where a qualifying matter is relevant” to “within a qualifying matter area”. This is supported by Kiwirail (F20.6).
- (302) Policy 4 of the NPS-UD requires that the plan limit building height and density “only to the extent necessary” to accommodate a qualifying matter. I believe the plan as notified more clearly expresses this than referring to a “qualifying matter area”. Simply being in an area where a qualifying matter is identified does not mean that it is automatically relevant for every development in that area, or that building height or density must be limited, or that building height or density can be limited to a greater degree than necessary. It is only in some circumstances, as the notified wording says.
- (303) Transpower (153.6) also seeks an explanation of qualifying matters in the Explanation and Reasons. This is supported by Kiwirail (F20.7).
- (304) I think this additional explanation is warranted and have provided suggested wording similar to that requested (but as discussed above, not using the term “qualifying matter area”).
- (305) The Petone Historical Society (163.5) seeks to reduce the scale of development provided for in Petone from 6 storeys to 4. Hutt Voluntary Heritage Group (FS1.4) oppose this submission in so far as they request ‘step down’ areas – those areas that are adjacent to the proposed areas have increased restriction on them. Shayne Hodge (FS8.2) opposes this submission.
- (306) This lower height is not consistent with Policy 1.10.1A.1 of this plan or Policy 3 of the NPS-UD.
- (307) Justin Cargill (199.13) seeks a definition of the phrase “spare capacity” used in the Explanation and Reasons.
- (308) In my view, Explanation and Reasons sections of district plans have little value and there is generally no need to define terms as the weight put on the exact meaning is low.
- (309) Kāinga Ora (206.22) seeks consequential changes for its relief in the Urban Environment policies and general approach to rezoning, and otherwise supports the policies and the Explanation and Reasons. This is opposed by Bruce Spedding (F04.1).
- (310) The Retirement Villages Association of NZ (211.12) seeks explicit mention that the plan is more enabling than the MDRS in the High Density Residential Activity Area.
- (311) I think this is warranted and my suggested wording for Policy 1 includes this.
- (312) I have also suggested consequential wording changes to reflect my suggested changes to the strategic direction for the Urban Environment.
- (313) Some submitters (listed in section 6.2.1) requested changes to Policy 2. Policy 2 is a consequential amendment to preserve the operative policy direction of the plan in areas outside the urban area and making substantive changes is outside the purposes of the ISPP.

Commercial Activity

1.10.4 – all provisions

- (314) The Petone Community Board (116.6, 116.7) sought changes to de-emphasise the importance of Petone as a commercial centre. This is supported by the Petone Historical Society (F22.10).
- (315) Kāinga Ora (206.1, 206.25 in part, and supporting provisions e.g. 206.206) seeks a broader review of the centres hierarchy.
- (316) The Section 32 report sets out the reasoning for consolidating the Special Commercial, Suburban Commercial, and Suburban Mixed Use activity areas and that it is a consequential amendment rather than a substantive amendment. I adopt the reasoning in that report.
- (317) Accordingly, in my opinion a broader review of the commercial centres hierarchy is beyond the scope of this plan change.
- (318) In addition, the changes sought by the Petone Community Board would not adequately give effect to Policy 30 of the Regional Policy Statement.
- (319) Kāinga Ora additionally seeks minor wording changes (206.25 in part). In my opinion these would not have a material difference to the plan and its implementation.
- (320) I recommend the retaining this consequential change as proposed.

Heritage

1.10.10 – all provisions

- (321) Heritage New Zealand (37.5), Wellington Regional Council (149.35), and Kāinga Ora (206.26) support the proposed change to the strategic direction for heritage.
- (322) The Petone Community Board (116.8) seek to replace the reference to “discourage incompatible development” with “prevent incompatible development”. Petone Historical Society (FS22.1) support this submission.
- (323) The Petone Historical Society (163.6) seek to change the language from “in areas ... identified as having significant historic heritage value” to “in and adjacent to areas”. Hutt Voluntary Heritage Group (FS1.4) oppose this submission in so far as they request ‘step down’ areas – those areas that are adjacent to the proposed areas have increased restriction on them. Shayne Hodge (FS8.2) and Central Apartments Ltd (FS18.18) oppose this submission.
- (324) I do not think that either of these changes would better reflect the way qualifying matters work under the MDRS and the NPS-UD.

Lessening Natural Hazards

1.10.11 - General

- (325) EQC (Toka Tū Ake) (180.1) seeks to amend the whole chapter to include liquefaction and slope stability as qualifying matters and implement policies and rules to restrict intensification and development in areas where the risk of these hazards is greatest.
- (326) Wellington Regional Council (F02.3) partly support this submission and seek additional controls on slope failure hazards, not necessarily as a qualifying matter.
- (327) Kāinga Ora (F17.21) oppose the submission by EQC (180.1) and considers that if the evidence supports a managed approach to liquefaction and slope stability hazards, then this should be considered outside the IPI process.
- (328) Kāinga Ora (206.27) request the removal of natural hazard flooding overlays from the District Plan statutory maps, and instead hold this information in non-statutory GIS maps. As

a consequence of this, they seek new definitions to identify flood hazards in the District Plan (206.28), amend the rule framework linked to these new definitions (206.29), revise references throughout the plan from 'flood hazard overlays' to 'flood hazard areas' (206.30), and other consequential amendments (206.31).

- (329) Wellington Regional Council (F02.6) oppose this submission by Kāinga Ora and seek that the flood hazard maps are retained in the District Plan. EQC (Toka Tū Ake) (F21.10, F21.11, F21.12, F21.8, F21.9) also oppose the proposed amendments by Kāinga Ora to remove regulatory flood hazard mapping and associated changes.
- (330) Regarding the submission from EQC to include liquefaction and slope stability hazards as a qualifying matter and to include these as overlays, the Hutt City Council have taken the approach that liquefaction risk is dealt with through the building consent process. It is noted that changes took effect in November 2021 to the Building Code which revised the requirements for building on liquefaction prone land. I understand these changes were made as a result of the experience of the Canterbury earthquakes, and subsequent recommendations made by the Royal Commission of Inquiry. I understand the building consent process requires the likelihood and severity of ground damage to be assessed in conjunction with the type of building (e.g. non-habitable building compared to a habitable building with a high number of occupants).
- (331) Notwithstanding this reliance on the building consent process, provisions in the Operative District Plan and notified PC56 enable liquefaction to be assessed for some land uses and subdivisions. For example, Rule 4G 5.6.2.1 makes housing for the elderly a restricted discretionary activity in the High Density Residential Activity Area. One of the matters of discretion under this rule is natural hazards, with specifically reference to "the extent to which the proposal addresses the following risks to the site; liquefaction, fault rupture and residual flood risks above a 1 in 100-year flood or stopbank breach or failure". Similarly, Rule 5B 2.2.2 makes the construction, alteration of, addition to building and structures a restricted discretionary activity in the Petone Commercial Activity Area. Three of the matters of discretion for this rule require consideration of the risk of liquefaction (amongst other natural hazards), and the proposal avoids or mitigates the effects from these risks. Lastly, in Rule 11.2.2.2 which lists the matters of control for all complying subdivision applications, a new matter of control is "avoidance or mitigation of any natural hazard risk in accordance with Policy 11.1.3'. Policy 11.1.3 ensures suitable building platforms exist on all allotments to avoid or mitigate the risks from natural hazards.
- (332) With regards to slope stability, this issue is managed through the earthworks rules as outlined in the introductory text of Chapter 14H as notified. Chapter 14I of the Operative District Plan contains the objectives, policies and rules for earthworks. In most Activity Areas (zones), earthworks are a permitted activity subject to compliance with the standards of a maximum ground level alteration of no more than 1.2m measured vertically, and maximum volume of 50m³ per site. For earthworks that do not comply with these standards, they are a restricted discretionary activity. One of the matters of discretion is 'natural hazards - consideration should be given to those areas prone to erosion, landslip and flooding. Excavation should not increase the vulnerability of people or their property to such natural hazards. In the Primary and Secondary River Corridors of the Hutt River, consideration should be given to the effects on the flood protection structures.' In four Activity Areas, namely Special Recreation, Passive Recreation, Hill Residential and Landscape Protection Residential, all earthworks (no standards) are a restricted discretionary activity with the same matter of discretion quoted above.
- (333) In relation to subdivision, the same rules and matter of discretion would also consider slope stability, the same as liquefaction above. I note there is a specific point in Policy 11.1.3 relating to slope stability, which directs suitable building platforms on each allotment "will not be adversely affected by slope instability, including the deposition of debris".

- (334) While I consider the above approach and provisions are effective in avoiding or reducing the risks of liquefaction and slope instability, I understand the full district plan review that the Council is currently undertaking will consider natural hazards overall. I consider the full district plan review is an appropriate time to evaluate the overall approach to natural hazards in Lower Hutt. Therefore, I recommend the submissions requesting include liquefaction and slope stability as qualifying matters be rejected.
- (335) With regards to Kāinga Ora's (206) submission on removing flood hazard mapping from the District Plan, I explain the two scenarios below. If the flood hazard maps sit outside the district plan, they would be able to be continuously updated as new or more up to date flooding information became available, without requiring a plan change – and therefore retain a degree of flexibility. If the flood hazard maps are retained in the district plan, it provides certainty and transparency for plan users. If new flood modelling became available, this would have to be updated via a plan change, however, would be relatively straight forward and would provide individual property owners with the ability to submit and prove the extent of flooding on their properties to ensure the flood mapping is accurate.
- (336) While this is a finely balanced argument, I recommend the flood hazard maps are retained in the district plan to provide clarity for plan users. The other hazard overlays sit within the district plan, and provide a single place for all hazard mapping to be shown.

Amendment 28 - Objective

- (337) Kāinga Ora (206.37) seek amendments to the objective to reflect that the District Plan should seek to reduce the risk both through reduction as well as not increase in risk to people, property and infrastructure.
- (338) Wellington Regional Council (149.36) seek amendments to the objective to read: To avoid or minimise the risk to people, property and infrastructure from natural and coastal hazards. EQC (Toka Tū Ake) (F21.3) support this submission. Investore Property Ltd (F23.1) oppose the submission by Wellington Regional Council.
- (339) Fire and Emergency New Zealand (176.4 and 176.5) support the objective and policy as notified.
- (340) I do not consider it appropriate to add 'not increased' or replace 'reduce' with 'minimise' in the objective as these wording changes would be inconsistent with and not give effect to the Operative Wellington Regional Policy Statement. In particular, Objective 19 in the Operative Wellington Regional Policy Statement states:
- Objective 19 The risks and consequences to people, communities, their businesses, property and infrastructure from natural hazards and climate change effects are reduced.*
- (341) However, I note Objective 20 in the Operative Wellington Regional Policy Statement refers to 'do not increase' the risk and consequences of natural hazard events in relation to hazard mitigation measures, structural works and other activities. As the Objective in 1.10.11 relates to people, property and infrastructure, I consider 'avoid or reduce' is the most appropriate outcome for achieving the purpose of the RMA.

Amendment 29 - Policy

- (342) Kāinga Ora (206.38) seek to amend the policy as it relates to the Wellington Fault and High Flood Hazard areas.
- (343) EQC (Toka Tū Ake) (F21.13) further submitted opposing the deletion of clause (c) to limit the scale and density of development in medium to high flooding areas.
- (344) Wellington Regional Council (149.37 and 149.38) support the Policy and the Explanations and Reasons for Seismic Induced Hazards. Investore Property Ltd (F23.1) oppose this submission by Wellington Regional Council.

(345) Pam Crisp (229.5) seeks the addition of a new policy to retain sufficient permeable surfaces in hazard areas to minimise the risk of flooding and tidal inundation.

(346) To maintain consistency with the hazard rankings in Chapter 14H and Policy 1.1, all high hazards should “limit” or “avoid” subdivision, use and development, medium hazards should “manage” and low hazards should “mitigate” or “provide for...with mitigation” as summarised in the table below.

Hazard ranking	Wording
High	Limit or avoid
Medium	Manage
Low	Provide for...with mitigation

(347) For high hazard areas, in some instances, it is appropriate that subdivision, use and development is ‘avoided’, such as in Stream Corridors. While in the High Coastal Hazard Overlay ‘limiting’ subdivision, use and development is more appropriate as there is an existing or established level of development and allowing up to two residential units per site would not significantly increase the risk to people and property.

(348) I recommend:

- Clause (aa) should be amended to “limit” subdivision, use and development 20m either side of the Wellington Fault, as this is ranked as a High hazard
- Clause (da) is amended to “limit” subdivision, use and development in high coastal hazard areas.
- Clause (db) is amended to “manage” subdivision, use and development in medium coastal hazard areas,
- Add a new clause to “require mitigation” for low coastal hazard areas, as this is currently not mentioned in the policy.
- Clauses (b), (ca), (cb) and (cc) are retained as notified.
- For consistency with provisions in Chapter 14H, clauses (ca) to (da) are amended to re-order the listing of “subdivision, development and use”, to “subdivision, use and development”.

(349) The current policy is overarching to provide for the management of subdivision, use and development in hazard areas – which could include mitigation measures such as retaining permeable surfaces. I do not agree with this additional policy requested by Pam Crisp.

Amendment 30, 31 and 32 - Explanations and Reasons

(350) Wellington Regional Council (149.39) seek to amend the Explanation and Reasons – Flood Hazard to manage ‘by way of avoidance, mitigation or minimisation methods’. Investore Property Ltd (F23.1) oppose this submission by Wellington Regional Council.

(351) Petone Community Board (116.9) seek that ‘may be’ is replaced with ‘is’ in the Explanation and Reasons - Flood Hazard with regards to mitigating impacts within an inundation area.

(352) Kāinga Ora (206.39) seek to amend the Explanation and Reasons – Flood Hazard to give effect to the broader submission that flood hazard maps sit outside of the District Plan. EQC (Toka Tū Ake) (F21.14) oppose this submission.

(353) Petone Community Board (116.10) seek that safe evacuation is seen as a limitation in the coastal hazard areas. EQC (Toka Tū Ake) (F21.1) support this submission.

(354) Wellington Regional Council (149.40) seek to amend the Explanation and Reasons – Coastal Hazard to provide differentiation between the high and medium coastal hazard overlays to minimise development in the high coastal hazard overlay and manage

development within the medium coastal hazard overlay. They also seek to remove the high and medium density areas from these overlays in Petone, Lowry Bay, Days Bay and Eastbourne.

- (355) EQC (Toka Tū Ake) (F21.4) support this submission that high density development should not be zoned for areas at high risk of natural hazard.
- (356) Investore Property Ltd (F23.1) oppose this submission by Wellington Regional Council.
- (357) I do not agree with needing to add to the Explanation and Reasons – Flood Hazard as sought by Wellington Regional Council (149.39), as Policy 14H 1.6 provides this further detail of how this could be managed.
- (358) I do not agree with changing “may be” to “it” in regards to Petone Community Board’s submission, as there may be circumstances where the size/scale of the development (such as an addition as referenced in Policy 14H 1.3) does not require mitigation.
- (359) The evaluation of Kāinga Ora’s submission to remove the flood hazard maps from the District Plan is evaluated above under 1.01.11 General matters.
- (360) Safe evacuation and access is required to be considered as a mitigation matter for subdivision, use and development in coastal hazard overlay area that require resource consent. It is unclear what further relief is sought from Petone Community Board (116.10) and they may wish to elaborate on this matter at the hearing.
- (361) The evaluation of Chapter 14H analyses how the zoning and overlays work together. Therefore, I disagree with removing the zoning areas from Petone, Lowry Bay, Days Bay and Eastbourne as requested by Wellington Regional Council (149.40).

Other/new strategic direction

- (362) Wellington Regional Council (149), the Retirement Villages Association (211), and Te Rūnanga o Toa Rangatira (274) all requested new strategic direction on issues not currently included in Chapter 1.10 or proposed in the plan change. Te Āti Awa Nui Tonu (F24.2) support the submission from Te Rūnanga o Toa Rangatira. Most of these requests are out of scope of the plan change or cannot be pursued through the ISPP. For completeness, and because these issues recur through those submissions, I will consider them briefly here.
- (363) Wellington Regional Council’s requests were in large part driven by a desire to see alignment with Regional Policy Statement Proposed Change 1. The interaction with the proposed RPS is discussed in section 6.1.4 and in this section, I will consider their requests independently of the proposed RPS.
- (364) The Retirement Villages Association (211.11, 211.14) seeks a strategic direction around providing for housing and care needs for the ageing population.
- (365) In my view this issue is too specific to need direction at this level in the plan, which covers broader questions of urban form rather than the mix of different types of residential activities and designs, and is better handled, if at all, in individual activity area objectives and policies.
- (366) Wellington Regional Council (149.13, 149.15) and Te Rūnanga o Toa Rangatira (274.11) seek strategic direction around indigenous biodiversity. Wellington Regional Council (F02.14) support the submission from Te Rūnanga o Toa Rangatira. This matter is outside the scope of the plan change, and as discussed in the strategic context section above, is an issue that is anticipated to see new national direction and is better handled once that national direction is issued.
- (367) Wellington Regional Council (149.14) and Te Rūnanga o Toa Rangatira (274.12) seek strategic direction around customary activities including customary harvesting. Wellington Regional Council (F02.14) support the submission from Te Rūnanga o Toa Rangatira. This issue lacks any connection with the proposed plan change, and the Section 32 report sets

out reasoning which I adopt as to why customary activities are not a relevant qualifying matter.

- (368) Wellington Regional Council (149.11, F02.10) and Te Rūnanga o Toa Rangatira (274.5) seek amendments to the strategic direction for tangata whenua in section 1.10.1. Te Āti Awa Nui Tonu (F24.3, F24.21) support the submission from Te Rūnanga o Toa Rangatira. No changes were notified to section 1.10.1 of the plan in this plan change and these changes lack any significant connection with the proposed plan change.
- (369) Wellington Regional Council (149.9, 149.12, 149.25, 149.26, 149.27, 149.28, 149.29) seeks a number of new wide-reaching strategic directions around several issues connected with its implementation of the National Policy Statement on Freshwater Management (NPS-FM), covering ki uta ki tai, partnering with mana whenua, Māori data sovereignty, the information to be used in making resource management decisions, and Māori freshwater values. Some of these points are opposed by Ryman Healthcare (F13.11, F13.12) and the Retirement Villages Association (F12.12).
- (370) As the submitter recognises in their reasons given for requesting this relief, the NPS-FM requires integrated decision-making. The appropriate venue for inserting policies of this nature would be in a plan change that relates to implementation of the NPS-FM, ideally guided by already operative RPS provisions, rather than tacking on a partial implementation to an unrelated plan change while the relevant RPS changes are still early in the Schedule 1 process.
- (371) Wellington Regional Council (149.10) seeks a new strategic direction around equity issues in decision-making. The proposed relief lacks any connection with the proposed plan change, is vague, is not supported by any other proposed relief that would adequately implement the policy, and it is doubtful to what degree it covers resource management issues that can be addressed by the powers available to a district plan – controlling land use and subdivision.
- (372) Wellington Regional Council (149.17) seeks a new objective to address integrating urban form and transport. Ryman Healthcare (F13.10) and the Retirement Villages Association (F12.11) seek an amendment to exclude retirement villages. While connected to the NPS-UD in general, this proposed objective is only partly relevant to Policies 3 and 4 of the NPS-UD specifically. To the extent it is relevant, it is already covered by proposed Policy 1 in section 1.10.1A which details the scale of development to be enabled in relation to key activity centres and the public transport network. As the language ties into proposed new Policy 57 in proposed RPS change 1, and there are submissions on the language in that policy, it would also be advisable to wait until its final form is more certain before giving effect to this policy.
- (373) Wellington Regional Council (149.30) seeks new direction around climate change resilience, in particular urban greening, water sensitive urban design, community scale water capture and recycling, promoting the use of natural ecosystems for resilience purposes, providing for the efficient use of water and energy, and “encouraging buildings and infrastructure that are able to withstand the predicted future temperature”. This is opposed by Ryman Healthcare (F13.12) and the Retirement Villages Association (F12.12).
- (374) This is an extremely wide-ranging objective which has only a partial connection to the proposed plan change, and there is limited scope to implement it through relevant topic chapter objectives, policies, rules, and standards. It would be better addressed through a full review of the district plan where it would be possible to realistically implement.
- (375) Te Āti Awa Nui Tonu (F24.03) seek a new objective to ensure partnership with mana whenua (including decision-making) as part of the intensification process. This is not something that can be implemented through a district plan objective.

- (376) Te Rūnanga o Toa Rangatira (274.6) seeks a new policy relating to cultural equity and providing co-decision-making for tangata whenua. Wellington Regional Council (F02.11) and Te Āti Awa Nui Tonu (F24.2, F24.6, F24.21) support this submission.
- (377) This policy cannot realistically be implemented in a district plan given the powers available to councils and the processes for decision-making in the Act.
- (378) Hutt City Council is also currently conducting a full review of its district plan which it intends to notify within the next 18 months. This is a significantly better venue for pursuing wide-ranging new strategic direction.
- (379) Te Rūnanga o Toa Rangatira (274.10) also seeks a new policy enabling tangata whenua to develop tangata whenua-owned land. Wellington Regional Council (F02.13) support this submission.
- (380) The plan change as a whole enables substantial development on all land where in scope of the plan change, regardless of who owns it, including adequate supporting policy direction. The only exceptions are for qualifying matters and other reasonable resource management reasons.
- (381) In my view, such a policy would be redundant given the wider policy scheme of the plan and the plan change.
- (382) Accordingly, I recommend that each of these requests for additional strategic direction be rejected.

Summary of officer recommendations and s32AA evaluation

- (383) Section 32AA of the RMA requires a further evaluation of any changes that have been made to, or are proposed for, a proposed Plan Change since the original evaluation report for the proposed Plan Change was completed.
- (384) This evaluation must be undertaken in accordance with section 32(1) to (4) of the RMA. The Section 32AA evaluation of these recommended changes made in response to submissions is provided below.

Recommended Changes

- (385) The following is a summary of the recommended changes to Chapter 1.10 Area Wide Issues in response to the submission points outlined in Section 6.2.1 Strategic Direction of this report:
- Amend Policy 1.10.1A.1 to:
 - Clarify that the plan provides for “as much development capacity as possible” within the Petone Commercial Activity Area 2, as well as the Central Commercial Activity Area
 - Alter the plan approach to Eastbourne, Stokes Valley, and Wainuiomata to be consistent with Avalon and Moera by providing for six storeys adjacent to those centres as well as within them
 - Clarify that the plan approach of providing for building heights of at least three storeys does not apply to recreation activity areas.
 - Amend Policy 1.10.3.1 to:
 - Clarify that the plan applies “the Medium Density Residential Standards, or more enabling standards, across the Medium Density Residential and High Density Residential Areas”

- Clarify that the High Density Residential Activity Area has been applied to areas covered by Policy 1.10.1A.1(b), including the alterations to Eastbourne, Stokes Valley, and Wainuiomata, as we propose that policy be modified, and that its purpose is to “provide for buildings of at least six storeys”.
- Clarify the reasoning for the areas that the Hill Residential and Landscape Protection Residential Activity Areas were applied to – “significant topographic constraints or amenity landscape values”.
- Clarify that the Medium Density Residential Activity Area is the default residential activity area in other residential areas.
- In the explanation and reasons for Chapter 1.10.3 Residential Activity, explain that:

“In some areas, intensification may be modified or limited by the need to accommodate qualifying matters. This is generally applied through provisions in Chapter 14 – General Rules, but sometimes through activity area provisions as well or instead.”

- Amend Policy 1.10.11 to read as follows:

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

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

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

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

(db) To ~~limit-manage~~ subdivision, ~~use and development the density of development~~ in medium ~~and high~~ coastal hazard areas.

(dc) To require mitigation for subdivision, use and development in low coastal hazard areas.

Reasons for Changes

- (386) The above changes are recommended in response to submissions from submitters on Plan Change 56, for the reasons set out throughout Section 6.2.1 Strategic Directions of this report as above.

How these Changes Achieve the Purpose of the RMA

- (387) The recommended changes to sections 1.10.1A and 1.10.3 either clarify the proposed approach of the plan, or simplify and improve the consistency of the proposed approach to the application of the principles of Policy 3 of the NPS-UD.
- (388) The recommended changes to section 1.10.11 give effect (or give improved effect) to the direction set out in Policy 4 of the NPS-UD on qualifying matters, and recognising and providing for Section 6(h) of the RMA to manage the significant risks from natural hazards.

Benefits of the Changes (Including Opportunities for Economic Growth and Employment)

- (389) The recommended changes to sections 1.10.1A and 1.10.3 clarify the approach to the NPS-UD's direction on intensification, or simplify and improve the consistency of that application.

(390) The recommended changes to section 1.10.11 clarify apply a consistent approach to the different types of natural hazard based on their risk category and use consistent terminology.

Costs of the Changes

(391) There are no significant additional costs associated with the recommend changes as they are clarification or consistency purposes.

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

(392) For the recommended changes, I consider there is certain and sufficient information in relation to these matters.

Efficiency and Effectiveness

(393) As set out above, the efficiency of the recommended change is high because the benefits outweigh the costs, and the effectiveness of the recommended change is high because they clarify and apply a consistent approach.

Other Reasonably Practicable Options for Achieving the Objectives

(394) The other reasonably practicable option is to retain the provisions as originally proposed. However, for the reasons set out throughout Section 6.2.1 Strategic Direction of this report as above, it is considered more beneficial to make the recommended changes to Chapter 1.10.

6.2.2. Residential

Overview

(395) This section of the report encompasses submissions seeking decisions in relation to objectives, policies, and rules (including standards and matters of discretion) on the Residential section of the Plan, being Chapters 4 – 4G. In particular:

- Chapter 4: Residential
- Chapter 4A: General Residential Activity Area (proposed for deletion)
- Chapter 4B: Special Residential Activity Area (proposed for deletion)
- Chapter 4C: Historic Residential Activity Area (proposed for deletion)
- Chapter 4F: Medium Density Residential Activity Area (revised chapter)
- Chapter 4G: High Density Residential Activity Area (new chapter).

(396) This section relates to provisions in the Residential section of the plan, not residential matters as they relate to qualifying matters. Qualifying matters are addressed in Section 6.3 Qualifying Matters of this report. This includes provisions located in the residential activity areas relating to qualifying matters that limit height and density for the protection of historic heritage and sites of significance to Māori.

(397) As noted previously in this report, the general approach of this plan change was to incorporate the density standards of the MDRS, give effect to Policies 3 and 4 of the NPS-UD, and accommodate qualifying matters. The proposed changes to Chapters 4-4G are intended to give effect to this approach.

(398) The following table groups and summarises submissions on the Residential Chapters.

Provisions raised	Relevant submissions
Changes to objectives and policies	176, 267, 206, 202, 222, 229, 116, 211, 207, 274, 153, 149

Changes to rules, standards, and matters of control and discretion	052, 077, 195, 001, 057, 088, 101, 221, 215, 016, 162, 166, 176, 110, 054, 199, 206, 156, 252, 202, 079, 123, 075, 114, 188, 131, 124, 222, 151, 010, 229, 116, 163, 211, 122, 207, 219, 274, 108, 149
Strengthen residential intensification provisions	058, 077, 052, 054, 206, 021, 263, 235
Scale back residential intensification provisions	276, 115, 001, 072, 100, 271, 003, 110, 169, 093, 236, 045, 234, 199, 028, 164, 202, 075, 078, 039, 135, 177, 181, 091, 032, 172, 138, 108
Spatial extent zoning and density changes	142, 092, 195, 251, 170, 008, 106, 125, 074, 201, 099, 221, 254, 223, 180, 215, 247, 006, 026, 054, 037, 191, 242, 042, 236, 098, 234, 206, 202, 075, 240, 015, 216, 051, 005, 043, 076, 177, 113, 083, 090, 163, 186, 160, 218, 172, 205, 023, 197, 153, 158
Other matters / additional considerations	139, 166, 199, 148, 250, 138, 149, 210

Discussion

(399) Submissions were received relating to specific provisions, while other submissions received did not relate to specific provisions and raised various matters. Therefore, this discussion is split into the following sections:

- Changes to introductory text and zone statements, objectives, and policies
- Changes to rules, development standards, and matters of control and discretion
- Strengthen residential intensification provisions
- Scale back residential intensification provisions
- Spatial extent of zoning and density changes
- Other miscellaneous matters.

Changes to Introductory Text and Zone Statements, Objectives, and Policies

(400) Several submitters raised adding, amending, or deleting text in the introductions and zone statements, objectives, and policies in the residential chapters of the plan. Below is a summary of each of the submissions on the relevant objective or policy. Where applicable, amendments requesting additions have been underlined and deletions have been ~~struck-through~~.

267 & 268 Ashley Roper	222 Ministry of Education	207 Summerset Group Holdings Ltd	F12 Retirement Villages Association of New Zealand Incorporated
	229 Pam Crisp	153 Transpower NZ	

176 Fire and Emergency New Zealand	116 Petone Community Board	274 Te Rūnanga o Toa Rangatira (on behalf of Ngāti Toa Rangatira)	F13 Ryman Healthcare Ltd
102 Graeme Lyon	211 Retirement Villages	149 Wellington Regional Council	F17 Kāinga Ora
236 John Roseveare	Association of New Zealand Incorporated	F02 Wellington Regional Council	F20 KiwiRail
206 Kāinga Ora	204 Ryman Healthcare Ltd	F04 Bruce Spedding	F23 Investore Properties Ltd
202 Ken Hand			F24 Te Āti Awa Nui Tonu
230 Margret Sissons			

Introduction to Chapter 4: Residential

- (401) The Petone Community Board (116) and Retirement Villages Association of New Zealand Inc (211) have sought minor changes to the **Introduction of Chapter 4: Residential**. The Petone Community Board (116) has requested replacing the word “significant” with “large” in section (f) and ensuring that the word “significant” is included in section (g). The Retirement Villages Association of NZ (211) have requested this section be amended to specifically refer to retirement villages activities in both the MDRAA and HDRAA (sections (f) and (g)) to signal that retirement villages are compatible and appropriate activities in these areas.
- (402) It is not recommended that the word “significant” is replaced with “large” in this section, as the two terms are not always synonymous. The use of the word “significant” in relation to describing the portion of Lower Hutt’s residential areas where the MDRAA covers is an accurate use of this word. It is also not recommended that specific reference to retirement villages be added to this section. For consistency and fairness, this would require the Plan to list all other potentially compatible and appropriate activities, which adds unnecessary length to the section and increases the risk that a particular activity may be erroneously missed.
- (403) As a general note throughout Chapters 4F and 4G to avoid repetition, all submission points from Kāinga Ora are generally supported by Retirement Villages Association NZ (F12) and Ryman Healthcare (F13) to the extent they are consistent with their own original submissions, which largely cover the same matters and maintain the same positions.

Chapter 4F: Medium Density Residential Activity Area (MDRAA)

- (404) In the **Introduction / Zone Statement for Chapter 4F: Medium Density Residential Activity Area**, Kāinga Ora (206) seeks wording to encourage developments to be assessed through the policy framework where a resource consent is required, recognise that additional height is appropriate areas around serviced local centres, and that design guides are outside the plan (non-statutory). This is opposed by Wellington Regional Council (F02.5). The Petone Community Board (116) seeks the same minor wording amendment, replacing the word “significant” with “large”. Again, the Retirement Villages Association of NZ Inc (211) seeks that this section be amended to specifically refer to retirement villages (see 211.19). Transpower NZ (153) seeks that the 4F Introduction/Zone Statement be amended to state that built development may be modified and/or limited by qualifying matters. This is supported by KiwiRail (F20.9). Margret Sissons (230.2) requests the design guides be mandatory for new development.
- (405) It is considered that reference to resource consents being assessed within the context of the policy framework may be a helpful wording addition for Plan users that are less familiar with the consent process. Similarly, regarding the suggestion that this section be amended to state that developments may be modified or limited by qualifying matters, this wording is

also considered a useful addition for Plan users who may be less familiar with qualifying matters work. These two submission points are accepted and recommended for inclusion.

- (406) It is not recommended that the wording of this section be amended to recognise additional height is appropriate around serviced local centres, as there is no variation in maximum building height limits in the MDRAA, making the wording inconsistent with the approach taken in the zone. Design guides have been carried over from the Operative District Plan into this Plan Change as a method for ensuring good urban design outcomes. However, it is noted that the design guides sit outside the District Plan and can be referred to when assessing developments. Lastly, for the same reasons set out previously, it is not recommended that “significant” be replaced with the word “large”, and specific reference is not made to retirement villages. These submission points are rejected.
- (407) Fire and Emergency NZ (176), Kāinga Ora (206), Retirement Villages Association of NZ Inc (211), Transpower NZ (153), and Wellington Regional Council (149) support retaining **Objective 4F 2.1AA** as drafted. Pam Crisp (229) seeks that the objective be amended to include reference to environmental wellbeing. Te Rūnanga o Toa Rangatira (274) seeks that the objective be amended to include reference to the wellbeing of tangata whenua, people, communities, and environmental wellbeing. Petone Community Board (116) questions whether the words in this objective can be realised. Objective 4F 2.1AA is a mandatory objective from the RMA that supports the MDRS and must be inserted into the District Plan without change. The submission points seeking to change the objective are therefore rejected, and no changes are recommended.
- (408) Regarding **Objective 4F 2.3**, the Retirement Villages Association of NZ Inc (211) and Transpower NZ (152) support the objective. Te Rūnanga o Toa Rangatira (274) seeks that point (i) of the objective be amended to “*housing needs and demand to reflect the Objective will provide for the housing needs and demand for Tangata Whenua*”, and that point (ii) of the objective be amended to include “*...and Tangata Whenua land development aspirations*”. This is supported by Te Āti Awa Nui Tonu (F24.13). Kāinga Ora (206) seeks that point (ii) of the objective be amended to include “*...and additional height and density in areas of high accessibility to public transport, commercial amenity, and community services.*” Objective 4F 2.3 is a mandatory objective from the RMA that supports the MDRS and must be inserted into the District Plan without change. Again, it is not recommended that reference to additional height be made in the MDRAA as this is not the approach taken in the zone. The submission points seeking alterations to the objective are therefore rejected, and no changes are recommended.
- (409) Kāinga Ora (206) seeks that **Objective 4F 2.3A** be amended to “*...the flexibility of individual developments to take any low to reflecting a medium density form of up to three storeys.*” Retirement Villages Association of NZ Inc (211) seeks that the objective be amended to provide for a mix of densities, including higher density development. Amending the objective to delete reference to low density could be interpreted as precluding low density as an option, when this objective intends to define the planned built character of the zone by its flexibility and variety of housing types and densities. Amending the objective to enable high density runs counter to the intent and outcomes of the zone as a medium density area. These submission points are therefore rejected, and no changes are recommended to this objective.
- (410) Kāinga Ora (206) supports **Objective 4F 2.5** as drafted. The Petone Community Board (116) seeks that “high quality” be defined in relation to this objective. Retirement Villages Association of NZ Inc (211) seeks that point (iii) be amended to refer to “*attractive and safe streets*”. It is noted that what is “high quality” will be informed by the objectives, policies, and rules, and development standards that set the planned urban built character for the zone. No further elaboration is considered necessary. It is considered that point (iii) of this objective already considers the attractiveness of the streetscape as worded. However, the reference

to traffic safety is an important reminder to plan users. This submission point is recommended to be accepted in part.

- (411) Regarding the proposed deletion of **Objective 4F 2.7** that relates to managing significant risk from natural hazards on built development via location and design measures, Te Rūnanga o Toa Rangatira (274) notes that enabling housing by introducing potential mitigation does not reduce the current risk of natural hazards and future risk. This objective is being consequentially deleted due to the consolidation of the natural hazard provisions into Chapter 14H: Natural Hazards. The substance of this objective is continued within proposed Objective 14H 1.1, and it is considered that current and future risks are appropriately addressed through that chapter. For further information, please refer to the Natural Hazards section of this report. Accordingly, it is recommended this submission is accepted in part.
- (412) Retirement Villages Association of NZ Inc (211) supports **Policy 4F 3.2**. Ashley Roper (267) seeks that the policy be amended to disallow “sausage configuration” developments. Kāinga Ora (206) seeks that the policy be amended to include “... and additional height and density in areas of high accessibility to public transport, commercial amenity and community services”, while Transpower NZ (153) seeks it be amended to include “...while avoiding inappropriate locations, heights and densities of buildings and development within qualifying matter areas as directed by the relevant qualifying matter area provisions”. This is supported by KiwiRail (F20.10) and opposed by Kāinga Ora (F17.16). Policy 4F 3.2 is a mandatory policy from the RMA that supports the MDRS and must be inserted into the District Plan without change. The submission points seeking to change the objective are therefore rejected, and no changes are recommended.
- (413) Kāinga Ora (206) and Retirement Villages Association of NZ Inc (211) seek to retain **Policy 4F 3.2A** as drafted. The Petone Community Board (116) seeks that the term “high quality” in the policy be defined. Te Rūnanga o Toa Rangatira (274) seeks that the policy be amended to “provide for developments not meeting permitted activity status but they meet the necessary tests.” This is supported by Te Āti Awa Nui Tonu (F24.15). As noted previously, “high quality” is not defined but is instead informed by the objectives, policies, rules, and development standards that outline the planned urban built character for the zone, and no further amendments are recommended in this regard. In response to developments not meeting permitted activity status, this is a description of the resource consent process. Reference to this process is already made in the Introduction text of the chapter, and it is not considered that it needs to be repeated in the policy. These submission points are recommended to be rejected.
- (414) Kāinga Ora (206) and Retirement Villages Association of NZ Inc (211) sought to retain **Policy 4F 3.2B** as drafted. Te Rūnanga o Toa Rangatira (274) sought amendments to the policy to define the term “day-to-day”, and acknowledge that it is not uniform, and notes that Policy 4F 3.2C does not necessarily give space for these needs. This is supported by Te Āti Awa Nui Tonu (F24.16). It is not considered that the meaning of “day to day” requires elaboration beyond the common meaning. In addition, when read in conjunction with the other objectives and policies, the direction for flexibility and variety of housing to meet diverse needs is adequately emphasised. This submission point is recommended to be rejected.
- (415) **Policy 4F 3.2C** was supported by Kāinga Ora (206). Ashley Roper (267) seeks the policy be amended to require a minimum of 20% green space within developments. Retirement Villages Association of NZ Inc (211) seeks that retirement villages be excluded from the policy. The policy gives direction for Rule 4F 4.2.6 Outdoor Living Space, which requires 20% minimum landscaped or grassed areas, and including this level of prescription in the policy is not efficient, nor would it allow for flexibility if resource consent is required for breaching the standard. It is also not considered appropriate for retirement villages to be exempt from this policy, as access to outdoor living space, whether individual or communal,

is still important for village residents. These submission points are recommended to be rejected.

- (416) Kāinga Ora (206) supports **Policy 4F 3.2D** as drafted. Retirement Villages Association of NZ Inc (211) seeks that retirement villages be excluded from the policy. As above, amenity, outlook, and landscaped areas are also considered important for village residents. Where these outcomes cannot be achieved, the appropriateness of this or any other mitigating factors can be considered as part of a resource consent process. This submission point is therefore recommended to be rejected.
- (417) **Policy 4F 3.3** is supported by Kāinga Ora (206). Retirement Villages Association of NZ Inc (211) considers the policy should refer to height, height in relation to boundary, setback, and building coverage standards rather than “height, bulk, and form”. As these policies are intended to give direction to the standards, this requested wording is considered an appropriate amendment to aid clarity for plan users. This submission point is recommended to be accepted. Te Rūnanga o Toa Rangatira (247) seeks that the policy be amended to reflect unidentified areas and sites of significance to iwi including land given back via Deed of Settlement. This is supported by Te Āti Awa Nui Tonu (F24.17 and F24.24). Wellington Regional Council (F02.16) supports this submission point. It is considered that protection of these type of sites is outside the intent and scope of this policy and is better addressed as part of the full District Plan review.
- (418) Kāinga Ora (206) supports the deletion of **Policies 4F 3.4, 3.5, and 3.7** as proposed. This support is noted.
- (419) Kāinga Ora (206) seeks amendments to **Policy 4F 3.6** to “*require built development to maintain a reasonable level of make adequate provision for privacy and sunlight access to adjoining sites, having regard to the planned urban built environment for the zone.*” This requested amendment from “maintaining” to “providing for” sunlight and privacy continues to ensure the outcome without prescribing the method with which it is achieved. Reference to the planned urban built environment for the zone is covered by the overarching objectives in the chapter, and it is not considered necessary to repeat the wording here. This submission point is recommended to be accepted in part.
- (420) Both Kāinga Ora (206) and Retirement Villages Association of NZ Inc (211) support **Policy 4F 3.8** as drafted. No changes are recommended.
- (421) **Policy 4F 3.10** is supported by Kāinga Ora (206). Te Rūnanga o Toa Rangatira (274) is generally supportive of the policy, but seeks the text be amended to refer to “water sensitive urban design”. Wellington Regional Council (F02.16) supports this submission point. Wellington Regional Council (149) also seeks the policy be amended to also require hydrological controls. This is opposed by Investore Property Ltd (F23.1). The Retirement Villages Association of NZ Inc (211) seeks the deletion of the policy, or amendment of the policy to “encourage” instead of “require”. This policy continues the approach of the operative District Plan. The choice to “require” instead of “encourage” stormwater neutrality is deliberately intended to strengthen policy support for stormwater neutrality for projects that require resource consent. Requiring more stringent development standards, such as also requiring hydrological controls, was decided against as only standards that support the MDRS and policies 3 and 4 of the NPS-UD are within the scope of this plan change. Requiring hydrological controls may be considered more fully under the full District Plan review. These submission points are therefore recommended to be rejected.
- (422) **Policies 4F 3.11 and 3.12** are proposed for deletion. These policies relate to managing and mitigating the effects of natural hazards on development. Te Rūnanga o Toa Rangatira (274) seeks that it is made explicit that while these policies are deleted, they are reflected elsewhere in the amendments under Plan Change 56. The submitter also notes that enabling housing by introducing potential mitigation does not reduce the current risk of natural hazards and future risk. As noted previously, these policies have been deleted to

consolidate the natural hazard provisions into Chapter 14H: Natural Hazards. For further information, please refer to the Natural Hazards section of this report.

- (423) **Anticipated Environmental Results 4F 6** are supported by Graeme Lyon (102). This support is noted.

Chapter 4G: High Density Residential Activity Area

- (424) Regarding the **Introduction / Zone Statement** for Chapter 4G, Kāinga Ora (206) requests the text be amended to refer to the planned building character for the zone being six stories or higher, noting that the number of high density residential developments will increase over time, that increased building heights are provided for in walkable catchments from centres, and that developments of 7+ units be encouraged via the policy framework. The Petone Community Board (116) seeks minor wording changes, and the Retirement Villages Association of NZ Inc (211) seeks the text be amended to specifically refer to retirement villages. It is considered that the amendments requested by Kāinga Ora either do not reflect the direction set out in the rest of the chapter, or the objectives and policies of the chapter already cover the requisite matters where they are given statutory weight. For the reasons set out previously, it is not considered appropriate to single out and specifically mention retirement village activities. These submission points are recommended to be rejected. In addition, to mirror the changes sought for the Introduction for Chapter 4F to encourage developments to be assessed through the policy framework where resource consent is required and reference to rules being modified by qualifying matters is also considered appropriate and is recommended for this section.
- (425) **Objective 4G 2.1** is supported by Fire and Emergency New Zealand (176), Kāinga Ora (206), Wellington Regional Council (149), and the Retirement Villages Association of NZ Inc (211). This is opposed by Investore Property Ltd (F23.1). Te Rūnanga o Toa Rangatira (274) seeks the objective be amended to also refer to Tangata Whenua, people, communities, and environmental wellbeing. Additionally, Pam Crisp (229) also seeks that the objective also refer to environmental wellbeing. As Objective 4G 2.1 is a mandatory objective from the RMA that supports the MDRS that must be included in the District Plan without change, no amendments are recommended.
- (426) **Objective 4G 2.2** is supported by Kāinga Ora (206) and Retirement Villages Association of NZ Inc (211). No changes are recommended.
- (427) Retirement Villages Association of NZ Inc (211) seeks that **Objective 4G 2.3** be retained. Kāinga Ora (206) seeks that point (ii) of the objective be amended to include “...and between eight to twelve storeys in identified locations.” Te Rūnanga o Toa Rangatira (274) seeks point (i) of the objective include reference to housing needs and demand by Tangata Whenua. The submitter also seeks point (ii) be amended to state that urban built character also responds to Tangata Whenua land development aspirations. As Objective 4G 2.3 is a mandatory objective from the RMA that supports the MDRS and must be included in the District Plan without change, no amendments are recommended.
- (428) Kāinga Ora (206) seeks that **Objective 4G 2.4** be amended to delete point (i) of the objective that allows low to medium density forms of up to three storeys. The Retirement Villages Association of NZ Inc (211) seeks the objective be amended for consistency with the MDRS, namely that references to “best practicable amenity outcomes” and “compatible with the amenity levels” be removed. In response to Kāinga Ora’s submission point, this zone recognises that there will be a significant transition from predominantly single- and two-storey detached dwellings to high density residential development, and a key part of this zone is the flexibility and variety of housing that will aid the transition between these two built form characters. Similarly, the references to amenity in the objective recognises that high density development can significantly affect existing residents given the current predominant low density form of built development, and seeks to manage the conflicts between

development types during this transitional period. These submission points are therefore recommended to be rejected.

- (429) Kāinga Ora (206) seeks the deletion of points (i) to (iii) of **Objective 4G 2.5** that refer to amenity, and that they be replaced by two new points: *(i) healthy, safe, and accessible living environments; and (ii) attractive and safe streets*. The Retirement Villages Association of NZ Inc (211) also seeks that the objective be amended to refer to attractive and safe streets. Reference to healthy, safe, accessible, and attractive living environments and streets is clearer for plan users to understand in terms of the specific outcomes sought by the objective, although it is considered all descriptors should apply to both living environments and streets. The amendment to refer to “safe” streets is accepted for the same reasons set out for the corresponding objective in Chapter 4F earlier in this report. With minor wording amendments as set out in the tracked changes version of Chapter 4G, these submission points are recommended to be accepted in part. Consequential changes to the corresponding objective in Chapter 4F are also recommended for consistency across the plan, as it is considered there is no reason these two objectives should differ between the MDRAA and the HDRAA.
- (430) Fire and Emergency NZ (176) and Kāinga Ora (206) support retaining **Objective 4G 2.6** as notified. The Ministry of Education (222) seeks the objective be amended to refer to “additional infrastructure”, not just network infrastructure. Provision for additional infrastructure such as education, social, and community facilities locating in the zone is provided for under Objectives 4G 2.1 and 4G 2.2 as part of an urban environment that enables people to provide for their needs, and as non-residential activities that are compatible with the zone. Considering there is provision elsewhere and as this objective relates to network service infrastructure, it is not considered appropriate that this wording be amended to include “additional infrastructure”. This submission point is recommended to be rejected.
- (431) Retirement Villages Association of NZ Inc (211) seeks that **Objective 4G 2.8** be amended for consistency with the MDRS and that references to “best practicable amenity outcomes” and “compatible with the amenity levels” are removed. Kāinga Ora (206) seeks the deletion of the objective. As set out earlier in the Strategic Direction section of this report, the modified height limits that were proposed for the HDRAA in Eastbourne, Stokes Valley, and Wainuiomata have been removed, and the standard height limits for the HDRAA will now apply to these areas. Deletion of this objective is therefore consequentially appropriate. These submission points are therefore recommended to be accepted.
- (432) The Ministry of Education (222) and Kāinga Ora (206) support **Policy 4G 3.1** as drafted. Fire and Emergency NZ seeks an addition to the end of the policy, *“Emergency facilities are provided for where the activity has an operational or functional need to locate in the zone”*. Te Rūnanga o Toa Rangatira (274) seeks the policy be amended to include reference to environmental wellbeing. As the intent of this policy is to enable activities within the zone, protection of environmental wellbeing is better addressed in the natural environment chapters of the District Plan, which will be considered as part of the full District Plan review. In response to Fire and Emergency NZ’s submission point, it is again not considered appropriate to single out one activity in a policy for the reasons outlined earlier in this report. For more context, further consideration of Fire and Emergency NZ’s full submission is outlined in Section 6.2.6 District-wide Matters of this report. These submission points are therefore recommended to be rejected.
- (433) **Policy 4G 3.2** is supported by the Retirement Villages Association of NZ Inc (211). Kāinga Ora (206) seeks this policy be deleted. Policy 4G 3.2 is a mandatory policy from the RMA that supports the MDRS and must be inserted into the District Plan without change. The submission points seeking to change the objective are therefore rejected, and no changes are recommended.

- (434) Kāinga Ora (206) supports **Policy 4G 3.3**. Retirement Villages Association of NZ Inc (211) seeks an addition to the end of the policy stating “...recognising that significant change to amenity values is anticipated in the Zone”. The intent of this policy is to enable high density residential development. Recognising the significant change in residential character is already recognised throughout the objectives of this chapter as set out above. Policies 4G 3.8 – 3.10 seek to manage the effects of the increasing density and changing residential character of the sites. It is considered that the objectives and policies as drafted appropriately cover the matter and adding this text would make the intent of the policy less clear. This submission point is recommended to be rejected.
- (435) Kāinga Ora (206) and Retirement Villages Association of NZ Inc (211) support **Policy 4G 3.4** and **Policy 4G 3.6** as drafted. No further changes are recommended.
- (436) **Policy 4G 3.7** is supported by Kāinga Ora (206). Retirement Villages Association of NZ Inc (211) seeks the policy be amended to exclude retirement villages. For the reasons set out previously for the corresponding policy in Chapter 4F, it is not considered appropriate to exempt retirement villages from this policy. This submission point is recommended to be rejected.
- (437) **Policy 4G 3.8** is supported by the Petone Community Board (116) and John Roseveare (236). Kāinga Ora (206) seeks the policy be amended to “Manage the effects the effects of built form that does not meet the permitted activity standards for height in relation to boundary, building set back, site coverage, or height standards, by ensuring adequate provision of privacy and access to sunlight is made to neighbouring residential properties’ internal and external living areas, and the impact of building bulk and dominance is mitigated or remedied through design responses.” The Retirement Villages Association of NZ Inc (211) also seeks the policy be amended to refer to height, height in relation to boundary, setback and building coverage standards, rather than “height, bulk and form”. The intent of this policy is to direct the use of controls to manage height, bulk, and form of development. This works in tandem with Policy 3.10, which directs consent assessments. The request from Kāinga Ora would amend Policy 4G 3.8 to function more as a consent assessment policy, rather than as a directive policy as currently intended. This would effectively duplicate the intent of Policy 4G 3.10. This submission point is therefore recommended to be rejected.
- (438) Kāinga Ora (206) and the Retirement Villages Association of NZ Inc (211) seeks **Policy 4G 3.9** be deleted. John Roseveare (236) and Bruce Spedding (F04.1) supports the policy. With reference again to the transition between low to high density residential character, levels of privacy and sunlight access are a reasonable consideration to manage the effects of the transition. However, drawing upon Kāinga Ora’s submission on corresponding Policy 4F 3.6 to “require built development to ~~maintain a reasonable level of~~ make adequate provision for privacy and sunlight access to adjoining sites, having regard to the planned urban built environment for the zone”, it was considered this amendment continues to provide for sunlight and privacy, ensuring the outcome without prescribing the method with which it is achieved. For this reason and for consistency between Chapters 4F and 4G, it is recommended that this amendment also apply to this policy. These submission points are therefore recommended to be accepted in part.
- (439) **Policy 4G 3.10** is supported by the Petone Community Board (116). Kāinga Ora seeks the policy be amended to encourage high density residential development that contributes to positive design outcomes and living environments, and the deletion of point (ii) of the policy. The Retirement Villages Association of NZ Inc (211) seeks the policy be deleted. The additional text referring to “positive design outcomes and living environments” contributes to the intent of this policy to encourage high-quality developments. In considering point (ii) of the policy which encourages buildings to be planned to be compatible with possible future developments, it is agreed that it may be difficult to anticipate “possible” future developments. In response, it is recommended that the wording of this policy be amended to

refer to “planned” future developments. This submission point is therefore accepted in part. Retirement Villages Association of NZ Inc’s submission point is rejected.

- (440) **Policy 4G 3.11** is supported by the Petone Community Board (116). Kāinga Ora (206) and the Retirement Villages Association of NZ Inc (211) seeks the policy be deleted. While the previous policy focuses on developments between 3-6 storeys and this policy focuses on developments over 6 storeys, it is considered that these two policies could be merged into one, as the policy wording to achieve best practicable outcomes for privacy, sunlight, and appearance for developments between 3-6 storeys and over 6 storeys does not markedly differ. It is recommended that Policy 4G 3.11 is deleted, and Policy 4G 3.10 is amended to refer to “more than three storeys” rather than “~~and up to six storeys~~”. These submission points are therefore accepted and rejected accordingly.
- (441) **Policy 4G 3.12** is supported by Kāinga Ora (206), the Petone Community Board (116), and the Retirement Villages Association of NZ Inc (211). The support is noted, and no changes are recommended.
- (442) The Petone Community Board (116) supports **Policy 4G 3.13** as notified. Kāinga Ora (206) seeks the policy be amended to also refer to “design solutions” and “appropriate provision” of permeable surface area as methods of managing stormwater runoff created by development. The Retirement Villages Association of NZ Inc (211) seeks that the policy be deleted. This policy continues the existing approach of the operative District Plan for managing stormwater in residential areas. The matters of discretion in the corresponding Rule 4G 4.2.7 Permeable Surface refer to design elements relating to stormwater management. As such, it is questionable whether the above changes are within scope, as the policy does not change the management regime for stormwater runoff. However, it is noted that increasing density is a matter that may affect stormwater runoff, and design solutions other than rainwater tanks may be more appropriate in some instances, particularly on small and/or dense sites. As such, it is considered that amending the policy to also refer to “alternative design solutions” will better enable appropriate alternative solutions for managing stormwater runoff where permitted standards cannot be achieved. This submission point is recommended to be accepted in part.
- (443) Kāinga Ora (206) and the Petone Community Board (116) support retaining **Policy 4G 3.14**. The Retirement Villages Association of NZ Inc (211) seeks the policy either be deleted or amended to “encourage” instead of “require”. Wellington Regional Council seeks the policy be amended to also require hydrological controls. As set out previously for the corresponding Policy 4F 3.10, the choice to “require” instead of “encourage” stormwater neutrality is deliberately intended to strengthen policy support for stormwater neutrality for projects that require resource consent. Requiring more stringent development standards, such as also requiring hydrological controls, was decided against as only standards that support the MDRS and policies 3 and 4 of the NPS-UD are within the scope of this plan change. Requiring hydrological controls can be considered more fully under the full District Plan review. These submission points are therefore recommended to be rejected.
- (444) The Petone Community Board (116) seeks that Petone and Moera be added to **Policy 4G 3.16**. Kāinga Ora (206) and Ken Hand (202) seeks the deletion of this policy. As set out earlier in the Strategic Direction section of this report, the modified height limits that were proposed for the HDRAA in Eastbourne, Stokes Valley, and Wainuiomata have been removed, and the standard height limits for the HDRAA will now apply to these areas. Deletion of this policy is therefore consequentially appropriate. These submission points are therefore recommended to be accepted and rejected respectively.

New Objectives and Policies

- (445) Several submitters sought the addition of new objectives and policies to Chapters 4F and 4G as set out below.

- (446) Fire and Emergency NZ (176) seeks the addition of an objective and policy in Chapters 4F and 4G to ensure sufficient infrastructure and water supply is available for firefighting purposes. The proposed objective and policy are as follows:
- New Objective - Infrastructure: Public health and safety is maintained through the appropriate provision of infrastructure.
 - New Policy - Servicing: All development is appropriately serviced including wastewater, stormwater, and water supply with sufficient capacity for firefighting purposes.
- (447) Retirement Villages Association (FS12.22), Ryman Healthcare (FS13.32) and KiwiRail (FS20.11) oppose this submission.
- (448) FENZ have requested several provisions requiring access for firefighting purposes and provision of water supply for firefighting purposes across the breadth of this Plan Change, including in Chapters 4F and 4G. As discussed in Section 6.2.4 Subdivision of this report, most of this relief sought is already provided for in provisions in the Operative District Plan. Where requested matters are not specifically addressed in the District Plan, they are already provided for in other documents, such as the Building Act 2004 and New Zealand Building Code for the design and provision of firefighting access. I do not support the addition of advice notes referring to the New Zealand Building Code as that would add unnecessary duplication and content to the District Plan. These submission points are recommended to be rejected.
- (449) Kāinga Ora (206) seeks a new objective (**4F 2.3AA**) be added: “A greater intensity of built form (4-5 storeys) is provided for around identified centres that are supported by a well-functioning urban environment”. This is opposed by Wellington Regional Council (F02.5). Kāinga Ora also seeks the addition of a new policy (**4F 3.2E**) to provide guidance for residential intensification and the design outcomes anticipated in such developments, and that this policy is later referred to as a matter of discretion within the relevant rule. This is opposed by Wellington Regional Council (F02.5). As set out previously in this section, the MDRAA enables building heights up to the minimum required under the MDRS (11m + 1m for a pitched roof, equivalent to three storeys). The reason for not enabling additional height in this zone is that the standards of the District Plan need to strike a balance between providing for development capacity and managing potential effects of development on the surrounding area. The level of development enabled under the MDRS is a significant increase from the existing level of built form and density. Additional height is enabled in appropriate areas as indicated by the spatial extent of the HDRAA. It is considered that the provisions as drafted already set a consent pathway for developments to obtain resource consent as a restricted discretionary activity where standards are not met. As such, it is not considered that the additional objective and policy suggested here aligns with the intent of the current policy framework, nor is it considered appropriate to amend that approach at this time. These submission points are recommended to be rejected.
- (450) Ken Hand (202) seeks the inclusion of several objectives and policies in Chapter 4G as follows:
- Include a new objective, policy and rule requiring neighbouring property owners to be notified in advance of any proposal for buildings to be constructed that are more than three stories in height. The RMA sets out the tests for when notification of affected parties such as neighbours is required. These tests include where the proposal breaches the rules or standards in the District Plan and adverse effects on neighbours. I do not consider it appropriate to vary from the tests in the RMA. This submission point is recommended to be rejected.
 - Include a new policy statement in Chapter 4G that resource consent is required for buildings more than 3 stories and up to 6 stories. Policy 3 of the NPS-UD directions buildings of at least six storeys are to be “enabled”. Therefore,

requiring resource consent for buildings more than 3 stories in the HDRAA would not be consistent with this policy. Notwithstanding this direction on height, it is likely that developments of this scale would require resource consent under Rule 4G 4.2.1 (Number of Residential Units per Site) and/or Rule 4G 4.2.4 (Height in Relation to Boundary). Under these rules, effects on neighbouring properties would be considered. This submission point is recommended to be rejected.

- Include a new Objective and Policy in Chapter 4G to ensure that adjoining residential properties are not adversely impacted by development (sunlight, daylight, privacy, increased noise, market value). Height in relation to boundary and setback rules form part of this Plan Change and are designed to ensure good design outcomes for sunlight and privacy for residents and adjoining properties. Noise provisions are addressed elsewhere in the Plan and will be reviewed as part of the full District Plan review. Market value is not a matter that can be considered under the RMA. These submission points are therefore recommended to be rejected.

(451) Pam Crisp (229) seeks that a new policy be added to enable land to be set aside for the creation of pocket reserves of indigenous vegetation to offset vegetation removal and mitigate the adverse effects of intensification in high density zones. While this submission point is intended to offset the effects of more dense development, it is considered that the potential scope and implications of this submission point are likely beyond the scope of this Plan Change. As such, this matter would be better addressed as part of the natural environment chapters in the full District Plan review. Therefore, it is recommended this submission point is rejected.

(452) Retirement Villages Association of NZ Inc (211), Summerset Group Holdings Ltd (207), and Ryman Healthcare Ltd (204) seek a suite of new objectives and policies are added to Chapters 4F and 4G to further enable and specifically provide for the provision of retirement villages in the MDRAA and HDRAA. As set out previously, it is not recommended that specific provision be made for retirement villages in these chapters. For consistency and fairness, this would require the Plan to list all other potentially comparable activities with their own suite of provisions, which adds unnecessary length to the section and increases the risk that a particular activity may be erroneously missed. The submission points relating to this matter are therefore recommended to be rejected.

Changes to Rules, Development Standards, and Matters of Control and Discretion

(453) Several submitters raised adding, amending, or deleting rules, standards, and matters of control and discretion. Below is a summary of each of the submissions on the relevant rule, standard, matter of control, or matter of discretion. Where applicable, amendments requesting additions have been underlined and deletions have been ~~struck through~~.

052 Amos Mann	054 Henry Zwart	229 Pam Crisp	108 Vivienne Smith
077 Ana Coculescu	037 Heritage NZ	181 Paul Rowan	151 Waka Kotahi
195 Anne Smith	Pouhere Taonga	116 Petone	149 Wellington
150 Annette	199 Justin Cargill	Community Board	Regional Council
Patterson	206 Kāinga Ora	163 Petone	F01 Hutt Voluntary
001 Brett Parker	202 Ken Hand	Historical Society	Heritage Group
057 Bruce Spedding	079 Katy and	211 Retirement	F02 Wellington
088 Christina Meyer	Wayne Donnelly	Villages Association	Regional Council
	123 Kevin Day	of NZ Inc	

101 Colin and Margaret Clarke	075 Kerry Gray	032 Reon McLaren	F06 Jackson Street Programme
221 Cuttriss Consultants Ltd	114 Kimberly Vermacy	218 Richard Perry	F08 Shayne Hodge
167 Dawn Becker	188 KiwiRail	122 Russell Boaler	F10 Waka Kotahi
162 Design Network Architecture Ltd	174 Laura Gaudin	204 Ryman Healthcare Ltd	F11 Troy Baisden
245 Elizabeth Beattie	193 Lesley Haines	259 Stan Augustowicz	F12 Retirement Villages Association NZ
215 Felicity Rashbrooke	131 Marianne Linton	207 Summerset Group Holdings Ltd	F13 Ryman Healthcare Ltd
016 Fiona Beals	253 Margaret Luping	219 Survey and Spatial NZ	F15 Vina Dahya
166 Fiona Christeller	255 Mary Taylor	126 Tania Penafiel Bermudez	F16 Elayna Chhiba
176 Fire and Emergency NZ	173 Megan Drayton	274 Te Rūnanga o Toa Rangatira (on behalf of Ngāti Toa Rangatira)	F20 KiwiRail
102 Graeme Lyon	124 Merran Bakker		F21 EQC
110 Greg Smith	222 Ministry of Education		F22 Petone Historical Society
169 Hayley Bird	156 Noel Rostron	237 Trevor Farrer	F23 Investore Property Ltd
	252 Nick Ursin		
	010 Olivia George		

(454) As many recommendations on submissions in this section come down to a question of scope, for ease of reference it is reiterated here what is considered “in scope” as it relates to the rules and standards of the residential provisions of this Plan Change. Plan Change 56 (as an IPI):

- Must incorporate the MDRS and objectives and policies in clause 6 Schedule 3A of the RMA, and must give effect to policies 3 and 4 of the NPS-UD
- In respect of residential zones, the Plan Change may be more permissive of development than the MDRS, and may amend building height or density standards to address a valid qualifying matter (but only to the extent necessary to address the qualifying matter)
- May include additional objectives and policies to provide for matters of discretion to support the MDRS, or qualifying matters
- May include provisions that support or are consequential to the MDRS and policies 3 and 4 of the NPS-UD (such as district-wide matters, earthworks, fencing, infrastructure, qualifying matters, stormwater management, and subdivision of land).

Submissions on the plan change must address the proposed Plan Change itself (i.e., must address the extent of the alteration of the status quo that the change entails). A submission beyond this may still be in scope if the Plan Change proposes to alter the management regime for a certain activity.

Activity Rules

(455) Kāinga Ora (206) submitted in support of the following activity rules in Chapters 4F and 4G:

- 4.1.1 Residential Activities

- 4.1.2 Home Occupation
- 4.1.3 Care Facilities, Residential Facilities, Boarding Houses, Hostels and Visitor Accommodation
- 4.1.4 Childcare Facilities
- 4.1.5 Healthcare Services
- 4.1.6 Community Facilities, Marae, Education Facilities, Places of Assembly, and Emergency Facilities
- 4.1.7 Retirement Villages
- 4.1.8 Other Non-residential Activities
- 4.1.9 Light Spill
- 4.1.10 Vibration.

- (456) Ken Hand (202) seeks the deletion of **Rule 4G 4.1.2 Home Occupation**, particularly (a)(iii), which limits retail activities to goods produced on-site, goods retailed online and not resulting in customer visits to the site, or goods ancillary and related to a service provided by the home occupation. This rule is a continuation of the Operative District Plan approach to home occupations, which allows for people to run limited-scale businesses from home to provide for their economic needs. It is not considered there are any reasons why home occupations should be further restricted in residential areas. Particularly in relation to scope, specifically restricting home occupations in the HDRAA does not serve to manage or mitigate any effects from increased density and does not give effect to the MDRS or policies 3 and 4 of the NPS-UD. This submission point is therefore recommended to be rejected.
- (457) Waka Kotahi (151) submitted on **Rule 4F 4.1.7 and 4G 4.1.7 Retirement Villages**, seeking additions to points (iv) and (v) of the rule. The requested addition to point (iv) is “...the effects on the safety and efficiency of the transport network (including pedestrians, cyclists and vehicles)”. The addition to point (v) seeks to amend sub-point 9 to “Provision for access to active modes including bike and mobility vehicle parking, storage and service areas”. This is supported by Troy Baisden (F11.1). Additions to this rule are opposed by Retirement Villages Association of NZ (F12.5) and Ryman Healthcare (F13.4). Again, this rule is carried over from the Operative District Plan. While these amendments do seek to manage potential effects on traffic efficiency and safety from increased density in residential areas, there also remains a question of whether these provisions are better addressed in Chapter 14A Transport of the District Plan. Primarily, the proposed amendments are not considered within scope of this Plan Change, as these activity rules are rolled over from the Operative District Plan and no changes have been made to the management regime of this rule. This submission point is recommended to be rejected.
- (458) Henry Zwart (054) seeks that **Rule 4F 4.1.8 and 4G 4.1.8 Other Non-residential Activities** also provides for small-scale commercial activities and increases the permitted scale of non-residential activities that involve people spending time together. This proposed amendment may contribute to the vibrancy and viability of areas of increased residential density, but as this rule is effectively rolled over from the Operative District Plan without amendment to the management regime, it is not considered to be within the scope of this Plan Change and is therefore better addressed via the full District Plan review.
- (459) Several submissions were received on **Rule 4F 4.1.11 and 4G 4.1.11 Vegetation Removal**. Fire and Emergency NZ (176) seeks that the removal of indigenous vegetation be a permitted activity where it poses a risk to the environment and health and safety of people. Kāinga Ora (206) seeks that vegetation removal in the Medium Density and High Density Residential Activity Areas be a Permitted activity without any additional performance standard requirements. This request is opposed by Wellington Regional Council (F02.7). The Petone Community Board (116) sought the deletion of 4.1.11(c), which allows the

removal of trees on an Urban Environment Allotment as a Permitted activity. Wellington Regional Council (149) seeks the matters of control and discretion under 4.1.11(e) for this rule be amended to include the adverse effects on mahinga kai, other customary uses, and access for these activities. This is opposed by Investore Property Ltd (F23.1). Design Network Architecture Ltd (162) seeks the wording of the rule be clarified. Kimberley Vermacy (114) seeks the vegetation rule be included in both the MDRAA and HDRAA chapters. It is noted that this is the case, and this submission point is therefore accepted in part. As with many other rules, this rule is also carried over from the Operative District Plan into the amended MDRAA chapter and new HDRAA chapter without modification to the management regime. While the proposed amendment from Kāinga Ora may give further effect to the MDRS and policies 3 and 4 of the NPS-UD, it is considered that the rule as drafted also gives effect to these provisions by helping to create attractive and liveable residential areas by retaining vegetation. In response to Wellington Regional Council's submission point, amending the matters of control to include reference to mahinga kai, customary use, and access is generally not connected to the purpose of the MDRS or the NPS-UD. This Plan Change as an IPI is therefore not considered the appropriate mechanism or process for these matters. The remainder of the above submission points are therefore considered out of scope of this Plan Change and are better addressed through the full District Plan review.

Development Standards

- (460) Several submissions were received on **Rule 4F 4.2.1AA and 4G 4.2.1 Number of Residential Units Per Site**. Two submissions were received seeking to increase the minimum site area to 300m² per unit (Greg Smith (110), Vivienne Smith (108)). In a similar theme, another submitter sought relief from the number of units allowed per site in the Medium Density Residential Activity Area. As these submissions seek less than what the MDRS requires, these submission points are considered invalid.
- (461) Five submissions were received that seek to add or amend the provisions within this standard. Ken Hand (202) seeks that the matters of discretion under point (b) be amended to include the effects on amenity of, shading on, and privacy of adjoining sites. These matters are already listed under point (vii) of the matters of discretion, and no amendments are recommended.
- (462) Survey and Spatial NZ (219) seeks that point (i) of the matters of discretion under (b) relating to the planned urban building character be deleted. The submitter also seeks that the design elements listed under (vii) of the same rule be amended to remove consideration of building height, and recession planes and setbacks. In response, point (i) relating to planned urban character gives effect to the MDRS and policies 3 and 4 of the NPS-UD. It is considered that the matters listed under point (vii) are relevant considerations that may be affected if the number of permitted dwellings per site is exceeded. These submission points are recommended to be rejected.
- (463) Fire and Emergency NZ (176) seeks that three dwellings per site are permitted only where firefighting access and water supply is available and complies with the relevant new standards requested by FENZ. This is opposed by Retirement Village Association of NZ (F12), Ryman Healthcare (F13), and KiwiRail (F20.11). As set out more fully in Section 6.2.6 District-wide Matters of this report, most of this relief sought is already provided for in provisions in the Operative District Plan. Where requested matters are not specifically addressed in the District Plan, they are already provided for in other documents, such as the Building Act 2004 and New Zealand Building Code for the design and provision of firefighting access. I do not support the addition of advice notes referring to the New Zealand Building Code as that would add unnecessary duplication and content to the District Plan.

- (464) Waka Kotahi (151) seeks that the matter of discretion under point (b)(vi)(9) be amended to “Provision for access to active modes including bike parking, storage and service areas”, and that a new matter of discretion under point (b) be added, “The effects on the safety and efficiency of the transport network (including pedestrians, cyclists and vehicles)”. This is supported by Wellington Regional Council (F02.2) and Troy Baisden (F11.1), and opposed by Kāinga Ora (F17.12). As set out in the commentary for Rule 4F 4.1.7 and 4G 4.1.7 Retirement Villages above, the proposed amendments are considered appropriate additions. These submission points are recommended to be accepted.
- (465) Several submissions were received in support of **Rule 4F 4.2.1 and 4G 4.2.2 Building Coverage** (Greg Smith (110), Merran Bakker (124), Russell Boaler (122), Vivienne Smith (108), Petone Community Board (116), Wellington Regional Council (149)). One submission (Felicity Rashbrooke (215)) sought to limit building coverage to 40%, but as this is less than required by the MDRS, this submission point is out of scope. Survey and Spatial NZ (219) seeks that the matter of discretion under point (b) referring to “*the planned urban built character for the Medium Density Residential Activity Area*” be deleted. Again, this point gives effect to the MDRS and policies 3 and 4 of the NPS-UD. Ken Hand (202) seeks that the matters of discretion under point (b) be amended to include consideration of the effects on amenity, shading, and privacy of adjoining sites. As these are not matters that are likely to be affected by breaching the permitted building coverage standard, these are not considered appropriate additions to the matters of discretion for this rule. These submission points are recommended to be rejected.
- (466) In relation to **Rule 4F 4.2.2 and 4G 4.2.3 Building Height**, three submitters raised that the proposed height limits were supported as they are consistent with the MDRS and the Coalition for More Homes’ suggested alternative MDRS, and sought that the height limits be more permissive within a 15-minute walking catchment from centres (Amos Mann (052), Ana Coculescu (077), Henry Zwart (054)). Additional height has been provided for in the HDRAA, which is defined by the walkable catchment areas delineated in the Lower Hutt Walkable Catchment Study. The Petone Community Board (116) also supported the new height limits. However, several submitters sought that the building height limit be reduced in some or all residential areas (Brett Parker (001), Christina Meyer (088) Colin and Margaret Clarke (101), Greg Smith (110) Hayley Bird (169), Justin Cargill (199) Merran Bakker (124), Noel Rostron (156), Paul Rowan (181), Olivia George (010), Vivienne Smith (108)). Except where there are relevant qualifying matters apply (as set out in more detail in Section 6.3 Qualifying Matters of this report), any submission seeking to reduce building heights below the minimum set out in the MDRS is considered invalid. Cuttriss Consultants Ltd (221) seeks a non-notification clause for buildings of up to 6 storeys in the MDRAA. It is noted that public notification is already precluded. However, it is not considered appropriate to preclude limited notification as buildings more than the 3-storey height limit in this zone may cause effects on neighbouring properties. This submission point is therefore accepted in part.
- (467) Survey and Spatial NZ (219) seeks that the matters of discretion under (b) relating to the planned urban building character be deleted, and that the design elements listed under sub-points (vii)(2) to (5) of the same rule be amended to remove them from the matters of discretion. Again, reference to planned urban character gives effect to the MDRS and NPS-UD. The design elements listed under (vii) are potentially relevant to mitigating the effects of a building that exceeds the permitted building height standard. Amendments were sought by Fire and Emergency NZ (176) to add exemptions to this standard for hose drying towers and emergency service facilities. This is not considered appropriate as it is understood that hose drying towers of this nature and height are no longer installed, and there is no reason emergency service buildings should not be able to comply with the height limits for the zones or be exempt from a resource consent process if they do not comply. These submission points are recommended to be rejected.
- (468) **Rule 4F 4.2.3 and 4G 4.2.4 Height in Relation to Boundary** was generally supported by several submitters, although some also considered the standard could be more permissive

in line with the standards recommended by the Coalition for More Homes' alternative MDRS (Amos Mann (052)), Ana Coculescu (077), Henry Zwart (054), Russell Boaler (122)). Many submitters sought assurances that minimum access to sunlight (and by proxy, privacy and airflow) would be considered and achieved, or reduction of the standard required by the MDRS (Bruce Spedding (057), Nick Ursin (252), Kerry Gray (075), Merran Bakker (124), Marianne Linton (131), Margaret Luping (250.3) Felicity Rashbrooke (215)). Reducing the height-in-relation-to-boundary requirements is contrary to the minimum standards set by the MDRS, so these submission points are invalid. Sunlight, privacy, and airflow will be ensured by the minimum standards set out in the MDRS that are reflected in these chapters. Katy and Wayne Donnelly (079) seek that the standard be amended so that the Height in Relation to Boundary applies at lot boundary instead of farthest boundary of a right of way. This is considered an efficient approach as shading a right of way has little to no effect on sunlight access for residents, and it is therefore recommended this approach be retained. Fire and Emergency NZ (176) again sought exemptions to this standard for hose drying towers and emergency service facilities. Survey and Spatial NZ (219) seeks that the matters of discretion under (b) relating to the planned urban building character be deleted, and that the matters of discretion under point (b) of the standard be amended to remove reference to building height and end/site wall treatments. These submission points are recommended to be rejected for the same reasons set out for previous rules.

(469) **Rule 4F 4.2.4 and 4G 4.2.5 Setbacks** was supported by three submitters, and some also considered the standard could be more permissive in line with the standards recommended by the Coalition for More Homes' alternative MDRS (Amos Mann (052), Ana Coculescu (077), Henry Zwart (054)). Ken Hand (202) seeks minimum 3m setbacks from front, side, and rear boundaries. As these setbacks do not comply with those required by the MDRS, these submissions are considered invalid. Design Network Architecture (162) seeks that clarification that the rule does not apply to boundaries within a site. This is already the case due to the definition of "site". Kimberley Vermacy (114) seeks to limit development around stream edges by setting explicit setbacks. The submitter also seeks that stormwater tanks should be exempt from setback requirements. Regarding setbacks from stream edges, this matter is potentially a qualifying matter under S771 of the RMA as a natural hazard. The natural hazard overlays identify 'stream corridors' which restrict development which would in part provide for the relief sought by the submitter. In response to setback exemptions for stormwater tanks, only "buildings" are required to comply with building setbacks. A stormwater tank less than 1.2m in height is not considered a "building" as defined by the District Plan and is therefore already exempt from compliance with this standard. It is considered appropriate that stormwater tanks more than 1.2m in height should still be subject to building setbacks due to the increased effects on neighbouring properties from the larger height and bulk of the tank. KiwiRail (188) seeks that a 5m setback be required from a boundary with a rail corridor, and that a corresponding matter of discretion be added to point (b) of the rule that requires consideration of "the location and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor." It is considered that if an additional setback is required for safe operation of the rail line, then it is considered that it is more effective and efficient that additional land should be designated to add to the width of the rail corridor. Noise effects are managed by the noise standards and sound insulation provisions of this plan, and an additional 5m setback will not noticeably contribute to reducing noise effects. Survey and Spatial NZ (219) seeks that the matters of discretion under (b) relating to the planned urban building character be deleted, and that the matters of discretion under point (b) of the standard be amended to remove reference to building height and recession planes. These submission points are recommended to be rejected for the same reasons set out for previous rules in this section, as above.

(470) **Rule 4F 4.2.5 and 4G 4.2.7 Permeable Surface** is supported by several submitters (Henry Zwart (054), Pam Crisp (229), Petone Community Board (116), and Wellington Regional Council (149)). Kāinga Ora (206) seeks that the matter of discretion 4F 4.2.5(b)(iv) be

deleted, and that the standard be deleted in the HDRAA chapter (Chapter 4G). This is supported by Retirement Villages Association of NZ (F12) and Ryman Healthcare (F13), and is opposed by the Petone Historical Society (F22.22). Again, this rule is carried over from the Operative District Plan. The matter of discretion under 4.2.5(b)(iv) are considered relevant as on-site stormwater management and landscaping measures can offset the lack of permeable surface area. It is also considered this measure should still apply to the HDRAA given there is no substantive difference between the standards of the MDRAA and HDRAA relating to permeable surface area (e.g., stormwater management, outdoor living areas, landscaping). These submission points are therefore recommended to be rejected.

- (471) The Petone Community Board (116) supports **Rule 4F 4.2.6 and 4G 4.2.8 Outdoor Living Space**. Two submitters (Amos Man (052) and Ana Coculescu (077)) request changes to the standard to align it with the requirements with those of the Coalition for More Homes Alternative MDRS (20% of unit size required as outdoor space for ground level units, 15% for higher floor units). Graeme Lyon (102) seeks the quality of outdoor and landscaping requirements should be more generous and more defined. This submission point is opposed by the Hutt Voluntary Heritage Group (F01.3) and Shayne Hodge (F08.1). As these submission points seek a reduction from what is required by the MDRS, they are considered invalid. Kevin Day (123) and Elizabeth Beattie (245) seeks that minimum standards are set for outdoor living space, which this standard provides. Survey and Spatial NZ (219) again seeks deletion of the matter of discretion under point (b), “the planned urban building character for the MDRAA”, and the deletion of items 1, 2, 5-8 of the matters of discretion listed under point (iv). These points are therefore recommended to be rejected for the same reasons set out for rules previously in this section.
- (472) For the standard in Chapter 4F (MDRAA), Kāinga Ora (206) seeks deletion of the matter of discretion under (b)(iii), and that a preclusion for limited notification be added to the standard. Consideration of retained vegetation or other amenity features are a relevant consideration if the minimum outdoor living space standard cannot be met. However, it is considered a preclusion for limited notification is appropriate for this standard, as not meeting the standard is unlikely to result in any affected persons beyond the site. For the standard in the HDRAA, Kāinga Ora seeks the standard be replaced with an alternative standard that enables flexibility in providing for open space within more intensive residential density, and seeks deletion of reference to the design guide. As set out previously in this section of the report, the depth and breadth of change from the existing residential environment to the HDRAA environment is substantial. As such, it is considered that adopting the MDRS standards as directed (supplemented by the design guide) and not going further at this stage is the most appropriate approach to the transitional period for the community. In addition, the design guide will be reviewed as part of the full District Plan review. Kāinga Ora also seeks the preclusion of limited notification for breaching the standard. The preclusion for limited notification is also considered appropriate for the HDRAA. These submission points are recommended to be accepted and rejected respectively as set out above.
- (473) Fire and Emergency NZ (176) seeks that **Rule 4F 4.2.7 and 4G 4.2.9 Accessory Building** be subject to the compliance with firefighting access and water supply requirements. The relief sought is already provided for in provisions in the Operative District Plan. Where requested matters are not specifically addressed in the District Plan, they are already provided for in other documents, such as the Building Act 2004 and New Zealand Building Code for the design and provision of firefighting access. Kāinga Ora (206) seeks limited notification be precluded in the MDRAA and public notification be precluded in the HDRAA for this rule. As the relevant standards are bulk and location standards, non-compliance with this rule has the potential to affect neighbouring sites and the residential environment. Notification preclusions are therefore not considered appropriate in this instance. Design Network Architecture Ltd (162) seeks the standard be clarified regarding whether it only applies to accessory buildings or an entire development, and whether one accessory

building is permitted per residential unit or one per site. The rule does not limit the number of accessory buildings, and as the rule is called “accessory building”, this is considered sufficiently clear. These submission points are recommended to be rejected.

- (474) Kāinga Ora (206) seeks the reference to the design guide be deleted from the matters of discretion under **Rule 4F 4.2.8 and 4G 4.2.10 Screening and Storage**. This rule is carried over from the Operative District Plan, which includes reference to design guide. At this stage, it is considered that reference to the design guide is still appropriate to help guide development in the MDRAA and HDRAA during this transitional period, and it is noted that the design guide will be reviewed as part of the full District Plan review. This submission point is recommended to be rejected.
- (475) Laura Gaudin (174) seeks that reference to Chapters 14E and 14G in **Rule 4G 4.2.11 Demolition** be replaced with reference Chapters 14E and 14F. This is a minor amendment to correct references and is accepted.
- (476) Kāinga Ora (206) and Wellington Regional Council (149) support **Rule 4F 4.2.10 and 4G 4.2.12 Stormwater Retention** as drafted. Cuttriss Consultants (221) seeks the removal of minimum rainwater tank sizes for up to three dwellings. Stan Augustowicz (259) require any new building increasing impervious area to include stormwater retention tanks, and strict definitions of impervious areas should be imposed to include all balconies exposed to windblown rain as it is a windy area. Survey and Spatial NZ (219) seeks that the permitted activity standard for rainwater tanks in developments be removed and replaced with reference to a “Wellington Water Limited approved solution of managing volume and rate of stormwater runoff”, or, require “stormwater management measures are incorporated that achieve post development peak stormwater flows and volumes that are the same or less than the modelled peak flows and volumes for the site in its current state.” Investore Property Ltd (F23.1) opposes this rule. As this would change the current approach to managing stormwater across the residential zones of the district, it is considered that this matter needs to be addressed more thoroughly than the scope of this Plan Change strictly allows. As such, this matter is better addressed in the full District Plan review.
- (477) The Petone Community Board (116) seeks the retention of **Rule 4F 4.2.11 and 4G 4.2.13 Outlook Space**. Merran Baker (124) seeks the standard be strengthened. This submission point is invalid as it would lessen what is required under the MDRS. Kāinga Ora (206) seeks that reference to the design guide be deleted from the matters of discretion, and a preclusion be added for limited notification. Removing reference to the design guide is not considered appropriate for the same reasons set out under the previous paragraph. Precluding limited notification is considered appropriate however, as non-compliance with this standard is unlikely to result in any effects beyond the boundary of the site. Survey and Spatial NZ (219) seeks point (i) of the matters of discretion referring to “the planned urban building character for the medium density residential activity area” be deleted. This submission point is recommended to be rejected for the same reasons set out for earlier rules in this section.
- (478) The Petone Community Board supports retaining **Rule 4F 4.2.12 and 4G 4.2.14 Windows to Street**. Kāinga Ora (206) seeks the matters of discretion under point (iii) of the standard be deleted, and a preclusion for limited notification be added. It is considered that the matters listed under point (iii) are potentially relevant to assessing the effects and potential mitigation of any breach of this standard. Precluding limited notification is not considered appropriate, as sites across a road may be affected by a breach of this standard. Design Network Architecture Ltd (162) seeks the standard is amended to clarify whether the “façade” applies to full front elevation, if for example, part of elevation is set back from boundary. “Façade” is the term used by the MDRS but is not defined. The interpretation therefore defaults to its common meaning, being “the principal front of a building that faces on to a street or open space”. No separate distinction is made for any part of the elevation set further back. Survey and Spatial NZ (219) seeks point (i) of the matters of discretion referring to “the planned urban building character for the medium density residential activity

area” be deleted, and that the matters of discretion relating to open space and boundary treatments, entrances car parking and garages, and end/side wall treatments be deleted. These submission points are recommended to be rejected for the same reasons set out for previous rules in this section.

- (479) Fire and Emergency NZ (176) and Petone Community Board (116) support **Rule 4F 4.2.13 and 4G 4.2.15 Landscaped Area** as drafted. Merran Baker (124) supports strengthening the matter of discretion relating to retaining vegetation. As this is a MDRS standard, the Plan Change standard cannot require more landscaped areas. Design Network Architecture Ltd (162) seeks the standard be amended to clarify how the rule applies if the site is being subdivided, for example, is each lot subject to 20% or does the 20% requirement apply across the whole development, and whether there is an exclusion for individual lots if the parent lot meets 20% prior to subdivision. The standard is clear in that it requires 20% of a *developed site* be landscaped. The standard also states that it does not have to be allocated to each single residential unit, i.e., landscaped areas can be provided collectively for a development. Kāinga Ora (206) seeks deletion of the “design elements” under the matters of discretion. Survey and Spatial NZ (219) seeks the same matter of discretion be amended to remove matters 1, 2, and 5-9, and that reference to the “planned urban building character for the Medium Density Residential Activity Area” also be deleted from this section. These submission points are recommended to be rejected for the same reasons set out under previous rules above.

Medium Density Residential Heritage Precincts

- (480) The Moera Railway Heritage Area, Wainuiomata Terracrete Houses Heritage Area are located within the Medium Density Residential Activity Area, with the relevant rules set out in 4F 5.1.
- (481) Kāinga Ora (206) seeks that the activity status for demolition be changed from Permitted to Discretionary. As an explanation, the Residential Heritage Precinct includes new heritage buildings, sites, and areas that were identified for the full District Plan review but have been incorporated as part of this Plan Change to give them the protections available under an IPI. As these buildings, sites, and areas are new additions, only the protections afforded under an IPI can be applied to the site, which is limited to changing building heights and densities to protect the historic heritage values of these new items. Other changes to the building (including demolition of all or part of a building) is outside the scope of what an IPI can address and is therefore invalid. Additional protections for these new areas will be addressed as part of the full District Plan review. This issue is discussed further in section 6.3.1 – Qualifying Matters – Heritage buildings, structures, and precincts.
- (482) Waka Kotahi (151) seeks that under **Rule 4F 5.2.1.1 Activities**, point (a)(ii) the matters of discretion should include consideration of bike/mobility vehicle parking, storage, and service areas. As this submission point does not give further effect to modifying the approach of the MDRS to accommodate a qualifying matter as is the intent of this rule, this submission point is considered invalid.

High Density Residential Heritage Precincts

- (483) Within the High Density Residential Activity Area, the areas included in this precinct are the Hardham Crescent Heritage Area, Petone State Flats Heritage Area, Hutt Road Heritage Area, and Petone Foreshore Heritage Area, and the relevant rules are set out in 4G 5.2. The Heretaunga Settlement and Riddlers Crescent Heritage Precincts have separate rules set out in Section 4G 5.3 of the District Plan.
- (484) Ministry of Education (222) seeks that **Rule 4G 5.5.1.1 Educational Activities** be changed to a restricted discretionary activity, and that the matters of discretion be limited to the

effects on the amenity of the surrounding residential area, and the extent to which the site layout and any proposed landscaping helps to avoid or minimise the impacts on surrounding residential areas, the streetscape and adjoining public space. The addition of this rule to the High Density Residential Heritage Precinct is a minor consequential amendment to the Plan. The site at 313 Hautana Square is an existing scheduled site in the Operative District Plan, and this rule retains the existing rules applicable to the site. These changes are therefore considered outside the scope of the Plan Change and are invalid.

- (485) Petone Historical Society (163) seeks that **Rule 4G 5.3.3.1** also apply to front fences, and that a new activity standard be added that requires front fences to comply with a maximum height limit of 1.4m (for a corner site this would only apply to one frontage). This is supported by the Petone Historical Society (F22.12) and opposed by the Hutt Voluntary Heritage Group (F01.4). The submitter also seeks that the matters of discretion be amended to also refer to structures, as well as buildings. Again, this rule maintains the approach of the Operative District Plan by transferring the rules already applicable to these sites to the HDRAA by way of creating a new precinct. Changes to the approach to protect these sites are therefore outside the scope of this Plan Change and are better addressed as part of the full District Plan review.
- (486) Petone Historical Society (163) supports retaining **Rule 4G 5.3.3.2** as notified. This is opposed by the Hutt Voluntary Heritage Group (F01.4). The support for the rule is noted, and no changes are recommended.

Residential Heritage Precincts (General)

- (487) Heritage NZ Pouhere Taonga (037) seeks that Council prioritises a plan change to include additional provisions for the protection of the heritage values of the identified Residential Heritage Precinct, or incorporate them into the upcoming District Plan review.
- (488) Petone Historical Society (163) is generally supportive of residential heritage protection, but seeks specific amendments to objectives, policies, rules, and standards that have already been covered earlier in this section of the report. This is supported by the Jackson Street Programme (F06.1) and opposed by the Hutt Voluntary Heritage Group (F01.4) and Shayne Hodge (F08.2).
- (489) Petone Historical Society (163) also seeks the reinstatement of the full extent of the existing Historic Residential Activity Areas in the operative Plan as part of the Residential Historic Precinct, and consequential amendments to give effect to this change. This is supported by Jackson Street Programme (F06.1) and opposed by the Hutt Voluntary Heritage Group (F01.4) and Shayne Hodge (F08.2)
- (490) Regarding all the above points, a more comprehensive review of the heritage areas and provisions was underway as part of the full District Plan review and will continue once that process resumes. As these changes sought above do not directly relate to protecting qualifying matters from increased height and density, it is considered that these are better addressed as part of the full District Plan review. For reference, it is also noted that qualifying heritage matters are covered more fully in the Qualifying Matters – Heritage buildings, structures, and precincts section of this report.
- (491) The objectives and policies for the residential heritage precinct in 4F 5.1, 4G 5.2, and 4G 5.3 were supported by Greater Wellington Regional Council (149). This support is noted.
- (492) Annette Patterson (150) generally supports the amendments to protect residential heritage as set out in 4G 5.2 and seeks that all proposed residential heritage precincts are protected from demolition without consent. Megan Drayton (173) also seeks that all proposed residential heritage precincts are protected from demolition without consent. As noted previously, the Residential Heritage Precinct includes new heritage buildings, sites, and areas that were identified for the full District Plan review but have been incorporated as part

of this Plan Change to provide them with the protections available under an IPI. As these buildings, sites, and areas are new additions, only the protections afforded under an IPI can be applied to the site, which is limited to changing building heights and densities to protect the historic heritage values of these new items. Other changes to the building (including demolition of all or part of a building) is outside the scope of what an IPI can address and is therefore invalid. Additional protections for these new areas will be addressed as part of the full District Plan review.

- (493) Heritage NZ Pouhere Taonga (037) seeks that reference to Heritage Precincts within the HDRAA be deleted from the introductory text of Chapter 4F Medium Density Residential Activity Areas, and vice versa for Chapter 4G. This amendment is considered appropriate as it aids in clarifying the extent of the applicable areas under each chapter. This submission point is recommended to be accepted.
- (494) Reon McLaren (032) seeks that new buildings are limited to two storeys in Petone due to historical significance to this region. This matter is covered more fully in the Qualifying Matters – Heritage buildings, structures, and precincts section of this report. This approach has not been adopted for the reasons set out in the Qualifying Matters – Heritage buildings, structures, and precincts section of this report.

New Activity Rules and Development Standards

- (495) Amos Mann (052) seeks an additional standard for outdoor living and greenspace, and that a new site permeability standard is added. These standards are already included under Rules 4F 4.2.5 and 4.2.7 and 4G 4.2.7 and 4.2.8. No amendments are recommended.
- (496) Amos Mann (052) also requests the District Plan empower the development of a wide range of diverse and varied housing types in all residential zones, including papakāinga and co-housing. This is already encouraged by the proposed objectives and policy framework for the MDRAA and HDRAA, which encourages flexibility and variety of housing to provide for diverse needs, while reflecting the planned residential character for the zones. No further amendments are considered necessary in this regard. Amos Mann (052) also seeks an additional standard for development on accessibility and universal design requirements. Ana Coculescu (077) seeks an additional standard for developments to accommodate active travel and universal accessibility. Henry Zwart (054) supports Amos Mann and Ana Coculescu's submission points. Regarding design requirements, these have been implemented to the extent possible by incorporating the MDRS development standards and carrying over the relevant design considerations in the Operative District Plan. Regarding accessibility and active travel, the addition of new standards for these matters do not directly give effect to the MDRS and policies 3 and 4 of the NPS-UD and as such, are considered out of scope.
- (497) Anne Smith (195) seeks the introduction of a minimum land area for development in one parcel (e.g., 1/3ha), and a standard for shared community facilities within high and medium density developments. As this is likely to infringe on the minimum requirements of the MDRS, this submission point is considered invalid.
- (498) Colin and Margaret Clarke (101) and Mary Taylor (255) seek a standard that preserves all trees 3m high or more on a site is being developed, and trees 2m or higher within 2m of the boundary of those sites. Dawn Becker (167) seeks that replanting of trees/shrubs be required on sites where existing trees have been removed for construction or demolition of buildings. Fiona Christeller (166) seeks encouragement of on site planting of trees with an expect height over 3m. Rules governing vegetation removal and planting have been carried over from the Operative District Plan. As this request goes further than the operative rule, and it is not to protect a specified qualifying matter, this submission point is outside the scope of this Plan Change and is better considered as part of the full District Plan review.

- (499) Fiona Christeller (166) seeks the adoption of the medium density residential design guide (specifically Wellington City's for simplicity across territorial authorities) and make compliance a requirement for all projects requiring consent. The Operative District Plan already references a design guide. Revision of this guide is not considered within scope of this Plan Change and will instead be addressed as part of the full District Plan review.
- (500) Lesley Haines (193) requests a new permeability standard, such as that minimum 30-40% of sites should be permeable (incl. permeable pavers/ gravel etc). As stated previously, this is already covered in 4F 4.2.5 and 4G 4.2.7 and complies with the minimum standard required under the MDRS. No further amendments are considered necessary.
- (501) Justin Cargill (199) seeks a new standard that limits the number of high density developments on any one street. As this is likely to infringe on the minimum requirements of the MDRS, this submission point is considered invalid.
- (502) Kimberley Vermacy (114) seeks a standard limiting fence heights to a maximum of 1.8m on side and rear boundaries, and 1.5m on front boundaries, with a visual permeability 25-50% for passive surveillance. These standards are often used as a measure to facilitate CPTED (crime prevention through environmental design) principles to facilitate safer urban environments. As his matter does not directly give effect to the MDRS or policies 3 and 4 of the NPS-UD, it is considered outside of the scope of the current Plan Change and is better addressed as part of the full District Plan review.
- (503) Kimberley Vermacy (114) seeks that the design guide reference apartments and higher density development, the landscaping pallet better reflect biodiversity needs, and that the design guide better reference developments reflecting the natural landform and features of a site, and how to retain and improve these as part of future development. These would include hillsides, stream edges, prominent vegetation, or any other relevant natural features. As stated previously, revision of the design guide will take place as part of the full District Plan review.
- (504) Kāinga Ora (206) seeks a new rule in Chapter 4G to enable community gardens as a permitted activity along with any consequential changes to enable this, such as the introduction of a new definition of "community garden". Again, this is considered outside the scope of this Plan Change as it does not give effect to the MDRS or policies 3 and 4 of the NPS-UD and is better addressed as part of the full District Plan review.
- (505) Kāinga Ora (206) seeks another new rule in Chapter 4G to enable commercial activities as a restricted discretionary activity, with standards limiting the activity to being on the ground floor tenancy of an apartment building, the total gross floor area being limited to 200m², not allowing repair, alteration, restoration or maintenance of motor vehicles as part of the activity, and restricting hours of operation to between: 7.00am - 9.00pm Monday to Friday and 8.00am - 7.00pm Saturday, Sunday and public holidays. The submitter suggests matters of discretion be restricted to the effects on the amenity of the surrounding residential area, effects on pedestrian safety and the safe and efficient movement of vehicles, the positive contribution of the activity to the urban environment and achievement of attractive and safe streets. It seeks a Discretionary activity status where compliance is not achieved with the restricted discretionary activity standards for the rule. While this is potentially a valid use of the Plan Change as an IPI, this submission point is considered out of scope as this matter is not considered in this Plan Change. Instead, it is recommended that this matter be addressed as part of the full District Plan review.
- (506) Nick Ursin (252) seeks buildings over three storeys are constructed in a way that does not affect neighbours' privacy and airflow. Similarly, Tania Penafiel Bermudez (126.4) seeks an assessment of adverse effects on neighbours (sunlight and privacy) for 3-6 storey buildings. This is the intent of many of the development standards that are included in Chapters 4F and 4G, all of which (except building height) are unaltered from the minimum standards required by the MDRS. Accordingly, no further changes are recommended.

- (507) Noel Rostron (156) seeks that construction standards are regulated to protect amenity. Construction effects are regulated under the district-wide and temporary activity provisions in the District Plan and are considered outside the scope of this Plan Change.
- (508) Wellington Regional Council (149) seeks a new standard be added to restrict the use of copper and zinc in building materials. This is opposed by Investore Property Ltd (F23.1). This is considered outside the scope of the Plan Change and is better addressed as part of the full District Plan review.
- (509) Te Rūnanga o Toa Rangatira (274) seeks that the rules in Chapters 4F and 4G should have more restrictive standards that limit development of sites adjacent to marae, culturally significant sites, and other sites and areas of significance to Māori to ensure that the potential effects of high density development do not adversely affect cultural values. This is the intention of the custom setbacks and height-in-relation-to-boundary rules for sites adjoining marae as set out in Rule 4F 4.2.4A and 4G 4.2.6. Lacking any additional evidence to suggest that these increased setbacks and reduced height-in-relation-to-boundary standards are insufficient to protect the cultural values of these sites, no further changes are recommended at this stage. This submission point is recommended to be rejected.
- (510) Trevor Farrer (237) requests design guidance around residential development above six-storeys be included. The design guide should include considerations for: a. The privacy of adjoining properties; b. The effect of shade on adjoining properties; and c. The provision for natural light. This is supported by Vina Dahya (F15.2) and Elayna Chhiba (F16.3). These considerations are included in the matters of discretion for breach of the permitted building height under Rule 4G 4.2.3(b). No further amendments are considered necessary.

Matters of Control and Discretion (General)

- (511) Fiona Beals (016) considers that developments should consider social impact, urban and social planning, infrastructure needs, and public transport accessibility. These matters are not within scope of the Plan Change and are better considered as part of the full District Plan review.
- (512) Justin Cargill (199) seeks that resource consent criteria be clarified, and that consents be decided on a full impact assessment, not a formula. Resource consent criteria is determined by the relevant matters of control or discretion for Controlled or Restricted Discretionary activities, and on considering the relevant objectives and policies and the wider resource management framework (including local, regional, and national statutory documents) for more restrictive activity statuses. The matters of control, discretion, and objectives and policies are considered sufficiently clear to guide decision making on resource consent applications. No amendments are recommended in response to this submission point.
- (513) Wellington Regional Council (149) seeks the inclusion of an additional matter of control or discretion to require proper disposal of building waste when redeveloping sites / brownfield development (e.g., demolition). This is opposed by Investore Property Ltd (F23.1). As this does not relate to giving effect to the MDRS or policies 3 and 4 of the NPS-UD, this submission point is considered out of scope.

Comprehensive Multi-rule Changes from Submitters

- (514) The submissions from the Retirement Villages Association of NZ Inc (211), Summerset Group Holdings Ltd (207), and Ryman Healthcare Ltd (204) generally seek a retirement-village specific framework be introduced via Plan Change 56. This includes:
- Objectives and policies that appropriately recognise the need for retirement housing and care in all relevant residential zones (as outlined earlier in this section of the report)

- Rules to enable retirement villages in the MDRAA and HDRAA. The submitter seeks the use and operation of retirement villages be a permitted activity that is expected and encouraged in residential zones, and that construction of retirement villages be provided for separately as a restricted discretionary activity to recognise it is expected in the zone and there are limited matters of discretion to assess. Permitted activity status of this activity is opposed by Waka Kotahi (F10.10).
- Tailored matters of discretion for retirement villages that recognise their positive effects, focus on breaches of relevant standards, effects on the safety of adjacent streets or public open spaces, and effects arising from the quality of the interface between the village and adjacent streets or public open spaces, and enabling the need to provide for the efficient use of larger sites and the functional and operational needs of retirement villages.
- Proportionate notification – the submitter notes that the development standards for both the MDRAA and HDRAA preclude public notification under some standards, but considers that public notification should be precluded for retirement villages under all relevant standards and limited notification should only be available where a retirement village application breaches one or more bulk and location standard.
- Development standards for retirement villages should reflect the MDRS, where they relate to building bulk and location. The outdoor living space, outlook space, windows to street, and landscaped area standards should generally reflect the MDRS with some amendments to reflect the particular characteristics of retirement villages.

(515) For the reasons set out throughout this section of the report, it is not recommended that a specific rule framework be included for retirement villages in Chapters 4F and 4G. For consistency and fairness, this would require the Plan to provide specific rules to address all other potentially compatible and appropriate activities, which adds unnecessary length to the section and increases the risk that a particular activity may be erroneously missed. In addition, as the approach from the Operative District Plan has been carried over for retirement village activities, amendments to the approach are considered out of scope.

(516) Fire and Emergency NZ (176) generally seeks a suite of new rules, standards, and matters of control or discretion requiring adequate water supply for firefighting purposes and provision of access for fire appliances across all areas. This is opposed by Retirement Villages Association of NZ (F12.21) and Ryman Healthcare Ltd (F13.31). As set out in Section 6.2.6 District-wide Matters, most of this relief sought is already provided for in provisions in the Operative District Plan. Where requested matters are not specifically addressed in the District Plan, they are already provided for in other documents, such as the Building Act 2004 and New Zealand Building Code for the design and provision of firefighting access.

(517) Kāinga Ora (206) seeks amendments to the following rules and standards (as noted previously, all amendments sought by Kāinga Ora are generally supported by Retirement Villages Association of NZ (F12) and Ryman Healthcare (F13) to the extent they are consistent with their own original submissions):

- **Standard 4F 4.2.1AA and 4G 4.2.1 Number of Residential Units per Site:** The submitter generally supports the standard but seeks amendments to clarify the rule applies to construction of new residential units, amendments to the matters of discretion, and suggests structure and wording amendments. The submitter also supports the non-notification clauses. This is generally opposed by EQC (F21.16). For the matters of discretion relating to non-compliance with bulk and location standards, the proposed matter of discretion is simply “the

extent and effect of non-compliance with any relevant standard as specified in the associated assessment criteria for the infringed standard". The suggested amendments to the matters of discretion relating to more than 3 units per site is to replace the current matters with:

- *The scale, form, and appearance of the development is compatible with the planned urban built form of the neighbourhood*
- *The development contributes to a safe and attractive public realm and streetscape*
- *The extent and effects on the three waters infrastructure, achieved by demonstrating that at the point of connection the infrastructure has the capacity to service the development*
- *The degree to which the development delivers quality on-site amenity and occupant privacy that is appropriate for its scale.*

It is considered that the changes suggested by Kāinga Ora to refine the standard do not substantially differ from what is covered in the rule as currently drafted. In addition, the format and content of this rule is consistent with the other rules set out in Chapters 4F and 4G, which at this stage provides for a certain level of ease of use. It is suggested that restructuring and formatting the rules as Kāinga Ora has requested is better addressed as part of the full District Plan review, where revisions to rule structure and content can be looked at as a whole for consistency across the Plan.

- Regarding **Standard 4F 4.2.2 and 4G 4.2.3 Building Height**, Kāinga Ora generally supports the permitted height standard, but seeks provision for additional height allowance (18m) in areas around centres and in areas well-served by public transport and community services. These areas are within a 400m catchment of Eastbourne, Stokes Valley, Wainuiomata, and areas within medium density areas surrounding local centres that are not otherwise zoned high density. Kāinga Ora also seeks the matters of discretion be simplified, deleting "design elements" from the matters, and that reference to the design guide be deleted. Kāinga Ora supports public notification being precluded under this rule. This is generally opposed by EQC (F21.16). As set out earlier in the Strategic Direction section of this report, it has been recommended that the height limit for Eastbourne, Stokes Valley, and Wainuiomata be increased to align with the maximum height limit for the rest of the HDRAA. Regarding the matters of discretion, these have been transferred directly from the Operative District Plan. For the same reasons set out above, it is considered that restructuring and revising the content of rules and the design guide is better addressed as part of the full District Plan review, where revisions to rule structure and content can be looked at as a whole for consistency across the Plan.
- **Standard 4F 4.2.3 and 4G 4.2.4 Height in Relation to Boundary** is supported in part by Kāinga Ora. Similar to its comments on the building height standard above, the submitter seeks a more flexible standard in the same identified areas around centres (6m + 60 degrees in the first 22m of the site measured from the road boundary, defaulting to the standard recession plane from 22m onwards). Again, the submitter seeks simplification of the matters of discretion by deleting "design elements", and that reference to the design guide be

deleted. Kāinga Ora supports public notification being precluded under this rule. Regarding the proposed amendment to the height-in-relation-to-boundary standard, it was considered that the most appropriate approach to incorporating the MDRS standards was to include the standards without modification (except for building height) to manage the large scale and effects of change during the transition between the existing character and the planned character of residential areas. As set out previously, it is considered that restructuring and revising rules is better addressed as part of the full District Plan review.

- Once again, Kāinga Ora seeks adjustments are made to the matters of discretion under **Standard 4F 4.2.4 and 4G 4.2.5 Setbacks** by removing the listed “design elements” from discretion, and removal of the reference to the design guide. Kāinga Ora supports the preclusion of public notification for breaches of this rule. As set out previously, it is considered that restructuring and revising rules is better addressed as part of the full District Plan review.

(518) Waka Kotahi (151) seeks that a matter of discretion be added for any breach of **Rules 4G 4.1.3, 4.1.4, 4.1.5, 4.1.6, and 4.1.7**, being “the effects on the safe and efficient movement of vehicle and pedestrian traffic and the provision of facilities to support access to active modes”. This is supported by Wellington Regional Council (F02.2). This addition does seek to manage potential effects on traffic efficiency and safety from increased density in residential areas, but there remains the question of whether these provisions are better addressed in Chapter 14A Transport of the District Plan. Primarily, the proposed amendments are not considered within scope of this Plan Change, as these activity rules are rolled over from the Operative District Plan and no changes have been made to the management regime of these rules. This submission point is recommended to be rejected.

(519) Waka Kotahi (151) also seeks that that the reference to the design guide in the HDRAA is deleted, or alternatively that the design guide is refreshed to better reflect the planned built environment of the HDRAA with increased recognition of the important role of connectivity and enabling access to all modes of transport and references amended accordingly. As set out before, reference to the design guide has been brought over from the Operative District Plan provisions. Full review of the design guide will be addressed as part of the full District Plan review, where a more comprehensive approach to reviewing the guide can be undertaken.

Strengthen Residential Intensification Provisions

(520) Several submitters submitted in support of strengthening the residential intensification provisions in the Plan Change. Below is a summary of each of the relevant submissions. Where applicable, amendments requesting additions have been underlined and deletions have been ~~struck through~~.

052 Amos Mann	058 Bernard Gresham	206 Kāinga Ora	264 Mike Wong
077 Ana Coculescu	054 Henry Zwart	021 Kyn Drake	263 Poneke Architects Ltd

(521) Kāinga Ora (206) seeks standards be modified to enable increased intensification as set out under the section *Changes to Rules, Development Standards, and Matters of Control and Discretion* above. Those submission points are recommended for acceptance or rejection as set out in the previous section.

(522) As set out in the previous section *Changes to Rules, Development Standards, and Matters of Control and Discretion* above, three submitters (Amos Mann (052), Ana Coculescu (077), and Henry Zwart (054)) seek that building height limits, recession planes and setbacks to be consistent with those in the Coalition for More Homes’ Alternative MDRS, their

recommendations for outdoor living space and green space are added, and a site permeability standard is also added. These submitters generally support intensification, and enabling larger, more comprehensive developments in our centres, and including more generous amenity standards and supplementary requirements such as public open space be used to supplement amenity for residents of medium and high density areas. However, many of the suggested standards require less than the minimum standards of the MDRS and are therefore considered invalid. The submitters seek that height limits in the 15-minute walking catchments to rail stations be increased. To inform the spatial extent of the walkable catchments, Council commissioned the Lower Hutt Walkable Catchment Study. The proposed walkable catchments reflect the findings of this study, and there is no further evidence to suggest that these walkable catchments are inappropriate. The submitters request a standard be added requiring that developments adequately accommodate active travel as the primary transport mode and require universal accessibility for all residents. As set out above, this is largely outside the scope of this Plan Change as it does not give effect to the MDRS or policies 3 and 4 of the NPS-UD. The submitters also seek that small-scale commercial activities should be a Permitted, Controlled, or Restricted Discretionary activity to add to the vibrancy and character of these areas. To supplement this, the submitters seek the scale of permitted commercial activities in these zones be increased where the activities involve people spending time together, such as day care centres. For the reasons set out above, changes to the operative approach to non-residential and commercial activities in the residential zones is outside the scope of this Plan Change, and is better considered as part of the full District Plan review. These submission points are therefore recommended to be rejected.

- (523) Poneke Architects Ltd (263) and Mike Wong (264) seek the deletion of any rules and standards that impose a maximum residential density. Kāinga Ora (206) seeks that up to six residential units per site is permitted in the HDRAA. Removing maximum density rules presents challenges to Council to plan for and provide adequate servicing capacity if it is unknown how many dwelling units are anticipated in any given area. A maximum permitted density, with the ability to apply for resource consent for higher density, is considered to strike an appropriate balance between enabling Council to plan for and provide services while also providing a consent pathway for higher densities. In response to permitting up to six units per site in the HDRAA, as set out previously in this section, adopting the minimum MDRS requirements was considered the most appropriate way to transition from a low to a high density residential environment during this transitional period while managing the conflicts between existing and future uses. These submission points are therefore recommended to be rejected.
- (524) Kyn Drake (021) does not request any specific decisions, but seeks an increase in building size and density, and states that there should be more areas of High Density Residential Activity Area, especially in places experiencing significant recent growth such as Wainuiomata. As set out previously, the MDRS standards have been incorporated as required (with the exception of additional height being permitted in the HDRAA, including residential areas surrounding central Wainuiomata) to manage the large scale and range of effects of change during the transition between the existing character and the planned character of residential areas. This submission point is therefore recommended to be rejected.
- (525) Bernard Gresham (058) supports more residential development, while preserving the integrity, character, and amenity of the area. These are the outcomes sought from the directions set under Plan Change 56. It is considered no additional amendments are required to give effect to this submission point.

Scale-back Residential Intensification Provisions

- (526) Several submitters sought that the residential intensification provisions proposed under the Plan Change be scaled back. As a note, all requests to reject the plan change are considered out of scope as noted earlier in this report. In addition, all submissions seeking to scale back the residential intensification provisions to less than what is required under the MDRS are also considered out of scope. For more information, please refer to the “Out of Scope” section of this report.
- (527) Below is a summary of each of the relevant submissions. Where applicable, amendments requesting additions have been underlined and deletions have been ~~struck through~~.
- | | | | |
|-----------------------|---------------------|-------------------|--------------------|
| 265 CEM Johnston | 236 John Roseveare | 075 Kerry Gray | 032 Reon McLaren |
| 069 Dianne Ingham | 028 Karen Frerguson | 218 Richard Perry | F04 Bruce Spedding |
| 245 Elizabeth Beattie | 202 Ken Hand | | |
- (528) As referred to earlier, many submission points are out of scope as they seek changes to Plan Change 56 that would render the Plan inconsistent with the requirements of the MDRS. These out-of-scope submission points are addressed in the Section 6.1.1 of this report.
- (529) CEM Johnston (265), Dianne Ingham (069), Elizabeth Beattie (245) Karen Frerguson (028), Ken Hand (202), Kerry Grey (075), Reon McLaren (032), and Bruce Spedding (F04.1) generally oppose the approach to intensification particularly due to amenity and liveability concerns, and seek that greater consideration to the impact on individuals living in current dwellings, particularly in relation to privacy, access to sunlight, backyards, and gardens. Central Apartments Ltd (F18.20) generally opposes this position. These considerations are set out in the Development Standards section of Chapters 4F and 4G. Where these are required to comply with the MDRS, they do so, and any reduction of these standards would therefore be consistent with the MDRS. Where these standards are not required by the MDRS, it is considered that adequate provision has been made for these matters to ensure positive outcomes for residents and the built environment for the reasons outlined in the previous sections. These submission points are therefore recommended to be rejected.
- (530) John Roseveare (236) seeks that building heights of at least 4 stories are not allowed in the HDRAA in Eastbourne, and building heights of 3 stories are discretionary activities, rather than permitted. For breaches of these rules, it is sought that affected neighbours have the right to be notified and to make submissions before approval is granted. For the reasons set out in the Strategic Direction section of this report, it is considered appropriate to remove the reduced height limit that applies to Eastbourne, Stokes Valley, and Wainuiomata. This submission point is therefore rejected.

Spatial Extent of Zoning and Density Changes

- (531) Several submitters provided comment on the spatial extent of the proposed Medium and High Density Residential Activity Areas, and sought that these spatial extents be amended. The reasons for each amendment request vary, but it is noted that many “down-zoning” requests are due to natural hazards or infrastructure constraints. More detail on qualifying matters, including natural hazard provisions and infrastructure can be found in Section 6.4 of this report.
- (532) Below is a summary of each of the relevant submissions. Where applicable, amendments requesting additions have been underlined and deletions have been ~~struck through~~.
- | | | | |
|----------------|---------------------|------------------|---------------------------|
| 141 Alan Bell | 130 Dwayne McDonald | 015 Lorna Harvey | 023 Stephanie Maria Kusel |
| 159 Alan Smith | | 187 M Playford | |

142 Alison Thwaite	223 East Harbour Environmental Association	051 Margaret Short	082 Steve Shaw
092 Andrew Newman	180 EQC (Toka Tū Ake)	005 Melissa Yssel	205 Silverstream Park Christian Centre
195 Anne Smith	215 Felicity Rashbrooke	033 Michael Taylor	023 Stephanie Maria Kusel
170 Anthony Phillip Dee Smith	247 Geraldine Blackman	043 Mike Byrne	209 Teramo Developments Ltd
251 Arcus Marge	006 Gert Hartzenberg	076 Monica Murphy	197 Theresa Cooper
189 Argosy Property No.1 Ltd	026 Grant Bristow	177 Nick Beswick	153 Transpower NZ Ltd
008 Arthur Jacobson	054 Henry Zwart	113 Niels Meyer-Westfeld	151 Waka Kotahi
106 Barbara Bridger	037 Heritage NZ Pouhere Taonga	090 Peter Healy	158 Wellington Electricity Lines Ltd
125 Benjamin Wells	191 Ian Cassidy – IPC Family Trust	036 Peter Kirker	210 York Bay Association
074 Brendan Murphy	242 Ian Shields	083 Peter and Katherine Kokich	F01 Hutt Voluntary Heritage Group
020 Bin Wang	042 Jennifer Miller	163 Petone Historical Society	F04 Bruce Spedding
201 Bridget Hawkins	236 John Roseveare	186 Rachel Inglis	F09 Bjorn Johns
064 Bruce Patchett	199 Justin Cargill	160 Rebecca Leask and Mike Stewart	F10 Waka Kotahi
099 Caroline Patterson	098 Johnston Dinsmore	218 Richard Perry	F11 Troy Baisden
221 Cuttriss Consultants Ltd	206 Kāinga Ora	103 Royden McLeod	F17 Kāinga Ora
115 Christopher Mackay	202 Ken Hand	038 Rosemary Waters	F21 EQC (Toka Tū Ake)
017 Daniel Harborne	075 Kerry Gray	154 Ruth Gilbert	F23 Investore Property
178 Design Network Architecture	240 Logan McLennan	128 Sam Lister	
254 Douglas Sheppard		273 Sarah Nation	
		172 Sarah Poole	

Petone

- (533) Anne Smith (195) seeks that no form of housing intensification is undertaken in Petone due to sea level rise.
- (534) EQC (Toka Tū Ake) (180) seeks that no areas of Petone are zoned High Density Residential to due risks from natural hazards.
- (535) Anthony Phillip Dee Smith (17) seeks that intensification in northern Petone be put on hold pending the development of climate change adaption options for the area.
- (536) Ian Shields (242) and Arcus Marge (251) seek a halt to medium and high-density intensification in the Petone housing catchment area until, and only if, infrastructure issues have been identified and resolved.
- (537) Investore Property (F23.1), Bjorn Johns (F09.1), and Troy Baisden (F11.3) all oppose Petone and Eastbourne being rezoned to HDRAA.

- (538) To address the submission points relating to natural hazard constraints, the planning maps identify all or parts of Petone as being located within the Coastal Hazard Overlay – Tsunami: High, Medium and Low Hazard Area, Coastal Hazard Overlay – Inundation: High and Medium Coastal Hazard Area, Wellington Fault Overlay, Flood Hazard Overlay - Inundation Area. The Natural Hazard provisions in Chapter 14H would apply in these overlays, where rules relating to subdivision, use, and development is allowed, or managed with mitigation measures in place, or avoided based on the level of hazard risk.
- (539) Specifically, within the Medium and High Coastal Hazard Areas, the total number of residential units on a site is limited to two residential units. Therefore, much of Petone would be limited to no more than two residential units per site, which is no greater than the number of dwellings currently permitted in the Operative District Plan. Further information and evaluation relating to natural hazards is set out in Section 6.4 of this report.
- (540) Regarding the submission points relating to infrastructure constraints, a full evaluation of these constraints is provided in Section 6.4.7 of this report.
- (541) Johnston Dinsmore (098) seeks that building height is restricted to one level and one unit per site for any new development, including extensions to existing properties at one level in Petone. From the submission, it is not clear why the submitter seeks to restrict building height and density in Petone. Restricting development to single storey would be more restrictive than the Operative District Plan. References in the submission are made to the proposed areas for Heritage Precincts. As set out earlier in this section of the report, the new Heritage Precincts include new heritage buildings, sites, and areas that were identified as part of the full District Plan review but have been incorporated as part of this Plan Change to give them the protections available under an IPI. As these buildings, sites, and areas are new additions, only the protections afforded under an IPI can be applied to the site, which is limited to changing building heights and densities to protect the historic heritage values of these new items. Other changes to the building (including demolition of all or part of a building) is outside the scope of what an IPI can address and is therefore invalid. Additional protections for these new areas will be addressed as part of the full District Plan review. Existing heritage sites have been carried over with their existing protections, and further modification of these is outside the scope of this Plan Change. Any changes to the protections for these existing areas will be addressed as part of the full District Plan review.
- (542) No changes to the zoning of Petone’s residential areas are recommended in response to these submission points.

Eastbourne

- (543) EQC (Toka Tū Ake) (180) seeks that no areas of Eastbourne are rezoned High Density Residential due to risk from natural hazards.
- (544) Niels Meyer-Westfeld (113) oppose intensification provisions for Eastbourne, Eastern Suburbs and Lowry Bay due to climate change, natural hazard effects on infrastructure and roading, the character and natural heritage and biodiversity impacts. This is supported by Bruce Spedding (F04.1).
- (545) Peter and Katherine Kokich (083) seek that Eastbourne be exempt from the intensification provisions due to the risk of sea level rise, infrastructure, and transport congestion. This is supported by Bruce Spedding (F04.1).
- (546) York Bay Association (210) oppose increasing the density in Eastbourne, Eastern Bays, specifically York Bay due coastal hazard impacts on the roading infrastructure. This is supported by Bruce Spedding (F04.1). Retirement Villages Association (FS12.52) oppose this submission.
- (547) Ruth Gilbert (154) opposes increasing the density in Eastbourne until a full assessment has been completed of hazard areas, individual sites, climate change mitigation on Marine Drive

and infrastructure. In addition, Ruth Gilbert (154) opposes increasing the density in Eastern Bays and Eastbourne due to the risk of natural hazards, impacts on indigenous forests and inadequate roading and parking.

- (548) Margaret Short (051) seeks that Council reconsiders the intensification provisions (particularly four storey buildings) in the coastal areas of Lower Hutt and around the village area (Rimu Street) of Eastbourne. This is supported by Bruce Spedding (F04.1).
- (549) Many of these submissions raise concerns over Eastbourne being affected by coastal hazards. The planning maps identify parts of Eastbourne as being located within the Coastal Hazard Overlay – Tsunami: High, Medium and Low Coastal Hazard Area, Coastal Hazard Overlay – Inundation: Medium Coastal Hazard Area. Within any areas subject to a hazard overlay, regardless of the underlying zone, the provisions of Chapter 14H would apply. These provisions manage and limit subdivision, use, and development depending on the natural hazard risk. Development in much of Eastbourne which is near the coastal area would be restricted by these natural hazard provisions, which is set out more fully in Section 6.4 of this report.
- (550) To address submission points that raise concerns regarding infrastructure and transport congestion, these matters are evaluated in Section 6.4.7 of this report.
- (551) No changes to the zoning of Eastbourne’s residential areas are recommended in response to these submission points.

Spatial Extent of the Hill Residential Area under the Operative District Plan

- (552) Several submitters sought that the zoning changes under Plan Change 56 not apply to any Hill Residential Area sites (Arthur Jacobson (008), East Harbour Environmental Association (223), Jennifer Miller (042), Peter Healy (090)).
- (553) Cuttriss Consultants Ltd (221) seeks that all land within the Hill Residential Zone be rezoned to Medium Density Residential.
- (554) Rosemary Waters (38.2) requests consideration of adding future amendments to allow intensification on other similarly zoned land, such as Hill Residential.
- (555) The Hill Residential Zone has been interpreted to be equivalent to the large lot residential zone of the National Planning Standards, which are specifically excluded from the RMA definition of relevant residential zone and therefore were not considered as part of this Plan Change. Rezoning of the Hill Residential Zone could be considered under the full District Plan review process.
- (556) Other submitters sought that specific sites should retain or be considered for Hill Residential Zoning:
- Douglas Sheppard (254) seeks that the ten properties on the northern side of Natusch Road be rezoned to Hill Residential Activity Area. As the Hill Residential Activity Area is not considered an eligible residential area under this Plan Change, this request is out of scope and is better considered as part of the full District Plan review.
 - Rebecca Leask and Mike Stewart (160) seek that the current Hill Residential Zone continue to apply to properties with the Significant Natural Resource SNR27 overlay (22, 24, 38, 36 Rakeiora Grove, and western side of London Road). While these properties are zoned Hill Residential Zone under the Operative District Plan, they were identified as being located within a walkable catchment (criteria Policy 3 of the NPS-UD) and therefore have been included in the plan change as part of the HDRAA.

- Rebecca Leask and Mike Stewart (160) seek to maintain the current zoning of Hill Residential to the heritage-listed property at 38 Rakeiora Grove and surrounding properties (to be determined based on expert input) that may impact the historical significance of that house. Any additional buildings, areas, or sites nominated for heritage protection are best addressed as part of the full District Plan review, which will look at the heritage provisions and locations in more detail.

Spatial Extent of the Medium Density Residential Activity Area

- (557) Ken Hand (202) seeks that most of Lower Hutt city be zoned as MDRAA, rather than HDRAA. John Roseveare (236) seeks the boundaries of new activity areas to be reviewed to ensure they are reasonable. This is supported by Bruce Spedding (F04.1). To summarise the approach taken to delineate the extent of the high and medium density residential areas, the HDRAA applies to all residential zone areas within a walkable catchment around the Lower Hutt central commercial area, the Petone commercial area, and all train stations. The MDRAA applies to all other eligible residential zones under the NPS-UD. As this is the approach required by the NPS-UD, this submission point is recommended to be rejected.
- (558) Kāinga Ora (206) seeks that the residential areas surrounding the centres of Eastbourne, Stokes Valley, and Wainuiomata be rezoned to Medium Density. Supplementing this, Kāinga Ora seeks modification of the general approach of the Activity Area in Eastbourne, Stokes Valley and Wainuiomata to enable buildings of up to four storeys, rather than six storeys, and achieve corresponding outcomes for amenity values including privacy, sunlight, and appearance. Kāinga Ora request that these areas should have a planned urban built character of low to medium density form of up to three storeys, or a form of up to four storeys that achieves the best practicable amenity outcomes for adjoining sites, or a taller form if compatible with the amenity levels associated with high density residential development of four storeys. Kāinga Ora also seeks that a Height Variation Control of 18m height limit apply over the residential areas within a 5- 10min/400m walkable catchment of these centres – Eastbourne, Stokes Valley and Wainuiomata. For the reasons set out earlier in the Strategic Direction section of this report, the residential areas within a walkable catchment around the Eastbourne, Stokes Valley, and Wainuiomata centres will remain HDRAA in accordance with the requirements of the NPS-UD. However, the four storey height limit proposed for these areas will be removed, and the six storey height limit that applies across the rest of the HDRAA will also apply to these areas.

Spatial Extent of the High Density Residential Activity Area

- (559) Several submitters raised the issue of limiting the High Density Residential Activity Area to only that required, or otherwise seeks revision of the extent of these area (Andrew Newman (092), Benjamin Wells (125), Brendan Murphy (074) Ian Cassidy – IPC Family Trust (191), Logan McLennan (240), Ken Hand (202), Monica Murphy (076), Richard Perry (218) and Michael Taylor (033)). John Roseveare (236) seeks the boundaries of new activity areas to be reviewed to ensure they are reasonable. This is supported by Bruce Spedding (F04.1). Retirement Villages Association (FS12.54) oppose the submission from Richard Perry. Petone Historical Society (FS22.19) support the submission of Ian Cassidy – IPC Family Trust.
- (560) East Harbour Environmental Association (223) seeks the removal of high density zoning for Stokes Valley, Avalon, Wainuiomata, Moera, and Eastbourne. This is supported by Bruce Spedding (F04.1).
- (561) Nick Beswick (177) and Sarah Poole (172) seeks that high density housing be enabled in central Lower Hutt and Petone.

- (562) Alan Smith (159.2) requests allow zone changes to enable six-storey equivalent structures within 800m of train stations (inferred).
- (563) Daniel Harborne (017) generally supports the approach and application of the HDRAA.
- (564) Royden McLeod (103.1 and 103.2) and Alan Bell (141.2) requests rezone Harbour View and Tirohanga residential areas from High Density Residential Activity Area to Medium Density Residential Activity Area due to qualifying matters applying to this area.
- (565) Petone Historical Society (163) seeks that the High Density Residential Activity Area in Petone beyond 800m of the Ava and Petone Stations on the railway line be subject to a Specific Height Control Overlay with a maximum height of 14m, therefore being covered by Rule 4G 4.2.3 (a)(i). This is opposed by the Hutt Voluntary Heritage Group (F01.4).
- (566) Waka Kotahi NZ Transport Agency (151.2) request recognition of the relocated Melling railway station and pedestrian and cycle facilities within the proposed plan change and enable increased urban density within its walkable catchment. Kāinga Ora (FS17.11) support this submission and KiwiRail (FS20.4) support in part this submission provided 5m setback is adopted.
- (567) Argosy Property No.1 Ltd (189.2) request apply the High Density Residential Area to the area currently located in the Medium Density Residential Area in Moera.
- (568) Kāinga Ora (206) seeks the expansion of the High Density Residential Activity Area to apply to areas that are generally within a:
- 15min/1200m walkable catchment from the edge of the city centre and increase the maximum height to 43m (12 storeys) within a 400m/5-10min walkable catchment from the city centre, and to 29m (eight storeys) within a 800m/10min walkable catchment from the city centre, demonstrated with a Height Variation Control overlay
 - 10min/800m walkable catchment from the edge of Petone Mixed Commercial Activity Areas and increase the maximum heights to 36m (10 storeys) within a 400m/5-10min walkable catchment of the Petone commercial centre, demonstrated with a Height Variation Control overlay
 - 10min/800m walkable catchment from rapid transit stops
 - 10min/800m walkable catchment around the Suburban Mixed Use Activity Areas in Waterloo and Naenae and increase the maximum heights to 29m (eight storeys) within a 400m/5-10min walkable catchment of the Waterloo and Naenae commercial areas, demonstrated with a Height Variation Control.

This is opposed by EQC (F21.15).

- (569) To summarise the approach taken to delineate the extent of the high and medium density residential zones, the HDRAA applies to all residential zone areas within a walkable catchment around the Lower Hutt central commercial area, the Petone commercial area, and all train stations. The MDRAA applies to all other eligible residential zones under the MDRS. As this is the approach required by the NPS-UD, submissions seeking less density than required are considered invalid.
- (570) Regarding the extent of walkable catchments, the proposed extents of the catchments align with those recommended in the Lower Hutt Walkable Catchment Survey, which was undertaken to inform the extent of the HDRAA and MDRAA as proposed under this Plan Change. There is currently no additional or contrary evidence to suggest that the survey results are inaccurate or should be otherwise amended. Therefore, no changes to the extent of the walkable catchment areas are recommended.
- (571) For the reasons set out in the Strategic Direction section of this report, it has been determined that it is appropriate to identify the areas of Waterloo and Naenae as being

particularly suitable for buildings higher than 6 storeys if their effects can be suitably managed. It is considered this amendment sufficiently addresses Kāinga Ora's above submission point.

- (572) Transpower NZ Ltd (153) seeks that should the high density area extent so existing National Grid assets traverse the zone, Transpower seeks that the relief sought in its submission points to the MDRAA also apply to the HDRAA. The extent of the high density area has not been expanded to create this situation.

Site-specific Requests

- (573) Several site-specific or suburb specific requests have been made by submitters to change the zoning as notified. These relate to risks from natural hazards, transport and infrastructure constraints, errors in zoning application and potential adverse effects on existing character and amenity of the neighbourhood.
- (574) Bin Wang (020) seeks that 2/275 Maungaraki Road be included in the MDRAA. This site is currently part of the Hill Residential Zone.
- (575) Caroline Patterston (099) seeks that the property at 112 Upper Fitzherbert Road, Wainuiomata is rezoned from Rural Residential to residential.
- (576) Sam Lister (128.1) seeks 23A McGowan Road, Wainuiomata be rezoned from Hill Residential to Medium Density Residential Activity Area. Waka Kotahi NZ Transport Agency oppose this submission.
- (577) Peter Kirker (36.1) and Bruce Patchett (64.1) requests that St Columbans Grove be rezoned from High Density Residential Activity Area to Medium Density Residential Activity Area.
- (578) Teramo Developments Ltd (209.1) seek rezoning 76 Antrim Crescent, Wainuiomata along with other Hill Residential-zoned land extending west to, and including 30 Pencarrow Crescent Wainuiomata, from Hill Residential Activity Area to Medium Density Residential Activity Area.
- (579) Parts of Wainuiomata currently zoned General Residential are proposed to be zoned Medium Density Residential as part of the city-wide changes to zoning of residential land. This rezoning includes properties on the west of Upper Fitzherbert Road and south of 112 Upper Fitzherbert Road. 112 Upper Fitzherbert Road is currently zoned Rural Residential under the Operative District Plan. 23A McGowan Road, 76 Antrim Crescent through to 30 Pancarrow Crescent are currently zoned Hill Residential. Making a significant change in policy direction for rural areas or hill residential areas is not part of this plan change which is targeted to urban intensification and is outside the scope of the ISPP. It is recommended these submissions are rejected.
- (580) Silverstream Park Christian Centre (205) seeks that the property at 320 Eastern Hutt Road, Stokes Valley, be rezoned to Medium Density. This is opposed by Waka Kotahi (F10.10).
- (581) The site is partly located within the General Residential Zone and partly within the Hill Residential Zone under the Operative District Plan. The Hill Residential Zone has been interpreted to be equivalent to the large lot residential zone of the National Planning Standards, which are specifically excluded from the RMA definition of relevant residential zone and therefore were not considered as part of this Plan Change.
- (582) Rezoning of the Hill Residential Zone could be considered under the full District Plan review process. Accordingly, it is recommended this submission is rejected.
- (583) Rachel Inglis (186) and Theresa Cooper (197) seek that Onehuka Road, Tirohanga, be rezoned to Medium Density due to adverse effects from shading, impacts on native bush biodiversity and limited access.

- (584) Adverse shading effects from development will be managed by the development standards within each zone, while adverse effects on indigenous biodiversity will be managed by the rules rolled over from the operative district plan. Infrastructure constraints are addressed in Section 6.4.7 of this report. For the reasons outlined in the other sections of this report, it is recommended the proposed High Density Residential zone is retained and this submission is rejected.
- (585) Dwayne McDonald (130.1) requests rezone the properties from 1/149 to 159 Hill Road, Belmont from Medium Density Residential Activity Area to Rural so that they have the same zoning as the rest of the housing on Hill Road. This area on Hill Road is predominantly residential in nature and is zoned General Residential in the Operative District Plan. While properties further to the west in Hill Road are zoned rural, all immediately surrounding properties are zoned a mixed of Hill Residential or Medium Density. It is recommended the Medium Density Residential zoning be retained.
- (586) Design Network Architecture (178.1) request 452 Cambridge Terrace, 33 Kowhai Street and 35 Kowhai Street, Naenae be rezoned from Hill Residential to Medium Density Residential. Parts of Naenae currently zoned General Residential are proposed to be zoned Medium Density Residential as part of the city-wide changes to zoning of residential land. As 452 Cambridge Terrace, 33 Kowhai Street and 35 Kowhai Street, Naenae are currently zoned Hill Residential, making a significant change in policy direction for rural areas or hill residential areas (e.g. rezoning land) is not part of this plan change which is targeted to urban intensification and is outside the scope of the ISPP. It is recommended this submission is rejected.

Infrastructure Constraints

- (587) Stephanie Maria Kusel (023) seeks that the high density area be extended, but keep it close to the vicinity of the Waterloo Station, to the western side of Waiwhetū Road due to transport and parking issues.
- (588) Sarah Nation (273) opposes increasing density in Wainuiomata as there is only one access route.
- (589) Transport and parking are not qualifying matters which can be taken into account to reduce the proposed density. Refer to Section 6.4.7 for an evaluation of infrastructure constraints. The general policy direction of the NPS-UD is that broad infrastructure constraints on development capacity should be addressed by providing adequate infrastructure rather than limiting development. Accordingly, the appropriate response is providing adequate transport network capacity to meet population growth. The requirements of the NPS-UD are designed to aid this in being done through public and active transport, by encouraging greater development close to the rapid transit network and major centres. Therefore, it is recommended no changes to the proposed density in the vicinity of Waterloo Station or Wainuiomata (which are already delineated as being part of the HDRAA within the walkable catchment of the train station and central areas). It is recommended these two submissions are rejected.
- (590) Wellington Electricity Lines Ltd (158) seeks that qualifying matters are applied to two substations sites (312 Oxford Tce, Naenae, and 5A The Strand, Wainuiomata) so that either medium or high-density housing developments on abutting sites will require a land use consent as a Restricted Discretionary Activity, enabling an effects assessment to be provided with appropriate reverse sensitivity mitigation being inherent to the development. This is opposed by Kāinga Ora (F17.17).
- (591) A qualifying matter can include *a matter required for the purpose of ensuring the safe or efficient operation of national significant infrastructure* (Section 771(e) of the RMA). Wellington Electricity Lines Ltd have described these two substation sites as Regionally

Significant Infrastructure. Therefore, they would not meet the requirements to be considered as a qualifying matter.

Natural Hazard Constraints

- (592) East Harbour Environmental Association (223) seeks that areas subject to natural hazard risks should be identified as qualifying areas and not zoned MDRAA. This is supported by Bruce Spedding (F04.1).
- (593) Felicity Rashbrooke (215) seeks that high density building provisions do not apply anywhere in the coastal and related areas. This is supported by Bruce Spedding (F04.1).
- (594) Geraldine Blackman (247) seeks that density and building height is limited in all areas that need to be protected when managing tsunami risks. This is supported by Bruce Spedding (F04.1).
- (595) Lorna Harvey (015) opposes the proposed rezoning of Harbour View due to climate change and extreme weather events.
- (596) Melissa Yssel (005) and Gert Hartzenberg (006) seeks that no further medium density, or any other density, residential development in the Grounsell Crescent / Hill Road area and area next to Hutt River.
- (597) Sarah Nation (273.3) opposes any more building in Stokes Valley due to slips and flooding issues. Sarah Nation (273) opposes any more building in Eastbourne and Point Howard due to climate change.
- (598) The above submission points all relate to the application of natural hazards as a qualifying matter, and the relationship of the underlying zoning and the natural hazard overlays. The new Policy 1 in Section 1.10.3 of the District Plan sets out the general direction for residential zoning and scale of development. Of note is that this policy includes the wording "except in circumstances where a qualifying matter is relevant". This wording recognises there may be circumstances, such as natural hazards (which is a qualifying matter) where the nature and scale of residential development anticipated by the zoning is not appropriate.
- (599) Therefore, regardless of the underlying zoning, the provisions of the natural hazard chapter (14H) apply if the property is mapped as being located in a natural hazard or coastal hazard overlay. To this extent, subdivision, use or development in areas identified as being located within natural hazards are avoided or managed to reduce the risk to people and property as outlined in Objective 14H 1.1.
- (600) Alison Thwaite (142) seeks that Manor Park be assessed for the density zoning by an independent specialist for the risks of earthworks and flooding.
- (601) The mapping for Plan Change 56 identifies the Wellington Fault Overlay as affecting parts of Manor Park. There are no mapped flood hazards identified as affecting Manor Park. The areas of Manor Park affected by the Wellington Fault Overlay would be subject to the provisions of Chapter 14H Natural Hazards. This includes requiring restricted discretionary consent including an engineering report for any structures and buildings which are not accessory buildings or utilities.
- (602) Alison Thwaite queries the source of the Wellington Fault Overlay. Evidence from Nicola Litchfield (GNS) in Appendix 8 to this report states:

"The submission questions the date of the GNS evaluation report. I assume this is the Manor Park Wellington Fault investigations report of Beetham et al. (2008). This study was undertaken for the plan and design of a major SH58/SH2 interchange, prior to any consideration of high-density zoning."

- (603) The submitter may wish to elaborate on the relief sought further at the hearing. It is recommended these submissions are accepted in part pending clarification of the request. this clarification.
- (604) Rachel Inglis (186) and Theresa Cooper (197) seek that Onehuka Road, Tirohanga, be rezoned to Medium Density due to an increase in risk of landslips.
- (605) Onehuka Road is proposed to be zoned High Density Residential. Some properties at the western end of Onehuka Road are identified as being located within the Flood Hazard Overlay – Stream Corridor, Overland Flow Path and Inundation Area. Subdivision, use and development within these natural hazard overlays would be subject to the provisions of Chapter 14H. The Wellington Fault Overlay is approximately 130m to the south. While not being located in the Wellington Fault Overlay, evidence from Nicola Litchfield (GNS) states:
“These properties, on the northwest, hill side, of the Wellington Fault, will likely be susceptible to landslides triggered by Wellington Fault rupture.”
- (606) Further evaluation of slope instability risk is provided in Section 6.4.2, which explains that slope instability risk is managed through the earthworks provisions. Therefore, it is recommended these submissions be rejected.

Other Rezoning Requests and Comments

- (607) Barbara Bridger (106) seeks that provision is made for low density residential areas. Provision is made for low density residential areas through the retention of the Landscape Protection and Hill Residential Activity Areas. Refer to the Operative District Plan for the location and spatial extent of these areas. Accordingly, it is recommended this submission is accepted in part.
- (608) Grant Bristow (026) considers that new areas on Parkway could be considered a medium density straight away as there would be no impact on any current neighbour character. The recently developed area to the south of Parkway (e.g., Grovedale Square) is proposed to be zoned Medium Density Residential in PC56 to reflect the flat nature of this land and it is contiguous with other Medium Density Residential land to the west and south. However, the other recently developed area to the north/east of Parkway (e.g., Brian Morgan Terrace), this land is currently and proposed to be retained as Hill Residential. This zoning reflects the nature of this land which is steeper and adjoined by Hill Residential to the north and east. It is recommended this submission is accepted in part.
- (609) Steve Shaw (082) seeks to review and limit intensification around public areas due to parking issues and allowing people ready access. As discussed earlier in this report, under Policy 11 of the NPS-UD, Council is precluded from requiring off street parking for new housing. Council has tools available outside the District Plan to manage on-street parking, including near public areas such as parks. These tools include on-street parking restrictions (e.g., time limits) and design and layout of parking. In terms of reviewing and limiting intensification around public areas, the location and spatial extent of intensification areas (Medium and High Density) is based on a range of considerations, including good accessibility particularly to public transport. The Whites Line East and Waiwhetū near Te Whiti Park referred to in the submission is proposed to be zoned Medium Density reflecting its proximity to local amenities. This zoning is consistent with other similar areas throughout Lower Hutt. It is recommended this submission is rejected.
- (610) M Playford (187) supports the HDRAA zoning as notified.
- (611) Christopher Mackay (115.6) requests the exploration of other ways to increase housing supply. For example, lifestyle blocks (of several to many acres in size) on the Western Hills and in Wainuiomata could be rezoned from rural to residential. Similarly, Justin Cargill (199.11) requests opening up large areas of unoccupied land should be prioritised. Land should be released in stages, as infrastructure is improved. PC56 is focused on intensifying

the existing urban area as that is the scope of the plan change directed by central government. New areas for residential development, such as on the western hills and Wainuiomata will be considered as part of the full district plan review later this year.

Other Miscellaneous Matters

- (612) Several submissions were received on miscellaneous residential matters, as outlined in this section. Below is a summary of each of the relevant submissions. Where applicable, amendments requesting additions have been underlined and deletions have been ~~struck-through~~.

077 Ana Coculescu	009 Helen Maddox	250 Margaret Luping	274 Te Rūnanga o Toa Rangatira
57 Bruce Spedding	199 Justin Cargill	228 Steven Beech	
139 Bjorn Johns	148 Korokoro Environmental Group	138 Sonja Penafiel Bermudez	210 York Bay Resident's Association
065 Deborah Molloy	195 Anne Smith	149 Wellington Regional Council	F24 Te Āti Awa Nui Tonu

- (613) Bruce Spedding (57) seeks recognition of the recreational (and hence commercial) value of areas and preserve the features that make it so, including lower density housing.
- (614) Ana Coculescu (77) seeks zones should be more enabling of small-scale facing commercial activities.
- (615) Fiona Christeller (166) seeks the creation of a medium density residential design guide which is provided for all developments, whether permitted or requiring resource consent. The submitter considers that adopting the Wellington City Council Design Guides suite would simplify compliance across Territorial Authority boundaries in the Wellington Region.
- (616) Justin Cargill (199) seeks that resource consent criteria be clearly and fully articulated from the outset, so developers know whether or not to approach the Council about a proposal.
- (617) Bjorn Johns (139) would like to see the Council actively involved in ensuring the densification also results in appealing neighbourhoods.
- (618) Sonja Penafiel Bermudez (138) seeks that Hutt City Council should have discretion on consultation with the community regarding determination of intensification areas.
- (619) Korokoro Environmental Group (148) seeks that Council considers land slope, land slip risk, potential effects on the local gully stream (Tuara-whati-o-te-Mana), effects on habitat for flora and fauna, effects on heritage sites (including Taumata), and effects on loss of suburban character.
- (620) Margaret Luping (250) seeks the impact of the proposed Plan Change on residents needs to be assessed in greater detail before anything is approved.
- (621) York Bay Resident's Association (210) seeks that Council undertakes a more careful analysis of individual sites when applying the MDRAA to properties.
- (622) The above submission points raise a range of matters to be considered in either the preparation of PC56, or its implementation. Most of these matters have been considered in the preparation of PC56 or evaluated in other submissions relating to specific provisions discussed above. The recreational value of areas has informed the selection of areas of intensification. The Suburban Mixed Use Activity Area includes provision for small-scale commercial activities facing the street. The role of Design Guides is being considered as part of the full district plan review. The provisions in PC56 set out the matters to be assessed through the resource consent process providing certainty to developers.

- (623) The various matters raised by Korokoro Environmental Group in the preparation of PC56 and in evaluating submissions received on PC56 to the degree they are able under the RMA. The submission and hearing process provides a further opportunity for the impact of this plan change to be evaluated.

Additional Considerations or Requirements

- (624) Anne Smith (195) considers that Council should promote the involvement of current owners of high and medium density housing and should enable community input as a starting point for occupier involvement.
- (625) Bruce Spedding (057) seeks a new requirement that new developments meet minimum standards of efficiency and sustainability and include carbon offsets in the cost of construction.
- (626) Deborah Molloy (065) seeks that the resource consent process for medium and high density buildings is retained to ensure that neighbouring homeowners are consulted.
- (627) Helen Maddox (009) seeks consideration of living green roofs, community gardens, tiny homes, and a high minimum percentage green space per population percentage.
- (628) Steven Beech (228) seeks that affected homeowners be allowed to be involved in developments affecting their property.
- (629) Te Rūnanga o Toa Rangatira (274) considers there is opportunity for tangata whenua values to be more meaningfully incorporated into this Plan as they seem to only have little consideration. This is supported by Te Āti Awa Nui Tonu (F24.01). This feedback is noted but it is considered outside the scope of this specific Plan Change. As such, it is better addressed via the full District Plan review.
- (630) Wellington Regional Council (149) seeks the following general amendments to Chapters 4F and 4G:
- Amend the provisions to require development to be stormwater neutral and incorporate hydrological controls.
 - Include as a matter of control or discretion, the adverse effects on mahinga kai, other customary uses, and access for these activities.
 - Include direction in the District Plan, including zone and subdivision provisions, to provide for decentralised wastewater re-use and treatment (of grey and black water) and disposal using alternative wastewater systems (but not septic tanks, due to their existing issues with contamination and leaching) anywhere where there are constraints on the existing network capacity, as well as where connections are not available. Where connections are available and there is network capacity, a connection to the wastewater network should still be required. This includes any necessary consequential amendments to provide this direction.
- (631) Investore (FS23.1) oppose this submission.
- (632) The above submission points all seek additional considerations or requirements for new developments. Some of these matters are already provided for in requirements outside of the District Plan, such as the New Zealand Building Code, which sets requirements for the efficient use of energy and Wellington Water's standards for stormwater management.
- (633) Regarding owner and community consultation and involvement, green roofs, community gardens, tiny homes, and green space requirements, I consider these initiatives are more effectively addressed outside of the District Plan. For example, education programmes and incentives to support these initiatives.

Summary of Officer Recommendations and S32AA Evaluation

- (634) Section 32AA of the RMA requires a further evaluation of any changes that have been made to, or are proposed for, a proposed Plan Change since the original evaluation report for the proposed Plan Change was completed.
- (635) This evaluation must be undertaken in accordance with section 32(1) to (4) of the RMA. The Section 32AA evaluation of these recommended changes made in response to submissions is provided below.

Recommended Changes

- (636) The following is a summary of the recommended changes to Chapters 4F and 4G in response to the submission points outlined in Section 6.2.2 Residential of this report:
- Amend the Introduction / Zone Statement for Chapter 4F to “encourage developments to be assessed through the policy framework where resource consent is required”, and state that “built development may be modified and / or limited by qualifying matters”.
 - Amend Objective 4F 2.5 to delete points (i) to (iii) and replace them with “(i) healthy, safe, attractive, and accessible living environments; and (ii) attractive and safe streets”
 - Amend Policy 4F 3.3 to refer to “height, height in relation to boundary, setback, and building coverage” rather than “height, bulk, and form”.
 - Amend Policy 4F 3.6 to “require built development to ~~maintain a reasonable level of~~ make adequate provision for privacy and sunlight access to adjoining sites, having regard to the planned urban built environment for the zone.”
 - Amend Policy 4F 3.9 to refer to “or alternative design solutions”
 - Amend the Introduction / Zone Statement for Chapter 4G to “encourage developments to be assessed through the policy framework where resource consent is required”, and state that “built development may be modified and / or limited by qualifying matters”.
 - Amend Objective 4G 2.5 to delete points (i) to (iii) and replace them with “(i) healthy, safe, attractive, and accessible living environments; and (ii) attractive and safe streets”
 - Delete Objective 4G 2.8
 - Amend Policy 4G 3.8 to refer to “height, height in relation to boundary, setback, and building coverage” rather than “height, bulk, and form”.
 - Amend Policy 4G 3.9 to “require built development to ~~maintain a reasonable level of~~ make adequate provision for privacy and sunlight access to adjoining sites, having regard to the planned urban built environment for the zone.”
 - Amend Policy 4G 3.10 to “Encouraging buildings to be planned to be compatible with possible future developments on neighbouring sites based on the planned urban building character, including through the position of walls likely to be future common walls, accessways, communal open space and parking areas”
 - Delete Policy 4G 3.11, and consequentially amend Policy 4G 3.10 to refer to “more than three storeys” rather than “and up to six storeys”.
 - Amend Policy 4G 3.13 to refer to “or alternative design solutions”

- Delete Policy 4G 3.16
- Amend Rule 4F 4.2.1AA and 4G 4.2.1 Number of Residential Units Per Site to “(b)(vi)(9) Bike parking, storage, and service areas Provision for access to active modes including bike and mobility vehicle parking, storage and service areas”, and add a new matter of discretion, “The effects on the safety and efficiency of the transport network (including pedestrians, cyclists and vehicles)”
- Consequentially amend Rule 4G 4.2.3 to remove reference to the height control overlay that limited building heights to four storeys for the HDRAA areas of Eastbourne, Stokes Valley, and Wainuiomata
- Amend Rule 4F 4.2.6 and 4G 4.2.8 Outdoor Living Space to preclude limited notification
- Amend references to Chapters 14E and 14G in Rule 4G 4.2.11 Demolition with Chapters 14E and 14F
- Amend Rule 4F 4.2.11 and 4G 4.2.13 Outlook Space to preclude limited notification
- Delete references to Heritage Precincts located within the HDRAA in 4F 5.1, and references to Heritage Precincts located within the MDRAA in 4G 5.2.

Reasons for Changes

- (637) The above changes are recommended in response to submissions from a range of submitters on Plan Change 56, for the reasons stated throughout Section 6.2.2 Residential of this report as above.

How these Changes Achieve the Purpose of the RMA

- (638) The proposed changes give effect (or give improved effect) to the mandatory standards set out by the MDRS and the mandatory direction set out by policies 3 and 4 of the NPS-UD.

Benefits of the Changes (Including Opportunities for Economic Growth and Employment)

- (639) The proposed changes:
- Clarify the introductory text, resource consent process, qualifying matters, objectives, policies, and rules for plan users
 - Add consideration of traffic safety effects, alternative transport modes, and accessibility to the policy framework
 - Better reflect and enable the intended flexibility, versatility, and planned urban building character of the MDRAA and HDRAA
 - Enable more flexible ways of achieving desired residential design, servicing, amenity outcomes
 - Improve efficiency for resource consent processes by precluding notification where a breach of a development standard is unlikely to have an effect beyond the extent of the subject site
 - Consequentially amendment provisions in response to changes in other sections of the Plan Change.

Costs of the Changes

- (640) There are no significant additional costs associated with the proposed changes.

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

- (641) I do not consider that there are any risks around uncertain or insufficient information in relation to the above recommended changes to Chapters 4F and 4G.

Efficiency and Effectiveness

- (642) As set out above, the efficiency of the recommended change is high because the benefits outweigh the costs, and the effectiveness of the recommended change is high because the goals of the Plan Change, the MDRS, and policies 3 and 4 the NPS-UD are achieved.

Other Reasonably Practicable Options for Achieving the Objectives

- (643) The other reasonably practicable option is to retain the provisions as originally proposed. However, for the reasons set out throughout Section 6.2.2 Residential of this report as above, it is considered more beneficial to make the recommended changes to Chapters 4F and 4G.

6.2.3. Commercial and other non-residential activity areas

Overview

- (644) This issue encompasses decisions in relation to objectives, policies, and rules (including standards and matters of discretion) on the Commercial section of the Plan, and other non-residential activity areas. In particular:
- Chapter 5: Commercial
 - Chapter 5A: Central Commercial Activity Area
 - Chapter 5B: Petone Commercial Activity Area
 - Chapter 5C: Suburban Commercial Activity Area (proposed for deletion)
 - Chapter 5D: Special Commercial Activity Area (proposed for deletion)
 - Chapter 5E: Suburban Mixed Use Activity Area
 - Chapter 6A: General Business Activity Area
 - Chapter 9A: Community Health Activity Area
 - Chapter 10A: Community Iwi Activity Area
- (645) This issue also covers changes proposed by submitters for other non-residential activity areas (except for proposed rural to residential rezonings).
- (646) This section includes relevant qualifying matters only where those were proposed to be addressed through activity area chapter provisions in PC56.
- (647) As noted in section 5, the general approach of this plan change was to incorporate the density standards of the MDRS, give effect to Policies 3 and 4 of the NPS-UD, and accommodate qualifying matters. The proposed changes to Chapters 5-5E, 6A, 9A, and 10A are intended to give effect to this approach.
- (648) The table below shows relevant submissions on this issue:

Provisions raised	Relevant submissions
General – zone descriptions	206
General – zoning of sites	206, F2, F22
General – centres hierarchy	206
General – land uses enabled by zone	111, 204, 207, 211, F10
General – provision for firefighting	176, F12, F20
5A Central Commercial	151, 176, 179, 206, 211, 275, F12, F13, F24
5B Petone Commercial	37, 116, 143, 151, 163, 176, 179, 206, 238, 243, 244, 246, 258, 274, F1, F2, F6, F8, F12, F13, F18, F21, F22, F24
5E Suburban Mixed Use	149, 151, 176, 188, 206, F2, F12, F13, F17
6A General Business	116, 176, 179, 188, 189, F22
9A Community Health Activity Area	176
10A Community Iwi Activity Area	176, 274, F23

Discussion

- (649) This section relates to provisions in the Commercial, Business, Community Health, and Community Iwi sections of the plan, not how they relate to qualifying matters. Qualifying matters are addressed in section 6.3 of this report.

General – Zone descriptions

- (650) Kāinga Ora (206.210, 206.211) seeks an amendment to the Chapter 5 front matter changing the zone description of the Suburban Mixed Use Activity Area, to change “moderate intensification” to just “intensification”.
- (651) I believe this is consistent with the policy direction of the zone and this change adds to the understanding of it, and so recommend accepting this submission point.

General – Zoning of sites

- (652) Kāinga Ora (206.2, 206.207, 206.270, 206.271, 206.274) opposed on some points by Wellington Regional Council (F2.5) and Petone Historical Society (F22.20) seeks rezoning of residential or other activity areas into a commercial zoning. The main effect of this would be changing the range of land uses available in the zone, rather than the scale of buildings. As no such change was proposed in the plan change, and Policies 3 and 4 of the NPS-UD relate to the scale of buildings rather than their uses, this is outside the scope of the plan change.

General – Centres hierarchy

- (653) Kāinga Ora (206.206, 206.208, 206.240, 206.241, 206.269) seeks a review of the centres hierarchy. In the operative plan, there are three tiers:
- the city centre and Petone, then
 - all other centres, then
 - out-of-centre activities.
- (654) Kāinga Ora’s discussion suggests a more complex approach.
- (655) As discussed in the strategic direction section on this issue, I believe this is beyond the scope of the plan change as notified. While there are rezonings proposed for the suburban centres, these are consequential and do not change the overall policy direction for centres.
- (656) Even if it is in scope, there is not enough information in the section 32 report or provided by submitters to suggest that the existing centres hierarchy is inadequate or ineffective. Council officers are currently gathering information to inform a review of centres for the full district plan review, including as part of the triennial Housing and Business Development Capacity Assessment.
- (657) However, the issues raised by Kāinga Ora do suggest that there are meaningful differences between centres in terms of their suitability for greater building height and density (as discussed in their submission point on Policy 1.10.1A.1), which is a more specific issue and will be discussed in relevant submission points on activity areas.

General – Land uses enabled by zone

Community corrections facilities

- (658) The Department of Corrections (111.10, plus a number of related amendments e.g. 111.11, 111.12) sought amendments to provide for “community corrections activities” in the Central Commercial, Petone Commercial, Suburban Mixed Use, and General Business Activity Areas.
- (659) In my view, this submission is outside the scope of the plan change, which as notified did not seek to make amendments to the land uses enabled in different activity areas, except minor consequential changes.

- (660) However, in case the panel is of a mind to consider this submission in scope, I will discuss its merits.
- (661) The submitter currently operates one Community Corrections facility in Lower Hutt, which is in the Central Commercial Activity Area where it is already a permitted activity, subject to conditions. Given the number of facilities the submitter operates in other cities such as Wellington, it seems unlikely there would any change to this in the lifetime of the plan other than moving the existing facility or opening at most one additional facility.
- (662) As a specialised and unique facility, Community Corrections facilities will serve clients from across the city, who will regularly need to travel to it, and may need to use other community or commercial services on the same trip. It is therefore relevant to consider how Community Corrections facilities sit within the identified centres hierarchy and which zones it is appropriate to locate in. It is also relevant to consider Objective 22 and Policies 30 and 57 of the RPS.
- (663) In my view, as relatively large, specialised, rare, city-wide destinations, Community Corrections facilities are best located in the regionally significant centres of the Central Commercial Activity Area (where the current facility is located), and Petone Commercial Activity Area. These locations make efficient use of existing parking and public transport services and allow clients and employees the benefits of colocation with other community and commercial services.
- (664) Community Corrections facilities are likely to be inappropriate in General Business or Special Business areas with poor connection to public and active transport, unless the nature of the activity is significantly lower density than typical in centres or includes significant industrial-type nuisances to neighbours, and the transport effects can be adequately managed. A resource consent assessment would be advisable, rather than a permitted activity.
- (665) They may be suitable in Suburban Mixed Use or other commercial areas with good connectivity, and this would be reasonable to consider in a resource consent application.
- (666) Finally, the submitter is a requiring authority under the Act and has the option to pursue a designation if necessary.

Retirement villages

- (667) Summerset (207.7, 207.8 and other consequential amendments e.g. 207.9, 207.10), the Retirement Villages Association (211.94 to 211.111), and Ryman Healthcare (204.1) seek specific provisions for retirement villages in Central Commercial, Petone Commercial, and Suburban Mixed Use activity areas, with a suite of objectives, policies, rules, and standards. This is opposed by NZTA (F10.13, FS10.14 and FS10.17).
- (668) As above, I do not consider this relief is within the scope of the plan change as notified in commercial areas. The plan change did not propose to change the land uses provided for in each commercial zone except as minor consequential changes.
- (669) However, in case the panel is of a mind to consider this submission in scope, I will discuss its merits.
- (670) All three of the mentioned zones intend to provide for residential uses, healthcare services, and other activities that make up a retirement village, and it is appropriate to provide for retirement villages in these zones.
- (671) However, there is a question over which standards should need to be met. The primary purpose of centres is to provide a hub of activity for the wider community, and thus the activity standards in the zone should primarily serve uses that provide a destination to visitors and the general public and activates the street. Other uses such as residential may support the centre and provide residential capacity, but these need to be designed in a way

that is compatible with the requirements of the centre as a compact, vibrant, and attractive destination.

- (672) This policy goal informs, for example, the standard found in all three activity areas for some or all of their areas, that restricts residential uses at ground level fronting the street, and directs residential activity to upper floors or the rear of sites where they do not compete with land uses that serve visitors.
- (673) In my view, retirement villages provide the same challenges for the centre and produce similar external effects to other residential activities, and it is appropriate at least within centres to apply the same standards. It may be reasonable to adjust the standards that relate to internal amenity issues to recognise the different functional needs of retirement villages and preferences of residents (e.g. required outdoor living space).
- (674) My recommendation is to reject the above submissions on land uses as being out of scope.

General – Provision for firefighting

- (675) Fire and Emergency New Zealand (176.37-40, 176.42-45, 176.47-48, 176.50-53, 176.55-58, 176.60-61) submits with a package of provisions regarding provision of firefighting water supply to developments, particularly those without reticulated water access.
- (676) This is opposed in part by KiwiRail (F20.11) and opposed by Retirement Villages Association (FS12.23-30).
- (677) This issue is already addressed in a district-wide manner in the Subdivision chapter of the operative plan, and it is redundant to address it in activity area chapters as well.
- (678) In any case, all the city's commercial activity areas, and the other urban non-residential activity areas within the scope of NPS-UD Policy 3(c) have access to the reticulated water supply network and these provisions would be largely redundant.
- (679) Further discussion of Fire and Emergency's submission is made in section 6.3.4 (Subdivision) of this report.

5A Central Commercial Activity Area

Objectives, policies, explanation and reasons

- (680) NZTA (151.26), Oyster Management (179.1), Kāinga Ora (206.212, 206.216), and the Retirement Villages Association (211.92, 211.93) support some or all objectives and policies as notified.
- (681) Kāinga Ora (206.218, 206.219) seeks rewording of the objective and policy in section 5A.1.2.3 to change the emphasis on amenity values of developments adjacent to residential areas.
- (682) I agree with Kāinga Ora's reasoning in their submission and recommend adopting their proposed wording with slight tweaks to the language for plan consistency.
- (683) Kāinga Ora (206.213-215, 206.220) seek minor wording changes to explanations and reasons sections. Given the limited weight generally given to explanations and reasons I do not think these changes would make a material difference to the plan's implementation or outcomes.
- (684) Te Āti Awa Nui Tonu (F24.21, F24.22 in part) seek references to mana whenua and providing for the cultural expression of Te Āti Awa Nui Tonu values and aspirations.
- (685) In my opinion, such an amendment to the policy is of little value without more specific provisions to implement it. The submitter may wish to expand on their concerns at the hearing.

- (686) Te Āti Awa Nui Tonu (F24.22) also seeks amendments to the explanation and reasons sections. I do not think explanation and reasons sections have much value in district plans and the suggested amendments do not assist the implementation of the plan.

Rules, conditions, and deleted appendices

- (687) Oyster Management (179.2, 179.3), Kāinga Ora (206.221-235), and Stride Investment (275.2, 275.3) support some or all changes to rules, conditions, and appendices as notified.

Design guides

- (688) Fire and Emergency NZ (176.41) supports the changes to the design guide as proposed.
- (689) Oyster Management (179.4) and Stride (275.4) support Amendment 239 to the design guide in particular.
- (690) NZTA (151.27) seeks a substantial revision of the design guide, but has not requested particular wording. Retirement Villages Association (FS12.8) and Ryman Healthcare (FS13.8) support in part this submission as far as it is consistent with their original submission.
- (691) Kāinga Ora (206.236-238) seeks that design guides and references to them be removed from the plan, and failing that (206.239) the design guide be substantially revised, but has not requested particular wording. Retirement Villages Association (FS12.46) and Ryman Healthcare (FS13.55) oppose in part this submission.
- (692) Te Āti Awa Nui Tonu (F24.23) seek amendments of the descriptions to include the aspirations of mana whenua and a broader review of the design guides.
- (693) The Section 32 report (see section 7.3.6) summarises the plan change's proposed approach for the Central Commercial Activity Area and the reasons for that approach. This was for a minimalist approach to implementing NPS-UD Policy 3(a), given the limited scope of the ISPP and the impending new full district plan (anticipated to be notified in the first half of next year).
- (694) The design guide is complex, unclear, ineffectual, and dated, and in my view does need a comprehensive revision or replacement, including taking better account of the Central City Transformation Plan (as NZTA requests) and simplification (as Kāinga Ora requests).
- (695) A full reworking of the design guide would be a major undertaking and would also depend greatly on the details of the activity area chapter being implemented.
- (696) Council is currently working on a full district plan review that will likely substantially change the Central Commercial Activity Area and implement the Central City Transformation Plan, including a full revision of the design guides throughout the plan, and a consistent plan-wide approach to how much, if any, of the design guides should sit within the plan.
- (697) In my view, a full reworking of the design guide now, based on the provisions of the operative chapter with the PC56 changes, would be wasted effort.
- (698) Removing the design guide would involve substantial changes to the objectives and policies of the activity area chapter itself and is likely not within scope of the plan change.
- (699) NZTA (151.29) also seeks a change to the design guide's description of the anticipated character of the Residential Transition Precinct that would discourage low density development. This change would not reflect the proposed policy direction of the Central Commercial Activity Area. The Residential Transition Precinct is on the fringe of the city centre. While it is appropriate to provide for higher densities, if there is no market demand for that, then low density development would still be a reasonable use of the land.

5B Petone Commercial Activity Area

General

- (700) Kāinga Ora (206.242) seeks that the Petone Commercial Activity Area be treated and recognised as a metropolitan centre.
- (701) The plan change as proposed has taken this approach, and as discussed in relation to the strategic direction on the Urban Environment (see section 6.3.1), I believe this is appropriate.
- (702) Investore (258.2) generally supports the proposed approach to intensification in the Petone Commercial Activity Area. Petone Historical Society (FS22.36) oppose this submission.
- (703) Te Āti Awa Nui Tonu (F24.24) seek more explicit recognition of sites and areas of significance to Māori (SASMs) including those yet to be identified.
- (704) The approach to sites and areas of significance to Māori is covered in more detail in section 6.3.3 of this report. In general it is not in scope of the ISPP to introduce new protection of sites and areas of significance except through limiting building height and density. The existing plan already adequately cross-references chapter 14E (Significant Natural, Cultural and Archaeological Resources). The submitter may wish to elaborate at the hearing on any unidentified sites or the degree to which the building height and densities provided for are inappropriate to protect them.
- (705) Te Āti Awa Nui Tonu (F24.26) also seek that the area be spelled “Pito-one” rather than “Petone”.
- (706) It is not in scope of the plan change to make this change throughout the plan. In my view, for the benefit of plan users, it is better that the plan use place names consistently. This issue is therefore better handled in the full plan review, and in combination with a more general discussion of Council’s other policies relating to the spelling of the name.

Objectives, policies, explanations, and reasons – Area 1

- (707) Heritage New Zealand (37.12), Petone Community Board (116.51), Sheree Freeman (143.2), Petone Historical Society (163.29), Oyster Management (179.5), Kāinga Ora (206.246), Martha Craig (243.3), Rex Torstonsen (244.3) and Brett Nicholls (246.3) each support one or more of the objectives and policies as proposed. Petone Historical Society (FS22.12, FS22.5) support the submissions from the Petone Community Board, Martha Craig and Heritage New Zealand. Petone Historical Society (FS22.24) oppose the submission from Kāinga Ora.
- (708) Petone Community Board (116.46, 116.47, 116.48) and Sheree Freeman (143.1) seek a variety of wording changes to the issue, policy, and explanation and reasons in section 1.1.2A to alter references to the area “around” Jackson Street to “in” Jackson Street.
- (709) Petone Community Board (116.50) and Sheree Freeman (143.3) seek wording changes to Policy 1.2.1(b) replacing “outside” with “adjacent to”. Petone Historical Society (FS22.12) support the Petone Community Board submission.
- (710) The Jackson Street Heritage Precinct and Petone Commercial Activity Area 1 cover slightly different areas. The changes proposed to the plan are not designed to substantially alter the functioning of the various provisions, but clarify which areas they apply to, based on whether they relate to historic heritage matters or not, including coming up with alternative wording to “historic” where the provision does not relate to a heritage matter.
- (711) I believe the language as proposed more accurately reflects the distinction between the historic heritage matters relevant to the Heritage Precinct and general land use matters relevant to all of Area 1, as well as accurately reflecting the proposed geographic boundaries of each spatial layer.
- (712) Kāinga Ora (206.244) seeks to delete clause (b) of proposed Policy 5B 1.2.1, which refers to management of development in Area 1 outside the Heritage Precinct. Petone Historical Society (FS22.23) oppose this submission.

- (713) RLW Holdings (238.2) seeks an entirely new replacement policy managing the design of built development in Area 1 outside the Heritage Precinct. Petone Historical Society (FS22.31) oppose this submission.
- (714) The style and character values of Jackson Street are important to the city, and in my view, it is appropriate to provide protection to them as long as it does not impact on development capacity and so I recommend rejecting Kāinga Ora's submission point.
- (715) I agree with RLW's point that there is incomplete policy direction governing the design of buildings in Area 1 outside the heritage precinct and this is an issue. The design guide primarily speaks to buildings of 1-3 storeys within the heritage fabric and does not provide useful guidance for buildings of up to 6 storeys, as are provided for in this area.
- (716) I do not think it is appropriate to provide for 6 storey buildings in an area of such key amenity value without providing for adequate control of their interface with each other and the street, and there should therefore be some relevant objectives and policies and an accompanying design guide.
- (717) However, effective implementation of the plan means providing suitably directive policies and providing design guidance. A comprehensive review of the design guidance for Area 1 is likely too big a job for the hearings on this plan change, for the reasons I discuss in the sections on the Central Commercial design guides.
- (718) The submitter points to the example of the adjacent High Density Residential Activity Area, which has design guidance in the objectives and policies and the out-of-plan Medium Density Design Guide. The Medium Density Design Guide and the relevant objectives and policies in the Suburban Mixed Use Activity Area probably would have been suitable for this situation. They also apply to commercial buildings, and although the Design Guide was written for 4 storey buildings it is fairly generic and proposed in the plan change to apply up to 6 storeys, the scale proposed for this situation.
- (719) However, I think it may be out of scope of the plan change as proposed to incorporate an entirely new design policy and guide, whether the wording requested by RLW Holdings or otherwise.
- (720) Accordingly, I do not recommend adopting the wording proposed by RLW Holdings. I recommend a few consequential changes to the Area 1 design guide in Appendix 1 to clarify the treatment of building height. While imperfect, I think the development capacity in the area is low, particularly considering the natural hazard overlays, and this situation only arises for a small number of sites, many of which have been recently redeveloped or are owned by Council (as part of the Petone Library) and not planned to be redeveloped soon.

Objectives, policies, explanations, and reasons – Area 2

- (721) Martha Craig (243.1, 243.2), Rex Torstonson (244.1, 244.2), and Brett Nicholls (246.1, 246.2) seek rewording of Policy 5B 1.1.2A(b) about the management of retail activities to reflect their impacts on the vibrancy and vitality of Area 1 and the Central Commercial Activity Area that would, in effect, reduce the scope of this policy. Petone Historical Society (FS22.32) oppose the submission from Martha Craig.
- (722) The submitters' proposed wording would make it less clear how to apply the policy. While it would potentially increase development capacity by making resource consent easier to obtain, there is little rationale given by submitters supporting the change and that rationale appears to argue the opposite of the relief proposed. I accordingly recommend rejecting this relief. It may be that this issue can be considered further in the hearing.
- (723) Kāinga Ora (206.245) seeks wording changes to Objective 5B 1.2.3 reflecting the management of amenity values and character. Retirement Villages Association (FS12.47) and Ryman Healthcare (FS13.58) support this submission.

- (724) In my view the proposed wording gives better effect to the NPS-UD's approach to amenity values and recommending accepting this submission point.

Extent of the Jackson Street Historic Precinct

- (725) Petone Community Board (116.49, 116.52 (inferred), 116.53 (consequential)) and Petone Historical Society (163.28 (inferred), 163.29, 163.31 (inferred)) oppose the reduction of the boundaries of the Jackson Street Historic Precinct. Jackson Street Programme (FS06.1) support this submission in part in not reducing the extent of the Jackson Street Historic Precinct. Petone Historical Society (FS22.12) support the Petone Community Board submission to the degree it is consistent with their original submission. Shayne Hodge (FS08.2) and Central Apartments Ltd (FS18.21) opposes this submission.
- (726) Sheree Freeman (143.5, consequential), Martha Craig (243.4, inferred), Rex Torstonson (244.4, inferred), and Brett Nicholls (246.4, inferred) seek that the Jackson Street Historic Precinct be expanded to the entirety of Area 1. Petone Historical Society (FS22.14) supports the submissions from Sheree Freeman and Martha Craig. Central Apartments (FS18.15) oppose the submission from Sheree Freeman.
- (727) The Jackson Street Historic Precinct creates significant constraints on development capacity that do not meet the requirements of NPS-UD Policy 3(b). These can only be justified with the presence of a qualifying matter under NPS-UD Policy 4, specifically the protection of historic heritage.
- (728) The submission points requesting that all of Area 1 be included in the precinct are also invalid to the extent that they expand the precinct beyond the boundaries of the operative plan. New heritage protections cannot be added within an IPI as it does not support and is not consequential on implementation of the MDRS or NPS-UD Policies 3 and 4.
- (729) This issue is discussed further in section 6.3.1 (Qualifying matters – heritage buildings, structures, and precincts).
- (730) I recommend that these points be rejected and retain the proposed approach of treating Area 1 and Jackson Street Heritage Precinct separate. For the exact boundaries of the Jackson Street Heritage Precinct, see section 6.3.1.

Rules – Area 1

- (731) Petone Historical Society (163.34) and Kāinga Ora (206.248) support one or more of the amendments to the rules as proposed. Hutt Voluntary Heritage Group (FS1.4) and Shayne Hodge (FS8.2) oppose this submission and Jackson Street Programme (FS06.1) support this part this submission.
- (732) Petone Historical Society (163.32) seeks to reword the permitted activity rules to restrict additional activities. Hutt Voluntary Heritage Group (FS1.4) and Shayne Hodge (FS8.2) oppose this submission and Jackson Street Programme (FS06.1) support this submission in part. It is beyond the scope of the ISPP to introduce new heritage protections.
- (733) The plan change proposes deletion of Condition 2.1.1.1(a), removing the 100% site coverage standard. This is a consequential amendment from the reformatting of the conditions in this chapter and is not intended to have a practical effect: a 100% site coverage standard is inherently impossible to contravene and has the same effect if it does not exist. Sheree Freeman (143.004), Martha Craig (243.5), Rex Torstonson (244.5), and Brett Nicholls (246.5) support the deletion. However, the reasoning they give suggests they in fact oppose the ability of developments to cover 100% of the site. They do not suggest an alternative figure.
- (734) Providing for 100% site coverage is the operative approach of this activity area, as with most commercial activity areas in this district plan. It is not a valid use of the ISPP to reduce development capacity without a qualifying matter, as this does not support and is not consequential on implementation of the NPS-UD. In any case I believe the approach to site

coverage is the appropriate one for commercial activity areas in general, and implements the objectives, policies, and design guide for Petone Commercial Area 1. I therefore recommend accepting the submissions in part (accepting them to the extent of granting the relief literally asked for, but not the implied relief).

- (735) Kāinga Ora (206.247) seek an increase in height limit from 22 metres to 53 metres, except where within the Jackson Street Heritage Area. EQC(FS21.18) and Petone Historical Society (FS22.27) oppose this submission.
- (736) That heritage area covers almost all of Area 1. Granting the relief would be effectively spot zoning of a small handful of sites, which would be surrounded by sites with much lower height limits. It would also create additional risks to the heritage values of Jackson Street which have not been assessed.
- (737) Many of the sites are also subject to qualifying matter overlays, particularly natural hazards, and so the increase in height limit would have little practical benefit.
- (738) In my view, the 22 metre height limit is appropriate and consistent with the requirements of NPS-UD Policy 3(b). Greater development capacity is provided for in Petone Commercial Area 2, which has a greater number of developable sites, a greater area out of the identified hazard areas, and is closer to the rapid transit network.
- (739) Kāinga Ora (206.249) seek to amend rule 2.1.2(a) to clarify that the amendments are only intended to enable works under new rules 2.1.1(f) and (g). Petone Historical Society (FS22.27) oppose this submission.
- (740) These rules were restructured in the plan for clarity and consistency with other chapters and the general thrust of the national planning standards (i.e., that rules should appear in the order permitted, controlled, restricted discretionary, discretionary, non-complying, prohibited). As plan users will only see the results of the amendments after they have taken effect, I do not think any clarification is needed in the text of the rules.
- (741) Kāinga Ora (206.250) seeks a non-notification clause for developments meeting the maximum height and abutting residential activity area standards. Petone Historical Society (FS22.27) oppose this submission.
- (742) I agree that public and limited notification is inappropriate for developments meeting permitted activity standards. I think that Kāinga Ora's logic also applies to condition (c).
- (743) Kāinga Ora (206.251) seeks a new restricted discretionary rule for developments that do not meet the permitted activity standards. Petone Historical Society (FS22.27) oppose this submission. I don't think a change of this degree can meaningfully be advanced through the hearings stage of PC56 and would be better addressed through the full district plan review.
- (744) Martha Craig (243.7), Rex Torstenson (244.7) and Brett Nicholls (246.7) support the changes to matter of discretion 2.2.2.1(a).
- (745) Te Rūnanga o Toa Rangatira (274.40) oppose the deletion of permitted activity condition 2.2.1.1(f). This deletion is a consequential amendment and the height limit is retained through a specific height control overlay.

Rules – Area 2

- (746) NZTA (151.30), Oyster Management (179.7, 179.8, 179.9), Kāinga Ora (206.253-256, 206.262-264), and Investore (258.1) support one or more of the amendments to the rules as proposed. Petone Historical Society (FS22.28) oppose the submissions from Kāinga Ora and Investore.
- (747) Oyster Management (179.6) oppose the change to rule 5B 2.2.1(l) that would require resource consent for alterations that increase building height over 22 metres on the ground that the 5% increase in floor area rule is sufficient. Kāinga Ora (206.258) by contrast seek to widen the situations where resource consent is required.

- (748) In my view the currently proposed balance is reasonable.
- (749) The Petone Community Board (116.54) seeks to extend the protection for Te Puni Urupā in condition 2.2.1.1(f) to also apply to the Jackson Street Heritage Precinct. As discussed in section 6.3.1 – Qualifying Matters – Heritage, I do not think the Heritage Precinct requires controls on building height and density below the requirements of NPS-UD Policy 3(b) outside the precinct to protect its values.
- (750) Kāinga Ora (206.257) seeks a change to the outdoor living space condition 2.2.1.1(i) to provide that up to 40% of units can meet the outdoor living space standard with a Juliet balcony. Some general aspects of this issue are discussed for the equivalent submission point on the Suburban Mixed Use area below and for the same reasons I recommend not accepting this change to the rule. However, unlike in the Suburban Mixed Use area I think Petone Commercial Area 2 already has strong policy direction supporting the existing approach and thus no additional policy is needed.
- (751) Kāinga Ora (206.259) seeks to bring residential facilities in as a new restricted discretionary activity (rather than defaulting to discretionary). As no changes to land use were proposed for this activity area in the plan this point is outside the scope of the plan change.
- (752) Kāinga Ora (206.261) seeks to delete the matter of discretion 2.2.2.1(a)(v) relating to natural hazards as natural hazards are now managed in chapter 14H. This is a reasonable point and I recommend accepting this change.

Design guides

- (753) Fire and Emergency NZ (176.46) support the changes to the design guide for Area 2 in full.
- (754) Oyster Management (179.10, 179.11) support changes to the design guides for consistency with the change in height limits. Petone Historical Society (FS22.17) oppose this submission.
- (755) NZTA (151.31) support the Amendment 290 to the summary table of the 'existing to future character' for the Petone Commercial Area 2. This support is noted.
- (756) Kāinga Ora (206.268) seek a rewrite of the design guides but do not provide suggested wording.
- (757) Te Āti Awa Nui Tonu (F24.26) seek amendments of the descriptions to include the aspirations of mana whenua and a broader review of the design guides.
- (758) Te Rūnanga o Toa Rangatira (274.41) seek guidelines to protect waahi tapu but do not provide suggested wording. Wellington Regional Council (FS02.14) support this submission.
- (759) RLW Holdings (238.1) seek to either apply the Area 1 design guide to the Jackson Street Heritage Precinct only, or clarify design criteria for properties outside of the Precinct. Petone Historical Society (FS22.31) oppose this submission. While a comprehensive rewrite is not practical here, I suggest some clarifications about how building scale should be considered. The submitter may wish to provide more information at the hearing about which sorts of design guidance in the existing guide would be most useful to update.
- (760) In general, as I discussed for the Central Commercial area, the design guides are complex, unclear, ineffectual, and dated, and in my view do need a comprehensive revision or replacement. Given the forthcoming full district plan review and a likely change in the policy direction of the chapter I think it would be wasted effort to try to substantially rewrite the design guides through the IPI.

5E Suburban Mixed Use Activity Area

- (761) Wellington Regional Council (149.65) supports the proposed amendment to the introduction for the activity area.
- (762) NZTA (151.32-34) supports the proposed amendments to Objective 5E 2.3 and Policy 5E 3.5.

- (763) Fire and Emergency NZ (176.49) seek an exemption to the height limit for emergency facilities up to 9 metres and hose drying towers up to 15 metres. The 9 metre exemption would have no effect as the height limit is at least 12 metres everywhere in the activity area. The 15 metre exemption would have no effect within the walkable catchment areas (where the standard height limit is 22 metres). However, it would provide an additional 3 metres in the remainder of the activity area.
- (764) In my view this is an overly specific situation to warrant considering a bespoke rule exception. The proposed plan change and operative district plan provides for breaches of the height limit as a restricted discretionary activity, and should FENZ wish to erect a hose drying tower of between 12 and 15 metres in the relevant parts of the Suburban Mixed Use Activity Area it can argue the positive and negative effects of hose drying towers in a resource consent application. Policies 5E 3.4 and 5E 3.7 would be relevant factors in such an application.
- (765) KiwiRail (188.6, 188.7) seeks a standard and associated matter of discretion governing buildings within 5 metres of the rail corridor to ensure they can be safely used, accessed and maintained without entering into the rail corridor. Kāinga Ora (FS17.26) oppose this submission. I note that Kiwirail also raised this issue unsuccessfully during the Council's previous Plan Change 43 covering intensification and has unsuccessfully sought this relief in a number of other councils' district plan changes and full plans around the country in recent years. It is also questionable whether this relief is within scope of the plan change as proposed as the relief is not consequential on any provision proposed in the plan. However, for completeness I will discuss the merits of the request.
- (766) For the Suburban Mixed Use activity area in particular, there are only two places where the Suburban Mixed Use area borders or includes the rail corridor, and both are railway stations – Waterloo and Western Hutt. The stations as a whole are either under the practical control of KiwiRail, the main passenger rail customer Wellington Regional Council, or were previously land owned by the rail operator that was intentionally sold off as surplus to requirements. Accordingly, the practical impact of this requested rule is minimal.
- (767) However, for the larger point, if KiwiRail is concerned about unauthorised trespass into the rail corridor by neighbours, this is a criminal offence which can be prosecuted. KiwiRail can also fence the rail corridor to deter this unauthorised access.
- (768) Finally, the submitter is a requiring authority under the Act and already holds designations NZR 1, NZR 2, and NZR 3 for the rail corridor. If it needs additional protection for this infrastructure beyond the existing designation, the appropriate method is to alter the designation.
- (769) I accordingly recommend rejecting KiwiRail's submission points.

Kāinga Ora submission points.

- (770) For most of the chapter, the only submissions were from Kāinga Ora.
- (771) Points 206.276, 206.277, 206.279, 206.281, 206.283, and 206.290 support amendments as proposed.
- (772) Kāinga Ora seeks in 206.272, 206.275 (in part, inferred), 206.288 (in part) to increase in the height limit to 36 metres in Naenae and Waterloo. Wellington Regional Council (FS02.5) oppose this submission unless there are the necessary controls to manage potential effects of water bodies and freshwater ecosystems to give effect to the NPS-FM.
- (773) I agree with the submitter that Waterloo and Naenae are major centres, and their level of commercial activity and community services are commensurate with providing for heights of over six storeys, particularly given their strategic locations on the rapid transit network and core bus network.

- (774) However, in my view, there is limited merit to a height limit higher than six stories but that still has an explicit cap (such as the 36 metres requested by Kāinga Ora) at all. Even six stories is very different from the existing environments of Naenae and Waterloo, and so compatibility with the existing environment is not a useful guide.
- (775) Coming back to the strategic goals of the NPS-UD and the general approach to commercial centres in the operative plan, there is no good reason to limit residential development capacity in general in these centres, which are among the best locations for more development. Commercial development is more complex, but in my view is adequately managed by the existing 500m² gross floor area resource consent trigger.
- (776) However, it is still appropriate to control design and external effects, including those that arise from having a scale greater than 6 storeys.
- (777) I am familiar with the pattern of development that happened in Lower Hutt after Plan Change 43. Despite providing for four storey buildings, it was rare to see significant development in the commercial centres. Even in residential areas, which saw much more development, two stories was much more common than three stories despite three stories being enabled as permitted.
- (778) Accordingly, there is likely to be limited demand for buildings of six stories or more. While we should anticipate and provide for such developments, they are likely to be rare. Each will present different design issues and external effects and are most appropriately considered on a case by case basis, including what scale they should be limited to, if such a limit is necessary.
- (779) I therefore recommend no change to the rules, including the height limit, but recommend accepting the submission point in part in a modified form by providing policy guidance that explicitly recognises and provides for higher buildings in Naenae and Waterloo while managing their design.
- (780) In 206.273 Kāinga Ora requests an increase in the height limit to 22 metres wherever it is less than that (inferred). EQC oppose this submission. This submission point was unclear and appears to conflict with their requested relief in 206.288. More detail from the submitter at the hearing would be appreciated.
- (781) In 206.275 (in part, explicitly) Kāinga Ora seeks mention of Naenae and Waterloo in the activity area introduction as being places where the highest level of building height and density is provided for. This submission point as worded is redundant as these centres are already covered by the following bullet point, “are located within a walkable catchment of rapid transit stops”. However, as a consequence of special recognition of Naenae and Waterloo it is appropriate to reword the introduction and I have provided suggested wording.
- (782) In 206.278, 206.280, 206.282 Kāinga Ora seeks a rewording Objective 5E 2.4 and Policy 5E 3.5 to reduce the emphasis on adverse effects on the amenity values of neighbouring residential areas and clarify how it should be considered. Retirement Villages Association (FS12.50) and Ryman Healthcare (FS13.61) support this submission in so far as it is consistent with their original submission.
- (783) I believe the submitter’s reasoning is well argued and adopt it, and recommend accepting these points, with minor wording changes.
- (784) Kāinga Ora requests in 206.284 (in part), 206.286 (in part), 206.289, 206.292 to delete references to the design guide. Retirement Villages Association (FS12.51) and Ryman Healthcare (FS13.62) support this submission in so far as it is consistent with their original submission.
- (785) The issue of how the design guide relates to the plan was considered at length in the hearings of Plan Change 43, which introduced the Suburban Mixed Use Activity Area and the design guide. The operative plan approach is the result of that process and is continued in PC56. This is to have design principles in the plan and the guide sit outside. The Council

is also conducting a comprehensive review of the zone chapters and design guides as part of the full plan review. I do not think the proposed changes to PC56 fundamentally alter the issues at play and the benefits and drawbacks of the different approaches. Therefore I do not think it is productive to revisit the issue yet again in this forum and so recommend rejecting these points.

- (786) In 206.285, 206.287, 206.293 Kāinga Ora requests notification preclusions for residential units and other residential habitable units at ground level, and breaches of the outdoor living space standard. Ryman Healthcare (FS13.63) support in part this submission in so far as it is consistent with their original submission.
- (787) The submitter's reasoning is well argued, and I adopt it. I recommend accepting these points with minor wording changes to match the general format for notification preclusions in recent plan chapters.
- (788) In 206.286 Kāinga Ora requests a minor grammatical change. I do not think this change would have a material impact on the plan or its implementation and so recommend rejecting this point.
- (789) In 206.288 (in part), to the extent I understand the submitter's request, Kāinga Ora ask to show different height limits in the text of the plan rather than with the specific height control overlay on the district plan map. Clarification from the submitter at the hearing would be useful.
- (790) In my view the proposed approach of displaying heights on the zoning map is more useful for plan users and so recommend rejecting this point.
- (791) In 206.291 Kāinga Ora ask to allow the outdoor living space standard to be met with a Juliet balcony for up to 40% of units.
- (792) A Juliet balcony, by definition, is not outdoor living space. It provides effectively the same relationship with the outdoors as a large window. Units with only a Juliet balcony should be considered as units that do not have a balcony at all.
- (793) The existing provisions of the activity area provide for non-compliance with the standard as a restricted discretionary activity, non-notified (including my recommendations on the submitter's other points). This allows consideration of whether non-compliance with the standard is appropriate given, among other things, "the proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space". I believe these existing provisions adequately provide for suitable assessment of developments with Juliet balconies.

6A General Business Activity Area

- (794) Argosy Property No. 1 (189.1) supports the height limit change as proposed.
- (795) Petone Community Board (116.56) supported by the Petone Historical Society (F22.12) submits with reference to the Jackson Street Heritage Precinct. This issue is not relevant to the General Business Activity Area and is better handled in the Petone Commercial Activity Area, where I note the submitter has also asked for changes.
- (796) Fire and Emergency NZ (176.54) asks for an exception to the height limit for emergency facilities up to 9 metres in height and hose drying towers up to 15 metres.
- (797) Within the walkable catchment area, this exception would have no effect as the standard height limit is 22 metres. Outside the walkable catchment area, this relief is an invalid use of the ISPP as it does not have a connection to NPS-UD Policies 3 and 4.
- (798) Accordingly I recommend rejecting the relief.
- (799) Oyster Management (179.12) seeks a 22 metre height limit apply to either all of the General Business Activity Area or failing that to 75 Wainui Road.

- (800) Argosy Property No. 1 (189.2) seeks a 22 metre height limit apply to 39 Randwick Road.
- (801) 75 Wainui Road and 39 Randwick Road are each outside the walkable catchments covered by NPS-UD Policy 3(c) and proposed district plan Policy 1.10.1A.1.
- (802) This relief is an invalid use of the ISPP at it does not have a connection to NPS-UD Policies 3 and 4.
- (803) KiwiRail (188.8, 188.9, 188.10) seeks a standard and associated matter of discretion governing buildings within 5 metres of the rail corridor to ensure they can be safely used, accessed and maintained without entering into the rail corridor. Kāinga Ora (FS17.28) oppose this submission. I note that in relation to residential areas KiwiRail also raised this issue unsuccessfully during the Council's previous Plan Change 43 covering intensification and has unsuccessfully sought this relief in a number of other councils' district plan changes and full plans around the country in recent years. It is also questionable whether this relief is within scope of the plan change as proposed as the relief is not consequential on any provision proposed in the plan. However, for completeness I will discuss the merits of the request.
- (804) The proposed request is disproportionate to the issue. The law of trespass generally provides a strong incentive for people constructing buildings to ensure they can either access and maintain them without crossing the property boundary, or that they can arrange access with the neighbour.
- (805) Unauthorised trespass into the rail corridor by neighbours is a criminal offence which can be prosecuted. KiwiRail can also fence the rail corridor to deter this unauthorised access.
- (806) Finally, the submitter is a requiring authority under the Act and already holds designations NZR 1, NZR 2, and NZR 3 for the rail corridor. If it needs additional protection for this infrastructure beyond the existing designation, the appropriate method is to alter the designation.
- (807) I accordingly recommend rejecting KiwiRail's submission points.

9A Community Health Activity Area

- (808) Fire and Emergency NZ (176.59) supports the height limit change as proposed.
- (809) There were no other submissions on the Community Health Activity Area.

10A Community Iwi Activity Area

- (810) Fire and Emergency (176.62) support the rules as notified.
- (811) Te Rūnanga o Toa Rangatira (274.33) requested that the provisions relating to Te Kakano o Te Aroha Marae be amended to take account of SASMs as a qualifying matter.
- (812) The Section 32 report in section 7.2.3.1 and Table 11 sets out the approach to qualifying matters, including providing for the RMA section 6(e) matter: the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. This is accomplished by continuing the operative district plan approach in Chapter 14E (Significant Natural, Cultural and Archaeological Resources) to protecting identified sites, and introducing a recession plane rule framework specific to sites bordering marae that preserves the operative General Residential recession plane for those sites, triggering an assessment of the development's impact on the marae.
- (813) The only application of the Community Iwi Activity Area near Te Kakano o Te Aroha Marae is on the land of the marae itself. In my view, the operators of the marae are best placed to protect the significance of their marae as it may be affected by development on the marae itself.

- (814) The neighbouring sites are in the proposed High Density Residential Activity Area. The plan change as proposed includes an objective 4G 2.7, policy 4G 3.15, and rule 4G 4.2.6 designed to protect the marae from risks to cultural safety.
- (815) As this issue is common to a number of activity areas, it will be considered in a district-wide way in section 6.3.3.
- (816) Te Rūnanga o Toa Rangatira (274.46, 274.47) opposes the amendment to the rules of the activity area and seeks that the MDRS and High Density Residential provisions not apply to sites within the Community Iwi Activity Area. This is opposed by Te Āti Awa Nui Tonu (F23.32-33, inferred³).
- (817) The Community Iwi Activity Area in the operative framework, despite being presented as a standalone zone, functions as effectively an overlay on top of a “base zone”, being General Residential, General Business, or General Recreation. This largely follows the provisions of the base zone, while providing for an additional range of activities of relevance to tangata whenua.
- (818) Despite not being a relevant residential zone, the Community Iwi Activity Area needs to be updated as a consequential matter where it refers to the General Residential Activity Area, as that activity area is proposed to be deleted. Sites that fall within NPS-UD Policies 3(c) and 3(d) (e.g. Te Tatou o Te Pō Marae and Te Kākano o Te Aroha Marae) also need to have NPS-UD Policies 3 and 4 implemented.
- (819) The method taken in the proposed plan change, is in my view the most appropriate way to address this situation. This is to provide for sites in the Community Iwi Activity Area to update the “base zone” to be that of the surrounding residential or business area. This also provides the owners and occupiers with the ability to undertake an equivalent scale of development to their neighbours, which is in my view the only equitable approach. The relief sought by the submitter would provide owners and occupiers in the Community Iwi Activity Area with less development capacity than otherwise equivalent land nearby.
- (820) There is the issue of whether there is a relevant qualifying matter that makes it appropriate to limit building height and density. Many sites in the Community Iwi Activity Area would potentially need protection as a section 6(e) matter. However, where identified as existing significant sites, they already have protection in the operative plan in Chapter 14E. For marae as significant sites in themselves, in my view, the operators of those marae are best placed to protect the significance of their own marae, rather than having restrictions on their ability to use their land imposed by the Council. Restrictions to protect the marae from development on neighbouring sites are also placed on neighbouring sites through those sites’ relevant activity areas (Medium Density Residential, High Density Residential, and General Business) rather than through the Community Iwi Activity Area.
- (821) Accordingly, I recommend rejecting the submission points of Te Rūnanga o Toa Rangatira and accepting in part the further submission points of Te Āti Awa Nui Tonu.

Summary of Officer Recommendations and S32AA Evaluation

- (822) Section 32AA of the RMA requires a further evaluation of any changes that have been made to, or are proposed for, a proposed Plan Change since the original evaluation report for the proposed Plan Change was completed.
- (823) This evaluation must be undertaken in accordance with section 32(1) to (4) of the RMA. The Section 32AA evaluation of these recommended changes made in response to submissions is provided below.

Recommended Changes

³ The further submission gives the position as “support and oppose”, I have made an inference based on previous contact with the submitter but clarification at the hearing would be welcome.

- (824) The following is a summary of the recommended changes to Chapters 5, 5A, 5B, and 5E, in response to the submission points outlined in this section.
- Amend the Introduction for Chapter 5 to change the description of the Suburban Mixed Use Activity Area, from providing for “moderate intensification” to just “intensification”.
 - Update Central Commercial Objective and Policy 5A 1.2.3 about adjoining residential areas to clarify the approach and improve consistency with the direction of the NPS-UD
 - Preclude public and limited notification for developments meeting permitted activity standards in Petone Commercial Activity Area 1
 - Delete a redundant matter of discretion on natural hazards from Petone Commercial Area 2.
 - Update the Petone Commercial Area 1 Design guide to clarify the expected building heights outside the Jackson Street Heritage Precinct.
 - Modify Objective 5E 2.4 and Policy 5E 3.5 about adjoining residential areas to clarify the approach and improve consistency with the direction of the NPS-UD
 - For the Suburban Mixed Use Area, update the introduction and provide a new policy and objective providing for taller buildings in Naenae and Waterloo that demonstrate high quality design

(825) I do not recommend any changes to chapters 6A, 9A, and 10A.

Reasons for Changes

(826) The above changes are recommended in response to submissions from a range of submitters on Plan Change 56, for the reasons stated throughout this section as above.

How these Changes Achieve the Purpose of the RMA

(827) The proposed changes give effect (or give improved effect) to the mandatory standards set out by policies 3 and 4 of the NPS-UD.

Benefits of the Changes (Including Opportunities for Economic Growth and Employment)

(828) The proposed changes:

- Clarify the introductory text, resource consent process, qualifying matters, objectives, policies, and rules for plan users
- Better reflect and enable the intended flexibility, versatility, and planned urban building character of the commercial activity areas
- Enable more flexible ways of achieving desired residential design, and amenity outcomes
- Provide more development capacity in key commercial centres that are also well served by the rapid transit network
- Improve efficiency for resource consent processes by precluding notification where a breach of a development standard is unlikely to have an effect beyond the extent of the subject site
- Consequentially amendment provisions in response to changes in other sections of the Plan Change.

Costs of the Changes

(829) There are additional costs of the changes as it will provide a lower degree of amenity protection for residential areas adjoining commercial areas. However, in the context of the

NPS-UD this cost is generally an acceptable outcome and is anticipated by that national direction. It is also likely to be minor in the context of the existing change already enabled within the residential areas themselves.

- (830) Other than this there are no significant additional costs associated with the proposed changes.

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

- (831) I do not consider that there are any risks around uncertain or insufficient information in relation to the above recommended changes to Chapters 5, 5A, 5B, and 5E.

Efficiency and Effectiveness

- (832) As set out above, the efficiency of the recommended change is high because the benefits outweigh the costs, and the effectiveness of the recommended change is high because the goals of the Plan Change, the MDRS, and policies 3 and 4 the NPS-UD are achieved.

Other Reasonably Practicable Options for Achieving the Objectives

- (833) The other reasonably practicable option is to retain the provisions as originally proposed. However, for the reasons set out throughout this section of the report, it is considered more beneficial to make the recommended changes to Chapters 5, 5A, 5B, and 5E.

6.2.4. Subdivision

Overview

- (834) The proposed plan changes to the Subdivision Chapter are either consequential amendments arising from the changes to the residential and commercial zones or minor updates. For example, the majority of the updates are to the zone (Activity Area) names.
- (835) This section of the report covers submissions relating to subdivision, including all submissions on Chapter 11 Subdivision. The following table groups and summarises submissions on subdivision.

Submissions on subdivision	
Subdivision - overall	26 Grant Bristow 114 Kimberley Vermacy 81.5 David Smith 274.30 Te Rūnanga o Toa Rangatira (on behalf of Ngāti Toa Rangatira)
Changes to specific provisions	37 Heritage New Zealand Pouhere Taonga 81 David Smith 116 Petone Community Board 149 Wellington Regional Council 153 Transpower New Zealand Ltd 163 Petone Historical Society 168 Sylvia and Bill Allan 176 Fire and Emergency New Zealand 206 Kāinga Ora 219 Survey and Spatial New Zealand 274 Te Rūnanga o Toa Rangatira (on behalf of Ngati Toa)

Discussion

(836) A few submissions comment on or raise matters about subdivision generally. In addition, other submissions make specific comments or request changes for individual provisions. To aid in the evaluation of these submissions, this discussion is split into the following sections:

- Subdivision – overall
- Changes to specific provisions

Subdivision – Overall

- (837) Grant Bristow (26.5) seeks proper consideration be given to heritage and character areas when properties are subdivided.
- (838) Kimberley Vermacy (114.6) seeks better alignment of the objectives, policies, and rules pertaining to the subdivision with the land use provisions. This may require a reworking of the subdivision provisions to ensure this alignment. In addition, Kimberley Vermacy (114.8) also seeks the subdivision objectives, policies and rules should be updated to reflect the use of the Wellington Water Standards.
- (839) David Smith (81.5) requests limit subdivision where extensive removal of trees will be required to reduce the impact on the environment.
- (840) Te Rūnanga o Toa Rangatira (on behalf of Ngāti Toa Rangatira) (274.30) seek more consideration of all sites and areas of significance to Māori, rather than just those covered by the Community Iwi Activity Area. Wellington Regional Council (F02.16) and Te Āti Awa Nui Tonu (F24.34) further submitted in support of this submission.
- (841) PC56 as notified includes additional provisions to manage subdivision for heritage precincts. Amendment 344 adds a new policy and Amendment 360 adds a new rule for subdivision within the Residential Heritage Precinct and Patrick Street-Riddlers Crescent Precinct. Therefore, consideration will be given to heritage values in these areas. The submitter may wish to elaborate at the hearing whether they consider wider consideration should be given.
- (842) The subdivision provisions seek to align with the land use provisions. For example, all subdivisions need to demonstrate that it is possible to develop compliant land use activities on each lot. The submitter may wish to elaborate at the hearing any specific areas of concern or misalignment. Similarly, the current District Plan refers to and relies upon Wellington Water Standards. For example, Rule 4F 4.2.10 for stormwater retention refers to the relevant Wellington Water Standard. The submitter may wish to elaborate at the hearing any specific standards which are not up-to-date.
- (843) There are specific rules in the District Plan relating to vegetation removal. For example, refer to Amendment 144 Rule 4G 4.1.11 which is the carried over vegetation removal rules from the Operative District Plan.
- (844) Regarding greater consideration of sites and areas of significance to Māori, PC56 continues the current approach for subdivision in the Operative District Plan. This current approach relies on matters of control and discretion on assessing the effects of the subdivision on historical and cultural significance. There are no specific rules for subdivision of sites or areas of significance to Māori. Given the potential for subdivision to adversely affect the values of sites and areas of significance to Māori, I do not consider these matters of control or discretion would effectively manage these potential effects. I consider discretionary activity status for subdivision of sites and areas of significance to Māori would be a more effective activity status. This activity status is consistent with other existing and proposed rules for the subdivision of land relating to Section 6 RMA matters, such as subdivision in the coastal environment, subdivision within heritage precincts and subdivision in high natural

hazard areas. It is recommended this submission is accepted and recommended amendments are shown in Appendix 1.

Subdivision – Changes to Specific Provisions

Objectives and Policies

- (845) David Smith (81.3) requests Amendment 338 (regarding allotment standards) and 339 (regarding natural hazards) be applied to any subdivision approval.
- (846) Heritage New Zealand Pouhere Taonga (37.13) support Amendments 343 (Objective 11.1.4 Special Areas) and 344 (Policy 11.1.4 Special Areas) and request they be retained.
- (847) Wellington Regional Council (149.66) request a new policy to encourage subdivision design to achieve efficient water use and require alternate water supplies for non-potable use. Investore Property Ltd (F23.1) further submitted in opposition to this submission.
- (848) Wellington Regional Council (149.67) request a new policy that requires the provision of infrastructure in subdivision development that supports modal shift and consideration of how design can reduce greenhouse gas emissions. Retirement Villages Association of New Zealand Inc (F12.15) and Ryman Healthcare (F13.15) further submission in part supporting this submission, though requesting retirement villages are excluded from this new policy. Investore Property Ltd (F23.1) further submitted in opposition to this submission.
- (849) Wellington Regional Council (149.68) support Amendment 339 (Objective 11.1.3) and request it be retained. Investore Property Ltd (F23.1) further submitted in opposition to this submission.
- (850) Kāinga Ora (206.296) support Objective 2 in Section 11.1.4 and request it be retained.
- (851) Kāinga Ora (206.297) request Policy b in Section 11.1.4 be amended to better achieve both the outcome sought by the policy, and the underlying zone. Petone Historical Society (F22.29) further submitted in opposition to this submission.
- (852) Te Rūnanga o Toa Rangatira (on behalf of Ngāti Toa Rangatira) (274.29) support Objective 11.1.3 and seek it be retained.
- (853) Evaluation: Applying the objectives and policies in Amendments 338 and 339 occurs through the subdivision rules. The rules in Section 11.2 of the District Plan require compliance with minimum lot size and dimensions. If these parameters are not complied with, in assessing the subdivision application, consistency with the objectives and policies is assessed. Therefore, the relief sought by David Smith is already provided for.
- (854) In relation to encouraging subdivision design to achieve efficient water use and supporting modal shift, these matters are not reflected in the objectives for subdivision. Therefore, these new policies would not be effective in achieving the existing objectives. In addition, it is unclear from the submission how these policies would be implemented. The submitter may wish to elaborate at the hearing.
- (855) Policy 11.1.4(b) is focused on achieving new objective 2 which seeks to provide the historic heritage values of the identified heritage precincts from inappropriate subdivision. The alternative wording submitted by Kāinga Ora is not supported as 'providing for' subdivision may not be effective in achieving this objective.

Rules

- (856) Heritage New Zealand Pouhere Taonga (37.14) request Rule 11.2.2.1 be amended to replace "Historic Residential Precinct" with "Residential Heritage Precinct" for consistency.
- (857) Petone Community Board (116.58) support Amendment 347 (Rule 11.2.2.1) and request it be retained.
- (858) Petone Community Board (116.60) note a minor correction to the numbering in Rule 11.3.4 – i.e. the numbering of (da).

- (859) Wellington Regional Council (149.71) request a new matter of control or discretion on the extent to which the design protects, enhances, restores or creates nature-based solutions to manage the effects of climate change. Investore Property Ltd (F23.1) further submitted in opposition to this submission.
- (860) Wellington Regional Council (149.72) support Matters of Control in 11.2.2.2 and request they be retained. Investore Property Ltd (F23.1) further submitted in opposition to this submission.
- (861) Wellington Regional Council (149.73 and 149.74) request a new matter of control or discretion on reverse sensitivity. Kāinga Ora (F17.7) and Investore Property Ltd (F23.1) further submitted in opposition to this submission.
- (862) Transpower New Zealand Ltd (153.15 and 153.16) support the amendments to Rules 11.2.3 and 11.2.4.1 and request they be retained.
- (863) Petone Historical Society (163.37, 163.38, 163.39) request a series of amendments to objectives, policies and rules relating to Residential Heritage Precincts so they relate to the individually listed heritage items in Appendix 14F Appendix Heritage 1 and 2. Jackson Street Programme (F06.1) further submitted in support of this submission. Shayne Hodge (8.2) further submitted in opposition of this submission. This is opposed by the Hutt Voluntary Heritage Group (F01.4).
- (864) Fire and Emergency New Zealand (176.63 and 176.64) request the addition of a new permitted activity standard requiring new allotments to be supplied with a sufficient water supply for firefighting purposes, and access to that supply, in accordance with SNA PAS 4509:2008.
- (865) Kāinga Ora (206.299) request a new non-notification clause for Rule 11.2.2 (controlled activity subdivision).
- (866) Kāinga Ora (206.300) request Rule 11.2.2.1(a) (controlled activity standards and terms for allotment design) be amended to refer to vacant allotments, add a minimum shape factor, and delete the minimum frontage standard.
- (867) Kāinga Ora (206.301, 206.302 and 206.304) request a new clause be added to Rule 11.2.3 to make non-compliance with the allotment design requirements for Medium Density Residential Area and High Density Residential Activity Area as a restricted discretionary activity (rather than a discretionary activity). In addition, a non-notification clause for this new rule is also requested.
- (868) Survey and Spatial New Zealand (219.11) support the changes to Standard and Terms 11.2.2 and request they are retained.
- (869) Te Rūnanga o Toa Rangatira (on behalf of Ngāti Toa Rangatira) (274.31) support Assessment Criteria 11.2.2.3 and seek it be retained.
- (870) Te Rūnanga o Toa Rangatira (on behalf of Ngāti Toa Rangatira) (274.32) express concern about the amendment to Rule 11.2.2 and the impact of High and Medium Density affecting Community Iwi Activity Areas/Marae, and request they should be controlled, and the outcome should be determined through tangata whenua engagement.
- (871) Te Rūnanga o Toa Rangatira (on behalf of Ngāti Toa Rangatira) (274.33) request Rule 11.2.2 be amended to say the site allotment will enable tino rangatiratanga. Te Āti Awa Nui Tonu F24.34) further submitted in support of this submission.
- (872) Evaluation: The request from Heritage New Zealand Pouhere Taonga to Rule 11.2.2.1 is supported for consistency of wording used throughout the plan change. This wording should also be corrected in Policy 11.1.4 and Rule 11.2.4 as shown in Appendix 1.
- (873) In relation to the numbering reference identified by the Petone Community Board, the number (da) was used to differentiate this new rule from the existing (d) number which is

proposed to be deleted. This numbering will be corrected in the final version of the plan change.

- (874) In terms of adding a matter of control or discretion on nature-based solutions, I am unsure of the higher-level policy direction or support for this requirement. As discussed earlier in this report, limited weight is placed on PC1 to the RPS given it is only part way through the plan change process.
- (875) In terms of adding a matter of control or discretion on reverse sensitivity, I agree with the submitter there is increased potential for reverse sensitivity issues to arise as a result of increased density of development. However, the matters of control in Rule 11.2.2 apply across all Activity Areas, and it is out of scope to amend this rule to apply to all Activity Areas. While the matter of control and discretion could be drafted to only refer to Activity Areas within the scope of this plan change, in my view this approach would not be an appropriate approach. I consider it would be more effective to address this matter as part of the full district plan review. For these reasons, I recommend this submission point be rejected.
- (876) The amendments sought by the Petone Historical Society are supported as subdivision of a listed heritage items could adversely affect the values of these items. Making subdivision of land of listed heritage items a discretionary activity would have the benefits of ensuring the heritage values are protected, and applications could be declined if the proposed subdivision was inappropriate in terms of effects on heritage values. The costs of this activity status are the time, financial costs and uncertainty of the resource consent process. It is recommended this submission is accepted and recommended amendments are shown in Appendix 1.
- (877) It is noted the relief sought by FENZ is already provided for in the Operative District Plan (Rule 11.2.2.1(b)(vi) which refers to compliance with NZS PAS 4509:2008 and Appendix Transport 1 (2)(a) Vehicle Access).
- (878) In relation to adding a non-notification clause to Rule 11.2.2, as Kāinga Ora note in their submission, Section 95A(5)(b) RMA provides a notification preclusion for Controlled Activity resource consents. While Section 95B(6)(b) RMA does not automatically preclude notification for Controlled Activity subdivision consents, the other parts of Section 95B set out the tests for limited notification. I consider the provisions for notification set out in Sections 95A – 95F of the RMA provide the appropriate test for determining whether notification is required. I disagree a non-notification clause is required to achieve the outcome of Clause 5(3) of Schedule 3A of the Act.
- (879) Replacing “resulting allotments with no residential units” with “vacant lots” would have a neutral impact. However, the current wording mirrors the wording used in the previous point in this rule which states “resulting allotments with residential units”. This complementary wording is more certain than replacing it with a new term of ‘vacant lots’.
- (880) In terms of replacing “it is practicable to construct a residential unit on the allotment as a permitted activity” with “the allotment can accommodate a rectangle with a shape factor of 8m x 15m”, I consider this alternative wording would be simpler to apply and provides more certainty. However, the shape factor approach provides less flexibility, particularly for irregularly shaped properties. The existing approach have been working effectively, providing both certainty and flexibility to design complying subdivisions that accommodate residential units. Accordingly, I do not consider the alternative approach requested is more efficient or effective.
- (881) In relation to deleting the minimum frontage standard from Rule 11.2.2.1(a), based on the submissions from Kāinga Ora it is unclear how this minimum standard is inconsistent with Rule 11.2.2.3(b). Rule 11.2.2.1(a) relates to ‘allotment design’ standards for controlled activities in the Medium Density and High Density Residential Activity Areas. This standard requires a 3m minimum frontage to ensure there is drive-on access to the allotment. Rule 11.2.2.3(b) relates to assessment criteria covering ‘engineering design – access’ which are

applied when assessing controlled and restricted discretionary activities. Therefore, it is not considered these rules are inconsistent – rather they complement each other. Also, it is noted that the changes to these rules in PC56 as notified are consequential amendments associated with changes to the name of residential Activity Areas, therefore deleting this rule is potentially out of scope. It is recommended this submission is rejected.

- (882) Regarding changing the activity status for non-compliance with the allotment design standards from restricted discretionary to discretionary activity status, allotment design is a fundamental aspect of a subdivision proposal. Non-compliance with the allotment design standards have the potential to generate a wide range of effects. Therefore, it is not considered effective or efficient to limit the matters for assessment of these types of proposals. For these same reasons, it is not appropriate to insert a non-notification clause to this rule.
- (883) The amendment to Rule 11.2.2 of concern to Te Rūnanga o Toa Rangatira is a consequential amendment to the subdivision rules arising from no longer having a General Residential Activity Area which is replaced by Medium Density Residential and High Density Residential Activity Areas. Given the consequential reason for this amendment, no changes are recommended.

Summary of Officer Recommendations and s32AA Evaluation

- (884) Section 32AA of the RMA requires a further evaluation of any changes that have been made to, or are proposed for, a proposed Plan Change since the original evaluation report for the proposed Plan Change was completed.
- (885) This evaluation must be undertaken in accordance with section 32(1) to (4) of the RMA. The Section 32AA evaluation of these recommended changes made in response to submissions is provided below.

Recommended Changes

- (886) The following is a summary of the recommended changes to Chapter 11 in response to the submission points outlined in Section 6.2.4 Subdivision of this report:
- Amend Section 11.1.4 Objective 2 by adding reference to heritage items to read: *Historic heritage values of identified heritage precincts and heritage items are protected from inappropriate subdivision.*
 - Amend Section 11.1.4 Policy (b) to: *Protect the historic heritage values of heritage items and in the Historic Residential Heritage Precinct and Patrick Street-Riddlers Crescent by managing density of development enabled by subdivision of land.*
 - Amend Rule 11.2.2.1 Standards and Terms to: *Medium Density and High Density Residential Activity Area, excluding the Heretaunga Settlement Heritage Precinct, Riddlers Crescent Heritage Precinct and Historic Residential Heritage Precinct*
 - Amend Rule 11.2.2.2 Matters of Control by adding: *(gb) Management of potential reverse sensitivity effects on existing land uses.*
 - Amend Rule 11.2.4 Discretionary Activities as follows: *(da) Historic Residential Heritage Precinct and Patrick Street-Riddlers Crescent Precinct.*
 - Add to Rule 11.2.4 Discretionary Activities as follows: *(db) Subdivision of land containing a building or item in Appendix Heritage 1 or 2.*
 - Add to Rule 11.2.4 Discretionary Activities as follows: *(dc) Subdivision of land containing a site or area of significance to Māori Culture in Appendix Significant Natural, Cultural and Archaeological Resources 1.*

Reasons for Changes

- (887) The above changes are recommended in response to submissions from submitters on Plan Change 56, for the reasons set out throughout Section 6.2.4 Subdivision of this report as above.

How these Changes Achieve the Purpose of the RMA

- (888) The recommended changes give effect (or give improved effect) to the direction set out in Policy 4 of the NPS-UD on qualifying matters, and recognising and providing for Section 6(e) relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, and Section 6(f) of the RMA to protect historic heritage from inappropriate subdivision.

Benefits of the Changes (Including Opportunities for Economic Growth and Employment)

- (889) The recommended changes clarify and use consistent terminology and protection of sites of significances and heritage items.

Costs of the Changes

- (890) Requiring resource consent for the subdivision of land contain heritage site or site of significance to Māori would increase costs for property owners and developers in subdividing land. These costs are associated with the resource consent requirement and process, including time and uncertainty. Also, some land may be restricted from being subdivided due to effects on heritage sites or sites of significance to Māori which could reduce the capacity for housing.
- (891) Amending the provisions for consistent terminology would have no or lower costs as they provide more certainty for the implementation of the District Plan.

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

- (892) For the recommended changes, I consider there is certain and sufficient information in relation to these matters.

Efficiency and Effectiveness

- (893) As set out above, the efficiency of the recommended change is high because the benefits outweigh the costs, and the effectiveness of the recommended change is high because they clarify and apply a consistent approach.

Other Reasonably Practicable Options for Achieving the Objectives

- (894) The other reasonably practicable option is to retain the provisions as originally proposed. However, for the reasons set out throughout Section 6.2.4 Subdivision of this report as above, it is considered more beneficial to make the recommended changes to Chapter 11.

6.2.5. Financial contributions

Overview

- (895) The approach of the proposed plan change on financial contributions is:
- To contain requirements for financial contributions which can be imposed for resource consents in all developments, not just developments that involve subdivision.
 - To ensure financial contributions can cover the full and actual costs for upgrading transport facilities.
 - To clarify when payments for financial contributions under these rules are to be paid.

- Some changes to Chapter 12 for the purpose of relocating rules only, rather than amendments.

(896) This section of the report covers submissions relating to financial contributions, including all submissions on Chapter 12 Financial Contributions and financial contribution provisions in Chapter 11 Subdivision. The following table groups and summarises submissions on financial contributions.

Provisions raised	Relevant submissions
Financial contributions – overall	31 Richard Parry 57 Bruce Spedding 149 Wellington Regional Council F23 Investore Property Ltd 207 Summerset Group Holdings Ltd 211 Retirement Villages Association of New Zealand Incorporated
Changes to specific provisions	149 Wellington Regional Council 116 Petone Community Board 151 New Zealand Transport Agency (Waka Kotahi) F12 Retirement Villages Association of New Zealand Incorporated F13 Ryman Healthcare Ltd F17 Kāinga Ora 274 Te Rūnanga o Toa Rangatira (on behalf of Ngāti Toa) F23 Investore Property Ltd

Discussion

(897) A few submissions comment on or raise matters on financial contributions generally. In addition, other submissions make specific comments or request changes for individual provisions. To aid in the evaluation of these submissions, this discussion is split into the following sections:

- Financial contributions – overall
- Changes to specific provisions.

Financial contributions - overall

- (898) Richard Parry (31.2) requests provisions for developers to carry the cost burdens associated with infrastructure and upgrades, and/or Council to demonstrate this is well-served by projected tax take from new residents.
- (899) Bruce Spedding (57.2) requests that new development pays for the immediate additional infrastructure required but also for a proportion of future infrastructure needs including water, waste, transport and community facilities.
- (900) Wellington Regional Council (149.84) seeks that a new schedule or appendix is included with the method for determining the costs of a financial contribution. Investore Property Ltd (F23.1) oppose this submission.

- (901) Summerset Group Holdings Ltd (207.11) request amendment to the whole financial contributions chapters to prevent ‘double dipping’ between financial contributions and development contributions regimes, and add a retirement village specific regime.
- (902) Retirement Villages Association of New Zealand Incorporated (211.112) also seek amendments to the whole chapter to ensure the dual financial and development contributions regimes will not result in double dipping, to provide certainty as to the financial contributions that will be required to be paid, to ensure the calculation methodology takes into account cost of works undertaken as part of the development, and provide a retirement specific regime that takes into account their sustainably lower demand profile compared to standard residential development.
- (903) Evaluation: A Development and Financial Contributions Policy 2021-2031 sits outside the District Plan. This policy is reviewed on a three yearly basis. This policy explains:
- The financial contributions and development contributions in this policy are separate charges, and Council uses them to fund separate categories of expenditure. This ensures there is no ‘double dipping’ and is consistent with the intention of section 200 of the LGA.*
- Development contributions can be required under the LGA and are used to help fund planned and budgeted capital expenditure related to growth for the activities and assets listed in the development contributions schedule of assets in this policy (Schedule 1).*
- Financial contributions can be required under the RMA in line with the provisions in the District Plan. Financial contributions are required for reserves and where individual developments give rise to capital expenditure that is not planned and recovered via development contributions. In these cases, Council may impose a financial contribution as a condition of resource consent, specifically:*
- financial contributions for reserves*
 - financial contributions to which District Plan Rules 12.2.1–12.2.1.6 and 12.2.2.1 apply.*
- (904) Based on the explanation above, I do not consider there is ‘double dipping’ or overlap between the development contributions and financial contribution regimes. I consider the amendments to the District Plan improve certainty because they outline the matters to be considered when determining the purpose and amount of financial contribution to be paid. I consider that the costs of works undertaken as part of development would be considered under the various rules for financial contributions – for example Rule 12.2.1.1 sets out the financial contributions relating to transport infrastructure which includes within the land being developed.
- (905) The financial contributions rules do not have different rules or requirements for different types of residential activity. There can be a variety of different types of retirement villages, and therefore distinguishing the demand on public infrastructure and assets would be challenging. As the financial contribution provisions refer to the full and actual costs of providing the infrastructure, it is inherent in the infrastructure requirements are based on the requirements for each development. Summerset Group Holdings Ltd and Retirement Village Association of New Zealand Incorporated may wish to provide further evidence at the hearing regarding their recommended amendments to the financial contribution approach for retirement villages.

Changes to specific provisions

Rules (12.2.1.1 – 12.2.15, 12.2.1.8 – 12.2.1.9)

- (906) Wellington Regional Council (149.83) supports Rule 12.2.1.5(b) to be retained as notified. Investore Property Ltd (F23.1) oppose this submission.

- (907) Petone Community Board (116.61) supports the addition of (aa) and (ab) to Rule 12.2.1.8 Financial Contributions relating to reserve as notified.
- (908) New Zealand Transport Agency (Waka Kotahi) (151.35) seeks amendments to Rule 12.2.1.1 and 12.2.1.2 to allow financial contributions to be collected for access to, or provision for, all transport modes including walking, cycling and public transport. Retirement Villages Association of New Zealand Incorporated (F12.9) and Ryman Healthcare Ltd (F13.9) oppose this submission from Waka Kotahi. Kāinga Ora (F17.14) oppose the submission by Waka Kotahi, as while they support the promotion of alternative transport modes, the relief sought does not consider situations where Council may not have any plans for alternative transport modes to be provided.
- (909) New Zealand Transport Agency (Waka Kotahi) (151.36) request an amendment to Rule 12.2.1.2(c)(iii) changing 'Transit New Zealand' to "New Zealand Transport Agency (Waka Kotahi)".
- (910) Te Rūnanga o Toa Rangatira (on behalf of Ngāti Toa) (274.32) suggest considering cultural values for reserves and open space in Rule 12.2.1.9(b).
- (911) Wellington Regional Council (149.82) seek amendments to Rule 11.2.5 in the Subdivision Chapter, to include a non-complying activity rule where any required financial contribution is not paid. Retirement Villages Association of New Zealand Incorporated (F12.16), Ryman Healthcare Ltd (F13.16) and Investore Property Ltd (F23.1) oppose this submission by Wellington Regional Council. Kāinga Ora (F17.8) also oppose this submission to add a non-complying rule, as a different method would be more appropriate to manage this issue.
- (912) The support of the rules as notified are noted.
- (913) I agree with the New Zealand Transport Agency (Waka Kotahi) submission to allow financial contributions to be collected for 'transport infrastructure and access' including walking and cycling, rather than just for 'roading' facilities. This change is not considered to materially change the current provisions, rather provide more certainty as to what constitutes 'roads, private ways, service lanes, accessways, footpaths and walkways'. The nature and quantity of financial contribution would still be directly linked to the full and actual costs of providing the transport infrastructure and access for the development. However, it is questionable whether there is scope to make these amendments as the notified changes to the Financial Contributions Chapter were limited to consequential amendments.
- (914) While I agree that Transit New Zealand is no longer the correct agency to refer to in Rule 12.2.1.2(c)(iii), there were no amendments to this rule as part of Plan Change 56, rather it was relocated. This naming change could be dealt with as part of a minor correction.
- (915) With regard to the considerations of Rule 12.2.1.9(b), the changes as notified were to relocate these provisions for logical order of provisions, rather than to change the content of the rule. Therefore, the submission to amend the clauses are out of scope of Plan Change 56.
- (916) The standards in Rule 11.2.2.1(f) require that financial contributions in Chapter 12 are complied with. If these standards are not met, the activity becomes a Discretionary Activity pursuant to Rule 11.2.4(i). Therefore, adding a clause to Rule 11.2.5 is not considered necessary.

Summary of Officer Recommendations

- (917) Section 32AA of the RMA requires a further evaluation of any changes that have been made to, or are proposed for, a proposed Plan Change since the original evaluation report for the proposed Plan Change was completed.
- (918) No changes are recommended to Chapter 12 Financial Contributions. However, a minor correction is noted in replacing the reference to Transit NZ to Waka Kotahi NZ Transport Agency. Therefore, no Section 32AA evaluation is required.

6.2.6. District-wide matters (except where covered by other themes)

Overview

- (919) This section of the report covers submissions relating to various District-Wide matters which are not covered by other themes in this report. This section includes all submissions on Chapter 13 Network Utilities, Chapter 14C Noise and Chapter 14D Hazardous Facilities. The changes to these specific chapters in PC56 as notified were consequential amendments only, specifically deleting or amending the Activity Area names, as well as adding reference to Heritage Precincts. No changes were made to the policy direction or rule frameworks in these chapters.
- (920) The following table groups and summarises submissions on these district-wide matters.

Submissions on District-Wide Matters

Indigenous Biodiversity	215 Felicity Rashbrooke 223 East Harbour Environmental Association F4 Bruce Spedding
Chapter 13 Network Utilities	37 Heritage New Zealand Pouhere Taonga 153 Transpower New Zealand Ltd
Transport	57 Bruce Spedding
Firefighting	176 Fire and Emergency New Zealand (FENZ)

Indigenous Biodiversity

- (921) Felicity Rashbrooke (215.6) seeks the identification of significant natural areas and increase in the number of small local green spaces.
- (922) East Harbour Environmental Association (223.4) seek establishing a qualifying area outside the Medium and High Density Residential Zones, where HCC has a basis for identifying areas of significant indigenous biodiversity. Bruce Spedding (F4.1) supports this submission.
- (923) Mary Taylor (255.2) seeks preservation of the leafy green nature of the city, which is ecologically important.
- (924) It is not in scope of the plan change to identify significant natural areas. Biodiversity is a relevant qualifying matter under the NPS-UD and the Act, but as discussed in section 6.3.1 I do not think that restrictions on building height and density in and of themselves do anything substantial to advance the protection of biodiversity – the most appropriate tool is restrictions on vegetation clearance.
- (925) In terms of increasing the number of small local green spaces, financial contributions collected from new developments and subdivisions include for reserve purposes. These financial contributions are used to fund the purpose of land for new reserves/open spaces and to upgrade existing reserves/open spaces.

Chapter 13 Network Utilities

- (926) Heritage New Zealand Pouhere Taonga (37.15) support Amendments 375 to 378 which are consequential amendments to Chapter 13 Network Utilities to refer to historic heritage precincts.

(927) Transpower New Zealand Ltd (153.17 and 153.18) support the reference to the National Grid as a qualifying matter.

(928) This support is noted.

Transport

(929) Bruce Spedding (57.8) seeks recognition that access to active recreation and active modes of transport such as cycling and walking must be included as a priority in any development – that new commercial buildings have facilities such as bike secure storage and showers etc.

(930) Evaluation: In Chapter 14A Transport of the Operative District Plan, there are existing requirements for cycle parking and end of trip facilities for new developments – see Appendix Transport 1 – Standard 4. Therefore, the relief sought by the submitter is already provided for.

Firefighting

(931) FENZ (176.69) seeks new requirements for developments with pedestrian only access in terms of firefighting access.

(932) FENZ (176.70) requests consideration of how emergency vehicle access will be provided for within new residential developments – including through voluntary measures such as “best practice” recommendations.

(933) FENZ (176.72) requests integration of the New Zealand Building Code Clause 3 into PC56 (whereby buildings must be designed and constructed so that there is a low probability of fire spread to other property vertically or horizontally across a relevant boundary) through the use of an advice note with the relevant side and rear boundary setback rules, and prompt developments to consider fire risk mitigations early on in design.

(934) FENZ (176.73) requests all subdivision and development should be subject to development standards within the district plan requiring applicants to demonstrate by way of providing evidence (i.e. hydrant flow testing) that their development can be adequately serviced for firefighting water supply in accordance with the Firefighting Water Supplies Code of Practice across all zones.

(935) Evaluation: FENZ have requested several requirements for provision of access for firefighting purposes and provision of water supply for firefighting purposes. As discussed in the subdivision section of this report, most of this relief sought is already provided for in provisions in the Operative District Plan. Where requested matters are not specifically addressed in the District Plan, they are already provided for in other documents, such as the Building Act 2004 and New Zealand Building Code for the design and provision of firefighting access. I do not support the addition of advice notes referring to the New Zealand Building Code as that would add unnecessary duplication and content to the District Plan.

Summary of Officer Recommendations

(936) I recommend that the other district-wide matters be retained as notified and that the additional matters sought by submitters be rejected.

(937) Section 32AA of the RMA requires a further evaluation of any changes that have been made to, or are proposed for, a proposed Plan Change since the original evaluation report for the proposed Plan Change was completed.

(938) No changes are recommended to these other district-wide matters. Therefore, no Section 32AA evaluation is required.

6.2.7. Wind

Overview

- (939) This issue encompasses decisions in relation to the proposed new wind chapter of the district plan, being Chapter 14M Wind, and the consequential deletion of the wind provisions in the Central Commercial and Petone Commercial Activity Area chapters of the operative plan.
- (940) As noted in section 5 of this report and section 2.2 of the Section 32 Report, the general approach of this plan change was to incorporate the density standards of the MDRS, give effect to Policies 3 and 4 of the NPS-UD, and accommodate qualifying matters. The proposed new chapter 14M is intended to be part of the overall package of provisions that give effect to this approach.
- (941) The provisions are structured as conditions that apply for developments otherwise permitted or enabled by the plan, to manage their environmental effects on pedestrian safety and comfort. Given the scope of the plan change, the provisions are intended to apply:
- To developments that already trigger a wind assessment in the operative plan, to manage safety and, if the operative provisions did, comfort.
 - To developments newly enabled through the plan change, to manage safety, and
 - To a small number of additional developments as a consequence of simplifying and consolidating the wind provisions into a single chapter.
- (942) The provisions also update the performance standards and assessment process in line with the memorandum from WSP included as a technical report released alongside the Section 32 report. This update is intended to:
- Align closer with the provisions in the Proposed Wellington City District Plan
 - Reflect the experience gained from applying the operative provisions, and
 - Provide more guidance about which type of assessment is required in which situations.
- (943) The table below shows relevant submissions on this issue:

Provisions raised	Relevant submissions
Thresholds for assessment	206, 211, 221
Whether to manage comfort as well as safety	211
Which spaces to protect	F24
General/other/support as notified	57, 179, 211, 221

Thresholds for assessment

- (944) Kāinga Ora (206.338), the Retirement Villages Association (211.115), and Cuttriss (221.8 in part) all request a higher height limit before triggering wind assessment.

Whether to manage comfort as well as safety

- (945) The Retirement Villages Association (211.113, 211.114, 211.116) sought that the chapter remove all provisions relating to pedestrian comfort in key commercial centre locations and only cover issues of safety.

Which spaces to provide protection for

- (946) The plan change as notified provides protection for “public places” but does not define this term. It also doesn’t cover locations that might be sensitive to wind but are not public.
- (947) Te Āti Awa Nui Tonu (F24.44) request that this protection be extended to sites of significance to mana whenua.

General/other

- (948) Bruce Spedding (57.1) raised wind issues as a concern but did not request any specific changes to the wind chapter as proposed.
- (949) Cuttriss (221.8 in part) sought clarification of how wind effects would be considered.
- (950) Oyster Management (179.27) supported the proposed restricted discretionary rules.
- (951) The Retirement Villages Association (211.117) supported the proposed performance standards.

Discussion

- (952) No submitters had major concerns about the scope and general approach of the proposed plan towards managing wind effects. I adopt the rationale and reasoning of the Section 32 report with regards to the issues at play. The major decision is the balance about when and what degree of assessment is required – the assessment itself can be a major cost and it is disproportionate to require an expensive assessment in circumstances when the risks are low.
- (953) The major issues are the thresholds at which assessment is required, the areas to be protected, and whether safety or comfort is the appropriate standard.
- (954) In my view the plan as proposed sets an appropriate split in standard between comfort and safety – it is always appropriate to protect people’s health and safety, and this is a requirement of section 5 of the Act.
- (955) Protecting pedestrian comfort is an existing and reasonable amenity goal for the city but this is only worthwhile in locations where the benefits outweigh the costs – locations where significant numbers of people might be expected to linger.
- (956) The plan as proposed takes a simplistic approach to identifying these locations to protect pedestrian comfort, carrying over as “key commercial centre locations” the areas identified in the operative plan without considering whether a wider application might be justified.
- (957) However, an in-depth assessment of which areas to include is probably better conducted in conjunction with the comprehensive reviews of commercial centres, open space and recreation zones, and sites of significance to Māori proposed for the full plan review.
- (958) While everywhere should be protected from dangerous wind effects in principle, it is likely to be impractical to have assessments on private property not open to the public. Applicants and their wind experts will have no ability to access these sites to make observations or take measurements. In any case the existence of the effects relies on the existing layout of that private property which could change, often as a permitted activity, at any time. Due to the layout of private property outdoor space, it is also less likely to have the type of large open spaces that are more subject to dangerous wind effects.
- (959) I therefore recommend retaining the existing scope of the chapter to apply protection only to public places.
- (960) The height limits for thresholds are 22 metres in the city centre and Petone Commercial Activity Area 2, which have existing tall buildings, and everywhere else is 12 metres, based on consistency with Wellington City, which provides for a 12-metre threshold in suburban areas in their proposed district plan.

- (961) While 12 metres may seem relatively low, the advice provided by WSP (see p. 3 of the technical report) does point out that in an environment of existing consistent low rise building heights even relatively low buildings of 4-6 storeys can produce dangerous wind speeds.
- (962) Wellington City's triggers do not apply in residential areas while those proposed in PC56 do. However, in my opinion this is justified as Wellington already has existing taller buildings in suburban residential areas, and so the situation of a 4-6 storey building standing alone among single storey buildings may be less common.
- (963) Accordingly, I think the 12-metre threshold remains reasonable. However, it is ultimately a question of striking a balance and if the Panel is of a mind to alter height limits in general, based on its approach in activity area chapters, it might be reasonable to raise this limit slightly to align with those changes in height limits.
- (964) Cuttriss sought clarification of how wind effects would be assessed. In my opinion the performance standards, matters of discretion, and proposed Appendix 2 Wind covering wind reports are reasonably clear. The submitter may wish to elaborate on their concerns at the hearing.

Summary of officer recommendations

- (965) I recommend that the Wind chapter be retained as notified.
- (966) Section 32AA of the RMA requires a further evaluation of any changes that have been made to, or are proposed for, a proposed Plan Change since the original evaluation report for the proposed Plan Change was completed.
- (967) No changes are recommended to the Wind chapter. Therefore, no Section 32AA evaluation is required.

6.3. Qualifying Matters

6.3.1. Heritage buildings, structures, and precincts

Overview

(968) The evidence base used by Council in preparing the plan change is set out in section 7.2.3.1 and Table 11 of the Section 32 report and the accompanying report by WSP, “Hutt City Council Heritage Inventory Report - Sub-report”. This is an abridged version of a report being prepared for the full district plan review.

(969) The approach of the proposed plan change on using heritage as a qualifying matter is:

- Continue the operative district plan approach for individually listed heritage items, which involves case by case resource consent assessment of the suitability of building height and density
- Continue the operative district plan approach for existing heritage areas, although contracting their boundaries based on updated evidence, and restructuring the provisions to clearly delineate between historic heritage issues (as a qualifying matter) and amenity issues (which are not a qualifying matter). The operative provisions are in three types:
 - Heritage areas protected in Chapter 14F, Heritage Buildings and Structures: this covers Jackson Street, Patrick Street, and the Lower Hutt Civic Precinct.
 - Heritage areas protected in the Historic Residential Activity Area: this covers Patrick Street (as well), and Riddlers Crescent.
 - The Jackson Street Heritage Precinct, which has heritage-focussed provisions in Petone Commercial Activity Area 1.
- Restrict building height and density to the current level in newly identified heritage areas, to protect their surroundings and context, but do not provide demolition controls as this is not a valid ISPP purpose.

(970) For clarity for plan users, the provisions have been restructured, renamed, and mapped in a more consistent way to make their effects clearer. Heritage areas of all types are now shown in a similar (although not identical) way to the National Planning Standards mapping standard, with heritage areas that include demolition controls with solid purple lines, and heritage areas used only as a qualifying matter in dashed lines.

(971) For convenience, I have set out the proposed changes area by area in the below table:

Code	Name	Status in operative plan	New Provision Type
HA-01	Hardham Crescent	None	4G 5.2 Residential Heritage Precinct
HA-02	Heretaunga Settlement	14F Heritage Area, 4C Historic Residential (as Patrick Street Workers’ Dwellings Precinct, Petone)	14F Heritage Area, 4G 5.3 Heretaunga/Riddlers Precinct
HA-03	Hutt Road Railway	None	4G 5.2 Residential Heritage Precinct

HA-04	Jackson Street	14F Heritage Area, 5B Petone Commercial Area 1	14F Heritage Area, 5B Petone Commercial Area 1
HA-05	Lower Hutt Civic Centre	14F Heritage Area	14F Heritage Area
HA-06	Riddlers Crescent	4C Historic Residential	4G 5.3 Heretaunga/Riddlers Precinct
HA-07	Moera Railway	None	4F 5.1 Residential Heritage Precinct
HA-08	Petone Foreshore	None	4G 5.2 Residential Heritage Precinct
HA-09	Petone State Flats	None	4G 5.2 Residential Heritage Precinct
HA-11	Wainuiomata Terracrete Homes	None	4F 5.1 Residential Heritage Precinct

(972) To inform this officer's report I have obtained updated evidence from Chessa Stevens at WSP, available in Appendix 5, which I adopt and should be read alongside this section. I have generally relied on her evidence as the most suitable available for determining the historic heritage significance of items and areas and whether they meet the test in RPS Policy 21.

(973) The table below shows relevant submissions on this issue:

Issue	Relevant submissions
General/other/support as notified	30, 33, 37, 116, 117, 126, 147, 149, 174, 190, 206, 213, F22
General – voluntary heritage	19, 22, 27, 41, 47, 48, 50, 53, 56, 59, 62, 63, 66, 67, 71, 105, 107, 115, 118, 120, 121, 126, 138, 144, 146, 155, 157, 161, 190, 196, 200, 208, 212, 224, 231, 239, 277, F1, F22
General – development controls applying to heritage areas, and operative heritage rules	37, 114, 163, 206, F22
General – development adjacent to heritage areas	163, F1, F6, F8
New heritage areas	44, 92, 97, 277
Operative Heritage Areas	37, 116, 143, 163, 191, 233, 243, 244, 246, G6, F22
Proposed Residential Heritage Precincts	44, 55, 94, 98, 102, 132, 145, 206
Individual heritage listings	94, 145

(974) Brendon Davies (30.1), Heritage NZ (37.5, 37.16-19), the Petone Community Board (116.62), Russell Keenan and Karen Mooney (117.1), Jonathon Devonshire (147.1), the Wellington Regional Council (149.35), Laura Gaudin (174.1), Kāinga Ora (206.8, 206.26), and Tom McLeod (213.1) supported the proposed approach or individual provisions in part or in full. Petone Historical Society (F22.3, F22.12, F22.14) support the submissions from Russell Keenan and Karen Mooney, and Brendon Davies.

General – general comments, evidence about heritage, engagement, etc.

- (975) Many submitters raised concerns about heritage but did not have specific requests for amendments to the proposed plan change. These related to engagement on the plan change and full review and the information provided to the public (e.g. 33.5, 126.2, 175.1 in part, 190.1 in part), the general method of identifying heritage buildings and evidence base behind the proposals (e.g. 59.2, 224.2 (in part)). These submitters may wish to expand on the relief they seek in the hearing.
- (976) Laura Gaudin (174.3) seeks to have the district plan maps highlight heritage buildings with a star. This is the operative plan approach and is not proposed to change in PC56. A full overhaul of the map symbology is best left until the full plan, which will need to implement the National Planning Standards mapping and e-plan requirements.
- (977) Shayne Hodge (F08.1) opposes the heritage areas in a general sense.
- (978) Te Āti Awa Nui Tonu (F24.35-39) support the changes in general but comment on:
- the lack of reference to pre-colonial history,
 - sections 6(e), 7(c) and 8 of the Act,
 - the need to provide more opportunities to reflect the culture, identity, narratives, and cultural associations of Te Āti Awa Nui Tonu,
 - the need to review the chapter and heritage items for their associations with Te Āti Awa Nui Tonu.
- (979) Te Āti Awa Nui Tonu's concerns are noted. In general, I think this is best handled through the full review as there is little scope to implement these issued through the ISPP except if specific additional sites of significance can be identified, and even then, the only tool available is limiting building heights and density.

General – voluntary heritage

- (980) Many submitters requested relief that would involve not listing any building as heritage without the approval of the owner, which I will refer to as a voluntary heritage approach.
- (981) These submission points were 19.1, 22.1, 27.1, 41.1, 47.1, 48.1, 50.1, 53.1, 56.1, 59.1, 62.1, 63.1, 66.1, 67.1, 71.1, 105.1, 107.1, 115.1, 118.1, 120.1, 121.1, 126.1, 138.1, 144.1, 146.1, 155.1, 157.1, 161.1, 190.1 (in part), 196.1, 200.1, 208.1, 212.1, 224.2 (in part), 231.1, 239.1, 277.1, F01.2, F03.1 (in part).
- (982) This was opposed by the Petone Historical Society (F22.1, F22.2, F22.16).
- (983) The plan change does not add any new historic heritage listings or introduce demolition controls to properties that do not already have them⁴. The proposed provisions limit building height and density in new heritage precincts in order to protect their surroundings and context as an interim measure before the full plan review. They do not affect owners' ability to use or redevelop their property except that they cannot redevelop taller than what exists without obtaining a resource consent.
- (984) However, I take the express and implied point of submitters that the PC56 process relies on heritage evidence that could be seen as a preview for the full review. To that end, I think it is worth discussing this issue in terms of whether a provision that uses historic heritage as a qualifying matter could be subject to a voluntary approach.
- (985) I have attached legal advice received by Council officers as part of the full review that covers whether a voluntary heritage approach can be considered as part of making decisions on the

⁴ Or rather, was not intended to – see section 7 for a recommended minor correction relating to the mapping of the Lower Hutt Civic Centre heritage area.

protection of significant historic heritage as required by section 6(f) of the Act. This is Appendix 4 to this report.

- (986) This report concludes that it does not meet the requirement of the Act to have an approach of only protecting the heritage values of items if the owner consents, even where the Council has information that the item meets the criteria for inclusion as historic heritage.
- (987) I believe this report sums the issues up well and adopt its reasoning. While it applies to the listing of historic heritage items in a more traditional sense (i.e. for the purpose of demolition controls), I believe the reasoning would apply equally well to any provision whose purpose is the protection of significant historic heritage.
- (988) Accordingly, I recommend rejecting the submission points asking for a voluntary heritage approach.

General - development controls applying to heritage areas, and operative heritage rules

- (989) The Petone Community Board seeks to remove “re-decoration” from Rule 14F 2.1(a), as do the Petone Historical Society (163.42). The latter also seeks a rewording of clause (ii) of the rule.
- (990) The only proposed change to this rule is a consequential amendment reflecting the renumbering of appendices. These submission points are out of scope of the plan change as notified.
- (991) Heritage New Zealand (37.20) seeks to add Riddlers Crescent as a heritage area to Chapter 14F. This is supported by the Petone Historical Society (F22.5). Riddlers Crescent is already a heritage area as the Historic Residential Activity Area in the operative plan, and is proposed to be retained as the Riddlers Crescent Heritage Precinct in section 4G 5.3. This effectively retains the approach of the operative plan. To the extent adding the area to Chapter 14F makes a difference, it is not a valid use of the ISPP as it is not connected to implementing NPS-UD Policies 3 and 4 or the MDRS.
- (992) Kāinga Ora (206.117) and Kimberly Vermacy (114.10) sought to introduce demolition controls in the residential heritage precincts. This is supported by the Petone Historical Society (F22.8). This is not a valid use of the ISPP.
- (993) The Petone Historical Society (163.41) seeks to add language to the explanation and reasons section of Chapter 14F expanding on the value of the surroundings of heritage items.
- (994) I do not think explanations and reasons sections add significant value to district plans. They are chiefly relevant to casual plan users rather than key to decision-making. As the definition of “historic heritage” in the Act includes the surroundings of those items, the surroundings are already included in the interpretation of the relevant objectives and policies that refer to historic heritage.
- (995) The purpose of the amendment to the explanation and reasons is intended to avoid doubt about the purpose of the chapter, that it refers to significant historic heritage (under section 6 of the Act), rather than character (an amenity issue under section 7 of the Act). I do not think the submitters’ requested change would add value.

General - development adjacent to heritage areas

- (996) Petone Historical Society (163.33, 163.35, 163.36) seeks limits on building heights outside heritage areas in order to protect the heritage values of buildings within the areas. Hutt Voluntary Heritage Group (F01.4) oppose this submission in so far as they request ‘step down’ areas – those areas that are adjacent to the proposed areas have increased restriction on them. Jackson Street Programme (FS06.1) support this submission in part. Shayne Hodge (F08.2) opposes this submission.

- (997) The evidence of Chessa Stevens (Appendix 5, paras. 35-41) discusses the relevance of heritage “buffers” and the degree to which the appreciation of historic heritage can be affected by changes to its surroundings. I adopt her reasoning.
- (998) I do not think the level of impact six storey buildings would have on Jackson Street necessitates limiting building height. The provisions for Area 1 maintain the design guide requirement to be sympathetic to the values of Jackson Street, and six storey buildings in the residential area are also likely to trigger an assessment of the design values of the project. The plan as proposed therefore manages these impacts.

New heritage areas

- (999) Laura Skilton (44.1 in part) seeks that the area covered in Figure 2.1.5 of the Petone 2040 Spatial Plan be considered.

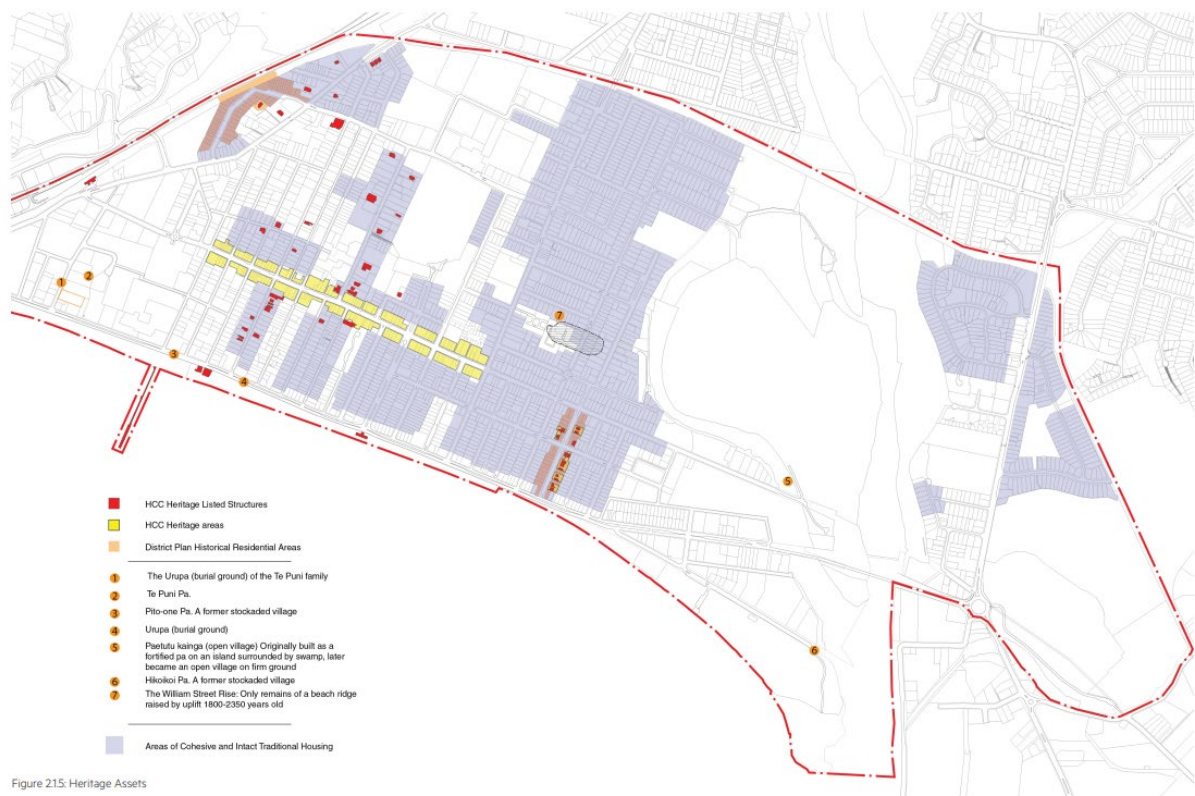


Figure 2.1.5: Heritage Assets

- (1000) In the evidence provided by Chessa Stevens, she has assumed Ms Skilton was referring to the area shown in blue as “Areas of Cohesive and Intact Traditional Housing” as shown in the figure. (Appendix 5, paras. 50-53).
- (1001) This area was not identified with reference to RPS Policy 21 or the definition of historic heritage in the Act and there is no reason to think it would meet those criteria.
- (1002) Andrew Newman (92.2) seeks that the heritage areas be expanded to include other areas of the city representative of key periods of the expansion of the city, suggesting as examples the area around Ava Station in northern Petone and Alicetown and in the operative Special Residential Activity Area in Woburn.
- (1003) Glen Andrews (277.2) seeks the inclusion of broad areas such as Cuba St through to Te Puni St and The Esplanade through to Udy St.
- (1004) Malcolm Lewis seeks that the heritage precincts be extended but does not suggest particular areas (97.4).
- (1005) The purpose of the plan change is to implement the MDRS and NPS-UD Policies 3 and 4. This is done by providing for 3 and 6 storey buildings except where there is evidence to

demonstrate the existence of a qualifying matter such as historic heritage that would require limiting building height and density. Neither the Council nor submitters have presented evidence that suggests that there are other areas in Petone or Moera that qualify as historic heritage within the meaning of the Act and Policy 21 of the RPS and would necessitate limiting building height and density.

- (1006) Chessa Stevens in her evidence elaborates on the history of the heritage assessments that were carried out to inform the full plan review and this background is also available in the WSP heritage report attached to the Section 32 report. Numerous other areas were identified earlier in the process, considered, and then not pursued as more detailed assessment showed they did not meet the criteria.
- (1007) In my opinion the work carried out was as thorough an assessment as could reasonably be expected and the likelihood of there being additional unidentified significant large cohesive areas of historic heritage is low.

Operative Heritage Areas

HA-02 – Heretaunga Settlement

- (1008) Petone Historical Society (163.8, 163.40) and Petone Historical Society (163.43 in part) seek to retain all of the operative Patrick Street Workers' Dwellings Precinct, Petone within the proposed Heretaunga Settlement Heritage Precinct – i.e., not remove 225 The Esplanade and 424-430 Jackson Street. I agree with the reasons set out by Chessa Stevens in her evidence (Appendix 5 paras. 74-77) and accordingly recommend these points be rejected.

HA-04 – Jackson Street Heritage Area

- (1009) Heritage NZ (37.21), the Petone Community Board (116.64), Sheree Freeman (143.6, 143.7), Martha Craig (243.8), Rex Torstonsen (244.8), and Brett Nicholls (246.8) sought the Jackson Street Heritage Area to have its western boundary retained at the operative boundary at Cuba Street, rather than Tory Street as proposed. This is supported by the Jackson Street Programme (F06.1) and Petone Historical Society (F22.6, F22.14, F22.35).
- (1010) I adopt the evidence of Chessa Stevens, particularly paras. 30-34 of Appendix 5, and concur that it is reasonable to retain 354, 358, 360, 362, and 364 Jackson Street in the area as contributing, but that the remainder of the area between Tory and Cuba Streets does not possess such significant heritage value that it qualifies as a qualifying matter. I therefore recommend accepting these points in part.
- (1011) I think this change can be reflected solely as a map change and that the descriptions in Appendix Heritage 3 and throughout the introductory and explanatory text in Petone Commercial do not require updating as it is intended to be general rather than exact, and an exact description would be overly wordy.

HA-06 – Riddlers Crescent

- (1012) The Petone Historical Society (163.43 in part, F22.19) and Ian Cassidy (191.1) requests that the operative Riddlers Crescent boundaries be retained. The two sites proposed to be removed are 5 Riddlers Crescent and 93 Hutt Road. Penny Walsh (233.1) specifically asks for the retention of 5 Riddlers Crescent. This is also supported by the Petone Historical Society (F22.30)
- (1013) Chessa Stevens discusses these properties in her evidence (Appendix 5, paras. 74, 78, 79). I adopt her evidence.
- (1014) 93 Hutt Road is proposed to be moved into the new Hutt Road Railway Heritage Area. I agree that it fits better with this area.
- (1015) 5 Riddlers Crescent is now the service entrance to K-Mart, and I agree with Chessa Stevens' conclusion that it does not contribute to the values of the heritage area. Based on

the evidence available, I don't think there is any reason to think that limiting building height and density on this site would improve the values of the heritage area.

Proposed Residential Heritage Precincts

HA-03 – Hutt Road Railway

- (1016) Peggy Maurirere (55.1) seeks to remove 5A Hector Street from the heritage area. I agree with the reasons set out by Chessa Stevens in her evidence (Appendix 5 paras. 56-60) and recommend this submission point be rejected.
- (1017) Juan Qu (94.3) and Meng Xu (145.2) seek to remove 73 Hutt Road. I agree with the reasons set out by Chessa Stevens in her evidence (Appendix 5 paras. 61-68) and accordingly recommend these points be rejected.
- (1018) Andrew Hendry (248.1) seeks to remove 176 Hutt Road. I agree with the reasons set out by Chessa Stevens in her evidence (Appendix 5 paras. 70-71) and accordingly recommend this point be rejected.
- (1019) The Petone Historical Society (163.22) seeks to add 1, 2, and 2A Mill Road and 105 Hutt Road to the Hutt Road Railway Heritage Area. I agree with the reasons set out by Chessa Stevens in her evidence (Appendix 5 paras. 72-73) and accordingly recommend this point be accepted, and the boundary adjusted as shown in Appendix 1.

HA-08 – Petone Foreshore

- (1020) Laura Skilton (44.1 in part), Johnston Dinsmore (98.2), and Graeme Lyon (102.1) sought extensions of the Petone Foreshore area, suggesting between them 362 Street, Bay Street, King Street, Richmond Street, and Nelson Street.
- (1021) In response to these submission points, Chessa Stevens (Appendix 5, paras. 43-49) has reviewed the existing evidence and that provided by submitters and recommends extending the heritage area to Beach and Bay Streets. I agree with her reasons as to why these areas are consistent.
- (1022) Beach and Bay Streets were not proposed as heritage areas in PC56 and so there is a question of scope. In my opinion, this relief is within scope as the practical effect of the Petone Foreshore Heritage Area is to limit building height and density to existing levels. I therefore recommend accepting these submissions points in part to the extent of including Beach and Bay Street within the Petone Foreshore Heritage Area.
- (1023) Johnston Dinsmore (98.1) seeks to exclude Queen Street, Buick Street, and Bolton Street (i.e. presumably the whole of HA-08 Petone Foreshore). Pam Roberts (132.1) likewise seeks the exclusion of HA-08.
- (1024) For the reasons set out in this section, the Section 32 report, and the evidence of Chessa Stevens, I believe that the evidence supports the heritage values covering the proposed HA-08 area covering Queen, Buick, and Bolton Streets. I think the submitters' points relate primarily to the effects of demolition controls rather than limiting height and density and so I do not think they are relevant to PC56, which does not propose demolition controls for this area.

HA-09 – Petone State Flats Heritage Area

- (1025) Kāinga Ora sought modifications to the boundaries of proposed heritage areas HA-09 / Petone State Flats Heritage Area (206.113, 206.203, 206.204, 206.205) to exclude 2-6 East Street, and 80, 82, and 81-89 (odds) Adelaide Street.
- (1026) Kāinga Ora provided this feedback to Council prior to notification of the plan change and it informed the report provided by WSP used to inform the plan change (the "Hutt City Council Heritage Inventory Report and Additional Review of the Petone State Housing and Moera Railway Heritage Areas" referred to on page 18 of the Section 32 report). This did result in some other changes being made to the proposed heritage areas prior to notification.

- (1027) This is discussed further by Chessa Stevens in her evidence (Appendix 5, paras. 93-98).
- (1028) Kāinga Ora (206.116) sought to rename the area to “Petone State Housing” rather than “State Flats”. I do not think this change would make a material difference to the plan and its implementation.

Individual heritage listings

- (1029) Juan Qu (94.1) and Meng Xu (145.1) seek that heritage areas be removed and that individual listings be used. The reasoning for using heritage areas is given in the Section 32 report and the evidence of Chessa Stevens. Using a mixture of heritage areas and individual listings is the approach of the operative plan, which is retained in this plan change, and so I recommend accepting these submission points in part, to the extent that the relief is already in the plan.

Summary of Officer Recommendations and s32AA Evaluation

- (1030) Section 32AA of the RMA requires a further evaluation of any changes that have been made to, or are proposed for, a proposed Plan Change since the original evaluation report for the proposed Plan Change was completed.
- (1031) This evaluation must be undertaken in accordance with section 32(1) to (4) of the RMA. The Section 32AA evaluation of these recommended changes made in response to submissions is provided below.
- (1032) The only changes proposed are adjusting the boundaries of the heritage areas to include some additional properties identified as having heritage values that support the heritage area.

Reasons for Changes

- (1033) The above changes are recommended in response to submissions on PC56 for the reasons set out in this section.

How these Changes Achieve the Purpose of the RMA

- (1034) The proposed changes give better effect to section 6(f) of the Act, to recognise and provide for “*the protection of historic heritage from inappropriate subdivision, use, and development*”, and Policy 4 of the NPS-UD.

Benefits of the Changes (Including Opportunities for Economic Growth and Employment)

- (1035) The proposed changes provide better certainty of the protection of the surroundings of sites of significant historic heritage.

Costs of the Changes

- (1036) The costs involved with the changes are forgoing the benefits of additional development capacity, identified in the Section 32 report, that would otherwise have occurred. As the relevant area covers only a very small fraction of the district, this is a relatively minor cost.

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

- (1037) I do not consider that there are any risks around uncertain or insufficient information in relation to the above recommended change.

Efficiency and Effectiveness

- (1038) As set out above, the efficiency of the recommended change is high because the benefits outweigh the costs, and the effectiveness of the recommended change is high because the goals of the Plan Change, section 6(f) of the Act, and policies 3 and 4 the NPS-UD are achieved.

Other Reasonably Practicable Options for Achieving the Objectives

(1039) The other reasonably practicable option is to retain the provisions as originally proposed. However, for the reasons set out throughout this section of the report, it is considered more beneficial to make the recommended changes to the plan maps.

6.3.2. Natural hazards

Overview

(1040) The approach of the proposed plan change on natural hazards is:

- Identifying areas at high, medium and low risk from particular natural hazards, being seismic (fault rupture), flooding, coastal inundation and tsunami. A risk-based approach is applied for these natural hazards that balances allowing people and communities to use their property and undertake activities, while also ensuring that lives or significant assets are not harmed or lost as a result of a natural hazard event.
- The Natural Hazards Chapter identifies and categorises specific natural hazards, and different policies and rules apply to different activities and development for these categories based on the level of risk. The policies and rules require avoidance or mitigation measures in certain hazard areas to reduce the consequences from natural hazards. In particular:
 - Fault Rupture (Wellington Fault): Resource consent required for structures and buildings within the Wellington Fault Overlay.
 - Flood Hazards (stream corridors, overland flowpaths and inundation areas): In high and medium hazard areas, site-specific assessment through the resource consent process for new residential units, commercial activities or retail activities, and in low hazard areas development is permitted subject to compliance with mitigation measures (e.g. minimum floor level).
 - Coastal Hazards (tsunami and coastal inundation): In high and medium hazard areas, retention of the operative District Plan rule relating to the number of units permitted on the site – i.e. limit the permitted number of units per site to 2 in medium or high coastal hazard areas. In low coastal hazard areas 3 units per site are permitted. Development over and above these thresholds require resource consent to mitigate or avoid risk to people, property, and infrastructure. In addition, require hazard mitigation and access to evacuation for commercial activities over a certain size.
- The Subdivision Chapter includes policies and rules which manage subdivision in the identified natural hazard areas. The policies and rules require new lots to be of a size and shape to provide for building platform that avoid or mitigate the risk to people or property from the natural hazard(s).
- Changes to objectives and policies in sections 1.10.1A (Urban Environment) and 1.10.11 (Lessening Natural Hazards) of *Chapter 1 Introduction and scope of the plan*, to describe the proposed change in the approach regarding natural hazards.

(1041) This section of the report covers submissions relating to natural hazards, including all submissions on Chapter 14H Natural Hazards and the natural hazard related provisions in Chapter 11 Subdivision. The following table groups and summarises submissions on natural hazards.

Provisions raised	Relevant submissions
Natural hazard	141 Alan Bell

	195 Anne Smith
	139 Bjorn Johns
	180 EQC (Toka Tū)
	166 Fiona Christeller
	102 Graeme Lyon
	12 Henry Carthew
	114 Kimberley Vermacy
	24 Pauline Marshall
	F04 Bruce Spedding
	F11 Troy Baisden
	F12 Retirement Villages Association of New Zealand Incorporated
	F13.21 Ryman Healthcare Ltd
	F17.22 Kāinga Ora
	F18 Central Apartments Ltd
Changes to specific provisions	198 Argosy Property No.1 Ltd
	266 Ashley Roper
	241 Central Apartments Ltd
	180 EQC (Toka Tū)
	176 Fire and Emergency New Zealand
	258 Investore Property Ltd
	206 Kāinga Ora
	187 M Playford
	179 Oyster Management Ltd
	116 Petone Community Board
	275 Stride Investment Management Ltd
	149 Wellington Regional Council
	F14 Tim Power
	F19 York Bay Resident's Association
	F21 EQC (Toka Tū Ake)
	F23 Investore Property Ltd
	F24 Te Āti Awa Nui Tonu
Coastal Hazard	70 Anastay Papdopoulos
	195 Anne Smith
	057 Bruce Spedding
	084 Edgar Andrew
	180 EQC (Toka Tū)
	102 Graeme Lyon

	134 Keith Fraser
	114 Kimberley Vermacy
	44 Laura Skilton
	187 M Playford
	264 Mike Wong
	263 Poneke Architects Ltd
	132 Pam Roberts
	168 Sylvia and Bill Allan
	274 Te Rūnanga o Toa Rangatira (on behalf of Ngāti Toa)
	226 Troy Baisden
	F.02 Wellington Regional Council
	F09 Bjorn Johns
	F11 Troy Baisden
	F12 Retirement Villages Association of New Zealand Incorporated
	F21 EQC (Toka Tū Ake)
Flood Hazard	221 Cuttriss Consultants Ltd
	206 Kāinga Ora
	114 Kimberley Vermacy
	129 Robert Brathwaite
	F21 EQC (Toka Tū Ake)
	F.02 Wellington Regional Council
Fault Hazard	114 Kimberley Vermacy
	97 Malcolm Lewis
Subdivision	206 Kāinga Ora
	168 Sylvia and Bill Allan
	149 Wellington Regional Council
	116 Petone Community Board

Discussion

(1042) A number of submissions raise concern about the risks from natural hazards in Lower Hutt and the proposed nature and level of intensification enabled by PC56 as notified. Some submissions raise concern about natural hazard risks generally, other submissions raise concern about natural hazard risks in specific locations, and other submissions raise concern about specific types of natural hazards. To aid in the evaluation of these submissions, this discussion is split into the following sections:

- Natural hazards – overall
- Changes to specific provisions
- Coastal Hazards - Identification of coastal hazard areas
- Coastal Hazards - Management of coastal hazard risk and intensification

- Flood Hazards – Identification of flood hazard areas
- Flood Hazards – Management of flood hazard risk and intensification
- Fault Hazards – Identified of fault hazard areas
- Fault Hazards – Management of fault hazard risk and intensification
- Subdivision

Natural Hazards – Overall

- (1043) Alan Bell (141.1) seeks Council assess natural hazards as a ‘qualifying matter’.
- (1044) Anne Smith (195.2, 195.3) seeks Council develop a strategy which ensures developers have long term financial liability for the housing they build, and that managed retreat be included as a qualifying matter.
- (1045) Bjorn Johns (139.1) supports the interpretation of natural hazards for the Council to control and future proof intensification. Bjorn Johns (139.2) requests special consideration needs to be applied to such neighbourhoods where the single access roads are also threatened by natural hazards.
- (1046) EQC (Toka Tū Ake) (180.2) requests to add overlays section and planning maps to include liquefaction and slope stability hazard overlays. Troy Baisden (F11.3) supports this submission in part by recommending to use EQC’s suggestions to balance the additional risks of liquefaction and landslides with the need for egress routes and resilience. Kāinga Ora (F17.22) oppose this submission (180.2) stating that if evidence supports a managed approach to liquefaction and slope stability, then this should be a matter considered outside the IPI process.
- (1047) Fiona Christeller (166.10) seeks building heights and densities be limited based on the likely long-term risk within the identified Hazard Map areas, by nominating these as special zones. Also, that in the process of improving the infrastructure of the city, priority should be given to upgrading infrastructure and public transport routes to encourage densification away from Hazard zones (166.11). Fiona Christeller (166.9) also seeks additional restrictions or special areas are created for medium and high density zones close to Wellington Harbour and the Hutt River identified in Hazard area. Retirement Villages Association of New Zealand Incorporated (F12.11) and Ryman Healthcare Ltd (F13.21) oppose this submission as it does not enable housing intensification.
- (1048) Graeme Lyon (102.6) seeks vulnerable areas that are subject to overlays of either tsunami inundation, flood hazard inundation, or coastal hazard inundation overlays should be excluded from intensification and have a maximum building height of 8m. Central Apartments Ltd (F18.9) oppose this submission.
- (1049) Kimberley Vermacy (114.3) seeks alterations to existing buildings (including the conversion of non-habitable buildings) need to be considered in the rule framework for both flooding and coastal hazard areas.
- (1050) Kimberley Vermacy (114.11) also raises that the underlying zoning should reflect the actual development potential, and if this potential is being significantly limited by an overlay, then this overlay should be down zoned.
- (1051) Henry Carthew (12.1) seeks intensification locations and qualifying matters in relation to natural hazards are reviewed. Also, seeks a plan be produced which includes funding allocations and estimates and priorities for mitigation measures to protect the proposed rezoned areas from these hazards over the next 30 years (12.2).
- (1052) Pauline Marshall (24.1) requests greater emphasis be given to natural hazards in areas such as Eastbourne and Eastern Bays and it is therefore unsuitable for intensification. Bruce Spedding (F04.1) supports this submission.

- (1053) Petone Community Board (116.65) - Amend the framework to remove floor or ground levels as a measure to manage risk.
- (1054) Wellington Regional Council (149.6 and 149.58) request removing residential areas in the high hazard coastal overlay earmarked as suitable for medium or high-density intensification in Petone and the east Harbour Bays. EQC (FS21.2) support this submission. Central Apartments (FS18.16) and Investore (FS23.1) oppose this submission.
- (1055) The above submissions have been categorised as ‘natural hazards -overall’ as they raise broad issues associated with natural hazards. In addition, many of the submissions listed in the following sections relating to specific provisions or circumstances also raise fundamental matters in relation to the risks from natural hazards and the proposed nature and level of intensification enabled by PC56 as notified. Section 5.6 of the Section 32 Report for PC56 succinctly summarises the issues associated with natural hazards, which is quoted below for ease of reference.

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

- (1056) In evaluating the above submissions, a key consideration is the plan structure, in particular, the relationship between the zone (Activity Area) provisions and the district-wide/overlay provisions. As set out in Section 1.8 of the operative District Plan, both zone (Activity Area) and district-wide chapters are to be referred to when considering any activity. Unless stated in any provisions, all relevant provisions apply.
- (1057) There is potential for tension between the enabling provisions of the Residential Activity Area Chapters and the avoidance/restrictive provisions of the Natural Hazards Chapter. This tension appears to be a common theme in the submissions which raise concern about the amount and nature of intensification and natural hazard risks. The Natural Hazards Chapter does the ‘heavy lifting’ in terms of District Plan provisions managing the natural hazard risks. While the Activity Area Chapters may enable or provide for a certain level of development, the District Plan needs to be applied as a whole. This same approach applies to any district-wide chapter, not only natural hazards.
- (1058) An alternative is to ‘down zone’ high hazard overlays areas – i.e. rezoning areas within High Hazard Overlays to a lower density zone. For example, rezoning areas from High Density Residential Zone to Medium Density Residential Zone, and/or Medium Density Residential Zone to General Residential Zone. While down zoning may be appropriate from a natural hazard perspective, it does not consider other reasons for the location and extent of the zone. For example, proximity to the city centre or metropolitan centre, proximity to a rapid transit stop or good accessibility to commercial and community facilities. New Policy 1 in Section 1.10.3 sets out the general direction for residential zoning and scale of development. Of note is that this policy includes the wording “except in circumstances where a qualifying matter is relevant”. This wording recognises there may be circumstances, such as natural hazards (which is a qualifying matter) where the nature and scale of residential development anticipated by the zoning is not appropriate. Based on this policy framework. I do not recommend changes to the structure of the plan or zoning.
- (1059) Given this context, and outline of the plan structure, I turn to the specific matters raised in submissions.

- (1060) As noted above, natural hazards have been assessed as a qualifying matter in the preparation of PC56 and in this report. The nature and scale of development for each type of natural hazard are evaluated in the following sections of this report. This evaluation includes specific locations, such as Eastbourne and the Eastern Bays.
- (1061) Regarding the submission from EQC to add overlays section and planning maps to include liquefaction and slope stability hazard overlays, this is evaluated in Section 6.3.1 of this Report under 1.10.11.

Changes to Specific provisions

(1062) Chapter 14H Introduction

- Argosy Property No.1 Ltd (189.5) – Retain Introduction – Qualifying Matters (Amendment 405)
- Kāinga Ora (206.313) – Remove the reference to “overlay” in the Natural Hazard table, and the remove the reference to “flood hazard overlays” in the overlays table (206.314). Kāinga Ora (206.315, 206.316) – Amend the Introduction to be more concise and reduce the content by defining terms in the Definitions section. EQC (Toka Tū Ake) (F21.25, F21.26) oppose these submission points.
- Oyster Management Ltd (179.13, 179.14) – Retain the opening paragraphs of the Introduction as notified. Retain Amendment 402 as notified but correct the numbering (179.15). Te Āti Awa Nui Tonu (F24.42, F24.43) made a further submission to 179.13 and 179.14 seeking amendments to introductory text to explain and outline these areas subject to natural hazards and important to mana whenua.
- Stride Investment Management Ltd (275.5) – Retain Amendment 401 as notified. Te Āti Awa Nui Tonu (F24.40) made a further submission noting that a deeper and more comprehensive discussion with Te Ati Awa Nui Tonu is needed, noting the significance of areas subject to natural hazard overlays.
- Wellington Regional Council (149.106) – Retain the introductory text as notified. However, strongly recommends removing residential areas in high hazard coastal overlay earmarked as suitable for medium or high density intensification in Petone and the east Harbour Bays. York Bay Resident’s Association (F19.1) support this submission. Investore Property Ltd (F23.1) oppose submission 149.106 as it would impose constraints on development that inconsistent with the NPS-UD.
- Te Āti Awa Nui Tonu (F24.41) made a further submission to 149.106 seeking amendments to introductory text to explain and outline these areas subject to natural hazards and important to mana whenua.
- The support for the Introduction section (Amendment 401) of the Natural Hazards Chapter is noted. The zoning of residential areas in high hazard coastal overlays is discussed in the coastal hazard section of this report below.
- The term ‘overlay’ is used in the Introduction in relation to the different types of natural hazards. This term recognises the natural hazard areas are an overlay as described as a spatial planning tool in the National Planning Standards. Referring to overlays is consistent with other District Plans in the region (Proposed Porirua and Proposed Wellington District Plans). Therefore, it is recommended to retain the use of the term ‘overlays’. I consider the level of description in the Natural Hazards Chapter Introduction is commensurate with the scale and significance of the resource management issues for natural

hazards in Lower Hutt. A more concise Introduction could reduce understanding of the issues and approach for natural hazards.

- The further submission from Te Āti Awa Nui Tonu lists areas that are significant and important to Te Āti Awa Nui Tonu. It would be more appropriate to identify these areas of significance to Te Āti Awa Nui Tonu under a separate chapter of the District Plan. This review and identification is most appropriately carried out as part of the full District Plan review. Notwithstanding this review, the Statutory Acknowledgements as part of the Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009 are included in the Operative District Plan – refer to Addendum in the Operative District Plan. Therefore, it is recommended this further submission is accepted in part.

(1063) Chapter 14H Issue 14H 1.1.1

- Wellington Regional Council (149.107) – Amend Issue 14H 1.1.1 to add “minimised”. Investore Property Ltd (F23.1) oppose this submission.
- I do not consider it appropriate to add “minimised’ to Issue 14H 1.1.1, as I do not consider the second sentence in this issue statement is appropriate. This second sentence is not a resource management issue, rather it could be read or inferred as the outcome or objective in response to the issue stated in the first sentence. I consider this second sentence should be deleted for this reason. In addition, based on general submissions discussed in the first sub-section on natural hazards, I consider this issue statement should be added to in regard to the issue that human actions can increase risk and consequences from natural hazards. I recommend Issue 14H 1.1.1 is amended as shown below which is based on the issue statement in the Wellington Regional Policy Statement.

Issue 14H 1.1.1

There is a risk of harm to people and damage to their property from natural hazards associated with natural and coastal hazards. ~~The risk to people and their property should be avoided or mitigated.~~ People’s actions including mitigation measures and ongoing development in areas at risk from natural hazards can cause, or increase, the risk and consequences from natural hazards.

(1064) Chapter 14H Objective 14H1.1 Risk from Natural Hazards

- Argosy Property No.1 Ltd (189.6) – Amend Objective 14H 1.1 by adding the words “or not increase”.
- Investore Property Ltd (258.3) – Amend objective 14H 1.1 to recognise that it is acceptable that risks are also “not increased”.
- Wellington Regional Council (149.108) – Amend Objective 14H 1.1 to replace “reduce” with “minimise”. Investore Property Ltd (F23.1) oppose this submission.
- I do not consider it appropriate to add ‘not increased’ or replace ‘reduce’ with ‘minimise’ in Objective 14H 1.1 as these wording changes would be inconsistent with and not give effect to the Operative Wellington Regional Policy Statement. In particular, Objective 19 in the Operative Wellington Regional Policy Statement states:

Objective 19 The risks and consequences to people, communities, their businesses, property and infrastructure from natural hazards and climate change effects are reduced.

- However, I note Objective 20 in the Operative Wellington Regional Policy Statement refers to ‘do not increase’ the risk and consequences of natural hazard events in relation to hazard mitigation measures, structural works and other activities. As Objective 14H 1.1 relates to people, property and infrastructure, I consider ‘avoid or reduce’ is the most appropriate outcome for achieving the purpose of the RMA.

(1065) Chapter 14H Policies

Policy 14H 1.1. Levels of Risk

- Argosy Property No.1 Ltd (189.7) – Amend Policy 14H 1.1 by replacing “limiting” with “managing” and adding “where practical”.
- Oyster Management Ltd (179.16) – Amend Policy 14H 1.1 to replace the word “Limiting” with “Managing”.
- Kāinga Ora (206.317) – Amend Policy 14H1.1 to remove reference to “overlays” and replace with “areas” as it relates to flooding. EQC (Toka Tū Ake) (F21.27) oppose this submission.
- Investore Property Ltd (258.4) – Delete Policy 14H 1.1 and reconsider the approach to managing risks in the Medium Coastal Hazard. EQC (Toka Tū Ake) (F21.32) oppose this submission.
- Stride Investment Management Ltd (275.6) – Retain Policy 14H 1.1 as notified.
- Wellington Regional Council (149.109) – Amend Policy 14H 1.1 to replace “reduce or do not increase” with “minimise”. Investore Property Ltd (F23.1) oppose this submission.
- I do not agree with amending the word “limiting” to “managing” as development in the medium and high natural hazard overlays and coastal hazard overlays is limited rather than managed (i.e. restricted to two residential units in the coastal hazard overlay). It is effective to limit the scale of subdivision, use and development on sites subject to medium and high risk from natural hazards to achieve the objective of avoiding or reducing the risk to people, property and infrastructure. I also do not agree with adding “where practical”, as if the mitigation is not practical then it questions the appropriateness of the subdivision, use and development in these hazard overlay areas.
- I do not agree with deleting Policy 14H 1.1 as it provides important direction for subdivision, use and development in hazard areas.
- For the same reasons outlined above, I do not agree with replacing the words “reduce or do not increase” with “minimise”.
- As evaluated above, I consider the overlays should be retained as it is consistent with the National Planning Standards.

Policies relating to Fault Hazards (14H 1.2)

- EQC (Toka Tūa Ake) (180.4) - Retain Policy 14H 1.2 as notified.
- Fire and Emergency New Zealand (176.66) – Retain Policy 14H 1.2 as notified.
- Investore Property Ltd (258.8) – Retain Policy 14H 1.2 as notified.
- Oyster Management Ltd (179.17) Retain Policy 14H 1.2 as notified.

- Wellington Regional Council (149.110) – Amend Policy 14H 1.2 to replace “reduced or not increased” with “minimise”. Investore Property Ltd (F23.1) oppose this submission.
- The support of retaining policy 14H 1.2 is noted. For the same reasons evaluated above, I do not agree with replacing the words “reduced or not increased” with “minimised”.
- For the reasons outlined in Section 6.3.1, I consider that this policy should be amended to:

~~Manage-Limit~~ Structures and Buildings, within the Wellington Fault Overlay, ~~by ensuring that unless~~...as it is ranked as a high hazard.

Policies relating to Flood Hazards (14H 1.3 – 14H1.7)

- Ashley Roper (266.1) – Amend Policy 14H1.7 to exclude new residential development from identified flood plain areas.
- Central Apartment Ltd (241.1) – Amend Policy 14H 1.5, 14H 1.6 and 14H 1.7 to differentiate between the risks within a stream corridor. Central Apartments Ltd (241.2) – Amend Policy 14H 1.7 by changing ‘avoid’ to something less discouraging. Tim Power (F14.1) supports both of these submission points.
- Fire and Emergency New Zealand (176.67) – Retain Policy 14H 1.3, 14H 1.4 as notified.
- Kāinga Ora (206.318, 206.320, 206.322, 206.324, 206.326) – Amend Policy 14H 1.3, 14H 1.4, 14H 1.5, 14H 1.6, 14H 1.7 to remove “flood hazard overlays”. Kāinga Ora (206.319, 206.321, 206.323, 206.325, 206.327) - Amend Policy 14H 1.3, 14H 1.4, 14H 1.5, 14H 1.6, 14H 1.7 to include a Note which makes reference to flood hazard mapping that sits outside the Plan. EQC (Toka Tū Ake) (F21.28 and F21.29) oppose these submission points.
- Investore Property Ltd (258.11, 258.12) – Retain Policy 14H 1.3 and 14H 1.5 as notified.
- Oyster Management Ltd (179.18, 179.19) Retain Policy 14H 1.3, 14H 1.5 as notified.
- Petone Community Board (116.66) – Amend Policy 14H 1.5 to replace “provide for” with “manage”.
- Stride Investment Management Ltd (275.7, 275.8) – Retain Policy 14H 1.3, 14H 1.4 as notified.
- Wellington Regional Council (149.111, 149.112, 149.113, 149.114) – Retain Policy 14H 1.3, 14H 1.4, 14H 1.5, 14H 1.6 as notified. Investore Property Ltd (F23.1) oppose this submission.
- Wellington Regional Council (149.115) Amend Policy 14H 1.7 to prevent residential dwellings from being built in the stream corridor. Investore Property Ltd (F23.1) oppose this submission.
- The proposed approach to subdivision, use and development in flood hazard overlays is a risk-based approach, therefore excluding all residential development from flood plains would not align with this risk based approach.
- I do not agree with amending the word “avoid” in Policy 14H 1.7, as this is commensurate with the wording and outcome sought in Objective 14H 1.1.

Stream corridors have the highest risk of flooding, with the greatest depth and velocity of flood waters. Therefore, subdivision, use and development in stream corridors have high vulnerability to damage and greatest consequences. Accordingly, it is considered appropriate to avoid sensitive land uses in stream corridors, such as residential units, commercial activities and retail activities. There may be circumstances where some development is appropriate considering the matters outlined in clause 1-4 of Policy 14 1.7, therefore I disagree with Wellington Regional Council to prevent all residential dwellings from being built within the stream corridor.

- The support to retain policies regarding flood hazards is noted.
- For the reasons outlined previously, I consider the overlays should be retained. An evaluation of the location of flood hazard mapping is provided in Section 6.3.1.
- Policy 14H 1.5 seeks to “provide for” development in Inundation Areas, provided that mitigation measures are incorporated. “Providing for” is commensurate with the low risk level of inundation areas, and therefore I do not agree that this should be amended to “manage”.

Policies relating to Coastal Hazards (14H 1.8 – 14H 1.13)

- Fire and Emergency New Zealand (176.67) – Retain Policy 14H 1.8 as notified.
- Investore Property Ltd (258.5) - Delete Policy 14H 1.8 and reconsider approach to managing risks in the Medium Coastal Hazard. EQC (Toka Tū Ake) (F21.32) oppose this submission.
- M Playford (187.4) – Supports Policy 14H 1.8 to the extent that it enables additions to buildings in the medium and high coastal hazard area.
- Petone Community Board (166.67) Amend Policy 14H 1.7 to Policy 14H 1.11 to replace “manage” to “limit”. Petone Community Board (116.68) - Amend Policy 14H 1.7 to 14H 1.13 to incorporate GNS Science work into the policies.
- Oyster Management Ltd (179.20) – Amend Policy 14H 1.8 to replace “low” with “not increased or is reduced”.
- Oyster Management Ltd (179.21) – Retain Policy 14H 1.12 as notified.
- Oyster Management Ltd (179.22) - Amend Policy 14H 1.13 clause 1 to read: The activity, building or subdivision reduces or does not increase the risk to people, and property.
- Wellington Regional Council (149.116) Amend Policy 14H 1.8 to remove high and medium density zones from the high coastal hazard overlay and reduce to medium density in the medium coastal hazard areas. York Bay Resident’s Association (F19.1) support this submission. Investore Property Ltd (F23.1) oppose the submission 149.116.
- Wellington Regional Council (149.117, 149.118, 149.121) – Amend Policy 14H 1.9, 14H 1.10, 14H 1.13 to replace “reduce or do not increase” with “minimise” or “minimised”. Investore Property Ltd (F23.1) oppose this submission.
- Wellington Regional Council (149.119) – Amend Policy 14H 1.11 to consider whether a residential unit would ever have a functional need to be located in the high hazard coastal overlay. Investore Property Ltd (F23.1) oppose this submission.
- Wellington Regional Council 149.120) – Retain Policy 14H 1.12.

- Similar to flood hazard evaluated above, a risk based approach has also been adopted for coastal hazards. In relation to the submissions on Policy 14H 1.8, it is not considered appropriate to delete this policy as it would result in a policy gap for existing buildings within the medium and high coastal hazard areas. The request from Oyster Management Ltd to replace "low" with "not increased or is reduced" is supported as it is more consistent with the outcomes expressed in the objectives and is more certain and measurable. The request from the Regional Council about removing high and medium density zones from the high coastal hazard overlay and reduce to medium density in the medium coastal hazard areas in evaluated in Section 6.3.1 above about the relationship between zones (Activity Areas) and overlays.
- I agree with Petone Community Board that Policy 14H 1.11 should be amended to replace "manage" with "limit" based on the evaluation in Section 6.3.1, as high coastal hazard overlays are ranked as a high hazard.
- In relation to policies 14H 1.9, 14H 1.10 and 14H 1.13, for the same reasons outlined above, I do not agree with replacing the words "reduced or not increased" with "minimised".
- In relation to the request from Oyster Management Ltd (179.22) to delete the words "incorporate measures" from Policy 14H 1.13, while it may be seen to be narrowly framed, this wording provides clarity and direction that it is highly likely new buildings will need to incorporate measures to address the risks from coastal hazards.

(1066) Chapter 14H Rules

Rules relating to Fault Hazards (Rule 14H 2.1)

- Investore Property Ltd (258.9) – Retain Rule 14H 2.1 as notified.
- Oyster Management Ltd (179.23) – Retain Rule 14H 2.1 as notified.
- The support for Rule 14H 2.1 is noted. It is recommended to retain Rule 14H 2.1 as notified.

Rules relating to Flood Hazards (Rule 14H 2.2, 14H 2.3, 14H 2.4, 14H 2.5)

- Central Apartments Ltd (241.3) – Amend Rule 14H 2.5 by changing non-complying to discretionary for new residential units, commercial activities or retail activities. Tim Power (F14.1) supports this submission.
- Design Network Architecture Ltd (162.7) – Amend Rule 14H 2.2, under point 2 reference is made to 14H 2.4(1)(a), and under point 3 reference is made to 14H 2.4(1)(b). They assume this is a typo in that these should read 14H 2.2(1)(a) and 14H 2.2 (1)(b) respectively.
- EQC (Toka Tū Ake) (180.5) – Amend Rule 14H 2.3 to specify the freeboard requirements of buildings within Flood Hazard Areas are in line with NZ Standard 4404:2010, and include flood hazard information within LIMs. Wellington Regional Council (F02.4) made a further submission requesting the provisions for Greater Wellington to apply the Greater Wellington Flood Hazard Modelling Standard freeboards.
- Investore Property Ltd (258.10) – Retain Rule 14H 2.3 as notified.
- Kāinga Ora (206.329) – Amend Rule 14H 2.2 to simplify the rule framework.
- Kāinga Ora (206.330) – Amend Rule 14H 2.2 to correct a rule reference at 2.2.2(a).

- Kāinga Ora (206.328, 206.332, 206.334, 206.336) – Amend Rule 14H 2.2, 14H 2.3, 14H 2.4, 14H 2.5 to remove reference to “flood hazard overlay”. EQC (Toka Tū Ake) (F21.30) oppose this submission.
- Kāinga Ora (206.331, 206.333, 206.335, 206.337) – Amend Rule 14H 2.2, 14H 2.3, 14H 2.4, 14H 2.5 to include a Note which makes reference to flood hazard mapping that sits outside the Plan. EQC (Toka Tū Ake) (F21.31) oppose this submission.
- Oyster Management Ltd (179.24) – Retain Rule 14H 2.3 as notified.
- Petone Community Board (116.69) – Amend Rule 14H 2.2 and 14H 2.3 to remove the raising of floor levels and safe evacuation as a mitigating matter.
- Stride Investment Management Ltd (275.9) - Retain Rule 14H 2.3 as notified.
- Wellington Regional Council (149.122) – Retain Rule 14H 2.2, 14H 2.3, 14H 2.4, 14H 2.5 as notified. Investore Property Ltd (F23.1) oppose this submission.
- In relation to Rule 14H 2.2 and 14H 2.3 and the request from the Petone Community Board to remove raising of floor levels and safe evacuation as a mitigating matter, it is noted these measures only apply to Inundation Areas of the Flood Hazard Overlay. Inundation Areas are classified as low risk, in that they are areas which experience shallow and slow moving floodwaters. Therefore, raised floor level and safe evacuation paths are effective mitigation measures in this context.
- The series of submission points from Kāinga Ora regarding the location of flood mapping within the district plan are evaluated above in Section 6.3.1.
- The submissions from Design Network Architecture and Kāinga Ora on correcting the rule references in Rule 14H 2.2 is supported.
- In relation to Rule 14H 2.3 and the request from EQC to specify the freeboard requirements of buildings within Flood Hazard Areas in line with NZ Standard 4404:2010, this approach would provide certainty and standardisation. I understand the NZS 4404:2010 approach to freeboard is to apply a fixed freeboard height additional to the modelled flood level based on the type of building (e.g. 500mm freeboard is applied to habitable dwellings and, 300mm freeboard is applied to commercial and industrial buildings, and 200mm freeboard is applied to non-habitable residential buildings and detached garages). However, this standardised approach to freeboard lacks flexibility to deal with a variety of situations, in particular localised risks. Where good quality flood modelling is available, I understand a variable freeboard is applied within the flood model itself which takes into account relevant local influences and provides a more accurate reflection of the hazard. As outlined in the evidence from Mr Osborne in Appendix 6 who outlines the approach to freeboard used by Wellington Water, I understand the flood models (and future models) produced by Wellington Water, including an allowance for freeboard which can be accurately used to set floor levels. Based on this advice, adding this reference to NZS4404:2010 for freeboard is not supported.
- In relation to Rule 14H 2.5 and request from Central Apartments Ltd to change the activity status for new residential units, commercial activities or retail activities from non-complying to discretionary, this is not considered appropriate as it would not be as effective in implementing the direction in Policy 14H 1.7 to ‘avoid’ these types of activities. The non-complying activity status is a signal that these types of activities are generally not appropriate,

which is considered effective in these circumstances due to the high risks from flood hazards. It is recommended this submission is rejected.

Rules relating to Coastal Hazards (Rule 14H 2.6, 14H 2.7, 14H 2.8, 14H 2.9, 14H 2.10)

- Design Network Architecture Ltd (162.8) – Amend Rule 14H 2.8 and 2.9 by requesting these rules permit up to three residential units provided that appropriate hazard mitigation is in place.
- Fire and Emergency New Zealand (176.68) – Retain Rule 14H 2.6 as notified.
- Design Network Architecture Ltd (162.9) – Note Rule 14H 2.10 specifically refers to the Medium and High Coastal Hazard Overlays. Seek clarification as to whether commercial and retail activities in these activity areas are permitted when they are within a Low Coastal Hazard Overlay.
- EQC (Toka Tū Ake) (180.6) – Remove Rule 14H 2.9 as intensification and further development of this area should be avoided. Replace with New Residential units in the High Coastal Hazard Overlay being prohibited.
- Investore Property Ltd (258.6, 258.7) Delete Rules 14H 2.6 and 14H 2.10 and reconsider approach to managing risks in the Medium Coastal Hazard Overlay. EQC (Toka Tū Ake) (F21.32) oppose this submission.
- M Playford (187.5) – Amend Rule 14H 2.6 to provide for additions in the Medium and High Coastal Hazard overlays as a permitted activity.
- M Playford (187.6) - Retain Rule 14H 2.8 as notified.
- M Playford (187.7) - Amend Rule 14H 2.9 to provide for three or more dwellings as a restricted discretionary activity.
- Oyster Management Ltd (179.26) – Retain Rule 14H 2.10 as notified.
- Oyster Management Ltd (179.25) - Amend Rule 14H 2.6 to remove reference to “Low Coastal Hazard Area” in 1.b.
- Wellington Regional Council (149.123, 149.125) – Retain Rule 14H 2.6, 14H 2.7, 14H 2.8, 14H 1.10, and Other Matter 14H 1.11 as notified. Investore Property Ltd (F23.1) oppose this submission.
- Wellington Regional Council (149.124) - Delete Rule 14H 2.9. York Bay Resident’s Association (F19.1) supports this submission. Investore Property Ltd (F23.1) oppose this submission.
- Rule 14H 2.6 applies to additions to buildings within the Coastal Hazard Overlays. Oyster Management Ltd seek the removal of ‘Low Coastal Hazard Area’ from point 1(b) in this rule. This submission highlights a duplication in this rule where Low Coastal Hazard Area is referred to in both points 1(a) and 1(b). It is considered appropriate to permit additions to buildings in the Low Coastal Hazard Area given the low risk and existing buildings and structures in this area. This approach balances the continued use and development of existing buildings within the low risk from coastal hazards. It is recommended ‘Low Coastal Hazard Area’ is deleted from point 1(b) in this rule.
- Investore Property Ltd seek Rule 14H 2.6 be deleted in its entirety and seeks reconsideration of the approach to managing risks in the Medium Coastal Hazard. This rule implements Policy 14H 1.8, and as evaluated above for this policy, this rule is appropriate to ensure the risks are not increased or reduced. The submitter may wish to elaborate at the hearing on an alternative approach.

- Design Network Architecture seek Rules 14H 2.8 and 14H 2.9 permit up to three residential units provided that appropriate hazard mitigation is in place. Conversely, EQC seek Rule 14H 2.9 be deleted and seek new residential units in High Coastal Hazard Areas be made a prohibited activity. Similarly, Wellington Regional Council seek Rule 14H 2.9 be deleted. Increasing the number of residential units permitted in the Medium and High Coastal Hazard Area would potentially expose a greater number of people and property at risk from coastal hazards. This level of development could be ineffective in achieving the objective of avoiding or reducing the risk to people and property. The following evaluates the options for prohibiting development in High Coastal Hazard Areas, removing the permitted activity for two residential units in the High Coastal Hazard Areas, or retaining Rule 14H 2.9 as notified.
- Prohibiting new residential development in High Coastal Hazard Areas would be effective in avoiding exposing a greater number of people and property at risk from coastal hazards. However, a prohibited activity is the highest activity status threshold and relies on very robust information to delineate the area. This activity status is applied where, within the time span of the district plan, the activity in question should in no circumstances ever be allowed in the area under consideration. Prohibited activity status could have significant environmental, economic, social and cultural benefits and costs. There is limited information in the submissions on these benefits and costs. This information includes the assessment requirements for qualifying matters under Section 77J and 77P of the RMA. Submitters may wish to elaborate at the hearing on these benefits and costs.
- To aid in understanding the scale and significance of the benefits and costs, in Appendix 10 of this report are tables showing the number of properties within the different natural hazard overlays. Rule 14H 2.9 applies to the High Coastal Hazard Overlay, which includes both tsunami and inundation overlays. A total of 910 properties which are subject to PC56 (i.e. within High Density Residential, Medium Density Residential and Suburban Mixed Use Activity Areas) are partly or fully within the High Coastal Hazard Area. In particular, four properties in the Medium Density Residential Activity Area are partly covered by the High Coastal Hazard Area – Inundation. These four properties are located on the seaward side of Marine Drive at the northern end of Days Bay – see Figure 2 below.



Figure 2: Properties zoned Medium Density Residential with High Coastal Hazard Overlay – Inundation (purple hatching)

- 906 properties in the Medium and High Density Residential Activity Areas are partly or fully covered by the High Coastal Hazard Area – Tsunami. These 906 properties are predominantly located in the Moera, Petone and eastern bays areas near the coast or mouth of the Hutt River – see Figure 3 below.

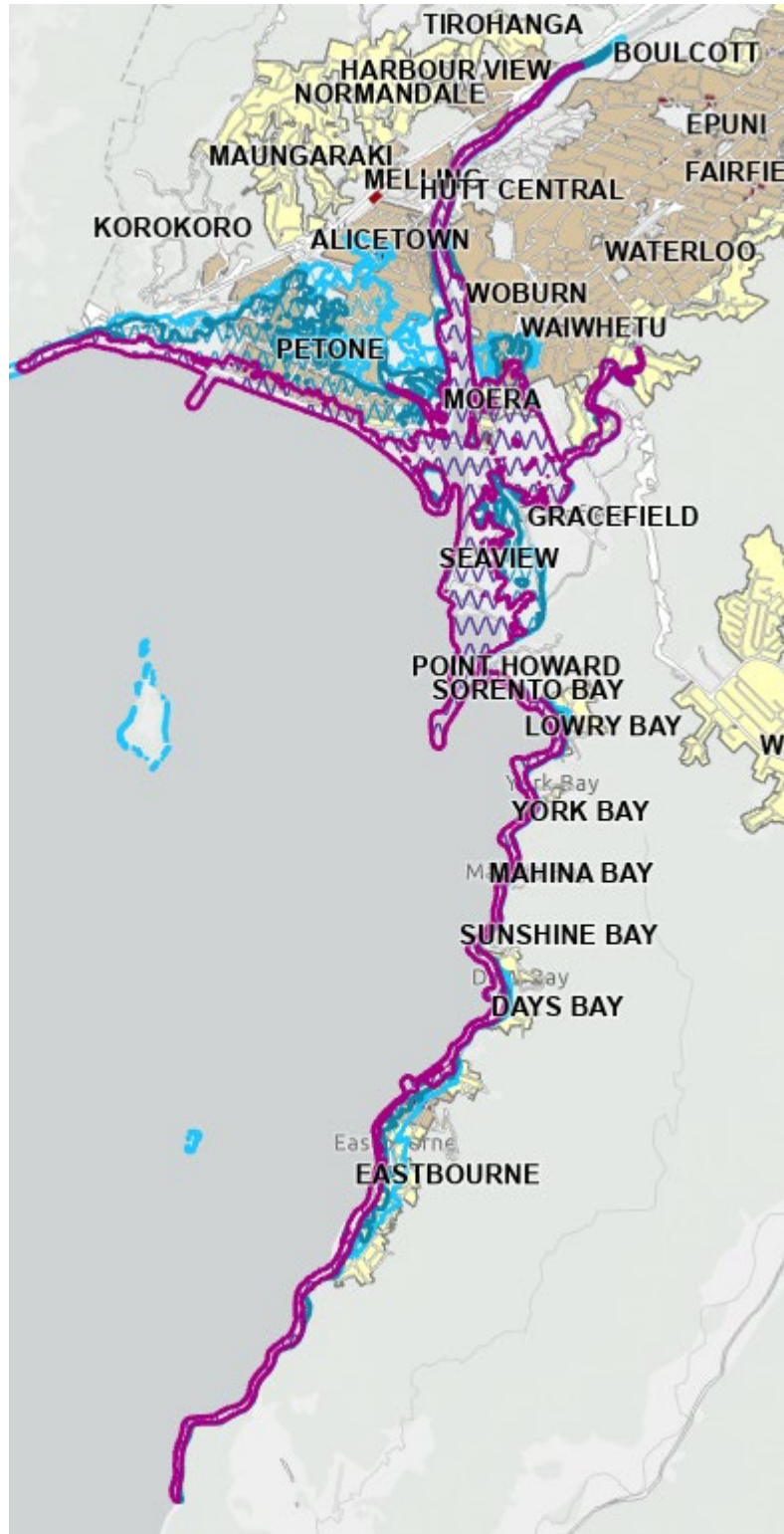


Figure 3: Properties zoned Medium and High Density Residential with High Coastal Hazard Overlay – Tsunami (purple hatching)

- Another consideration with applying prohibited activity status, is community, including property owners, awareness and understanding of this rule. Given the significant implications of prohibited activity status, particularly restricting new residential units on residentially zoned land, good plan-making practice would involve community engagement before such as rule was proposed. This

engagement would help inform the evaluation of the benefits and costs of prohibited activity status.

- I also consider this request for prohibited activity status brings into play Section 85 of the RMA. In particular, whether the prohibited activity “would render that interest in land incapable of reasonable use”. Again, submitters may wish to elaborate at the hearing on this matter.
- While prohibited activity status would also achieve the objective of avoiding or reducing the risk to people, property and infrastructure, at this time, I do not consider the benefits and costs of this activity status are understood. I consider the full district plan review process would be the more appropriate process to evaluate this activity status, which would include community engagement.
- Rule 14H 2.9 as notified permits two residential units per site in the High Coastal Hazard Area. Policy 25 of the New Zealand Coastal Policy Statement (NZCPS) states:

In areas potentially affected by coastal hazards over at least the next 100 years:

(a) avoid increasing the risk of social, environmental and economic harm from coastal hazards;

(b) avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards;

(c) encourage redevelopment, or change in land use, where that would reduce the risk of adverse effects from coastal hazards, including managed retreat by relocation or removal of existing structures or their abandonment in extreme circumstances, and designing for relocatability or recoverability from hazard events;

(d) encourage the location of infrastructure away from areas of hazard risk where practicable;

(e) discourage hard protection structures and promote the use of alternatives to them, including natural defences; and

(f) consider the potential effects of tsunamis and how to avoid or mitigate them.

- To retain the rule as notified and permit two residential units per site would not be consistent with Policy 25 (a) and (b) of the NZCPS as sites with one residential unit, could be developed with an additional unit which would increase the risk of people and property exposed to this coastal hazard.
- If Rule 14H 2.9 was amended to not permit any residential development, this would affect 910 properties from having permitted activity development rights for up to two residential units.
- Considering the process for this PC56 process, and the rights of property owners, they may have been more inclined to make an original submission on PC56, if they were aware their permitted development rights were going to be affected.
- As outlined above, a total of 910 properties subject to PC56 (i.e. within High Density Residential, Medium Density Residential and Suburban Mixed Use Activity Areas) are partly or fully within the High Coastal Hazard Area. In the scheme of the overall development capacity that PC56 provides for, the reduction of 910 potential residential units is a not significant among the development potential across 35,585 properties for the entire plan change.

- Whilst acknowledging that Rule 14H 2.9 as notified is not consistent with Policy 25 of the NZCPS, in weighing up the NPS-UD and the ISPP process, I think it would be unfair to remove this development right without effective engagement with property owners. The full district plan review provides the opportunity for this engagement to occur.
- In summary, at this time based on the information currently available, I consider retaining the provisions as notified being permitting up to two residential units and non-complying activity status for Rule 14H 2.9 is the most appropriate activity status for implementing the coastal hazard policies and achieving the natural hazard objectives. However, I strongly recommend that these provisions are revisited during the full district plan review.
- Rule 14H 2.10 relates to commercial or retail activities within Commercial or Mixed Use Activity Areas where the Medium or High Coastal Hazard Overlays apply. Design Network Architecture Ltd seek clarification as to whether commercial and retail activities in these Activity Areas are permitted when they are within a Low Coastal Hazard Overlay. I can clarify there are no rules relating to commercial or retail activities within the Low Coastal Hazard Overlay. Investore Property Ltd seek Rule 14H 2.10 be deleted in its entirety and seeks reconsideration of the approach to managing risks in the Medium Coastal Hazard. This rule implements Policies 14H 1.12 and 14H 1.13 which manage the risk from coastal hazards to these types of activities. This rule is appropriate to ensure the risks are not increased or reduced to the occupants of these activities. The submitter may wish to elaborate at the hearing on an alternative approach.

(1067) Chapter 14H Anticipated Environmental Results

- Wellington Regional Council (149.126) – Amend the Anticipated Environmental Results to include two new clauses relating to increased resilience and improved outcomes for the natural environment. Investore Property Ltd (F23.1) oppose this submission.
- The anticipated environmental results are to guide the measurable outcomes for determining whether objectives of the District Plan have been achieved. The two new clauses requested to be added would be a limited benefit in measuring the outcomes. The existing two outcomes relating to increased public awareness of natural hazards and reduced level of vulnerability experience are more effective and efficient in measuring the objectives.

Coastal Hazards

Identification of coastal hazard areas

- (1068) Anastay Papdopoulos (70.1) requests changing proposed Medium Coastal Hazard Area to a Low Coastal Hazard Area based on SSP 8.5 and a projected 1.5m sea-level rise by 2130. Anastay Papdopoulos (70.2) also request a new Medium Coastal Hazard Area based on SSP 8.5 and a projected 1.0m sea-level rise by 2130.
- (1069) Anne Smith (195.4) seeks a long-term plan which links to metres of sea level rather than time – e.g. plan for 5m sea level rise rather than 50 years. Anne Smith (195.7) also seeks the District Plan clearly states that all HCC infrastructure investment occurs in areas that will provide for future generations. Anne Smith (195.5) also seeks HCC plan for sea level rise which is not linear and gradual, rather it may occur catastrophically in response to major events. Anne Smith (195.8) also seeks HCC adopt the IPCC scenarios and projections for sea level rise to inform decision-making -specifically use the National Adaptation Plan August 2022.

- (1070) Argosy Property No.1 Ltd (189.4) request deletion of the hazard rankings, or alternatively reduce the hazard ranking for all tsunami hazards to 'low' to reflect that it is difficult to mitigate the risk of a tsunami. EQC (Toka Tū Ake) (F21.6) oppose this submission stating that it is not appropriate to reduce the hazard ranking given the high consequence of a tsunami occurring.
- (1071) EQC (Toka Tū Ake) (180.7) seek that the High Coastal Hazard Zone should be extended as shown in the submission so that future development of this area is avoided to reduce the future risks that climate change will bring. Bjorn Johns (F09.1) and York Bay Resident's Association (F19.3) supports this submission. Troy Baisden (F11.3) supports the submission 180.7 to not rezone Petone and Eastbourne High Density Residential.
- (1072) Kimberley Vermacy (114.5) requests that coastal inundation mapping is reviewed.
- (1073) M Playford (187.3) seeks the amendment of mapping at 8 Aurora Street to change from a High Coastal Hazard Area to a Medium Coastal Hazard Area.
- (1074) Te Rūnanga o Toa Rangatira (on behalf of Ngāti Toa) (274.4) request that the High Hazard Coastal Overlay in Petone and East Harbour Bays be removed. Retirement Villages Associated of New Zealand Incorporated (F12.59) made a further submission to 274.4 to seek that intensification proposals are assessed on a case-by-case basis.
- (1075) Troy Baisden (226.1) requests that changes are made to the respective hazard ranking for "Coastal Inundation Extent – 1.5m Sea Level Rise and 1:100 year storm tide and wave set up" from Medium to Low, but make is clear that the risk could be elevated to Medium some time between 30 to 100 years into the future (226.2). A similar 1.0m Sea Level Rise layer should be mapped as Medium risk (226.3).
- (1076) NIWA provided coastal inundation mapping to inform the Hutt City Council PC56 process. In his expert evidence in Appendix 7 of this report, Scott Stephens (NIWA) does not raise any matters, as a result of submissions that require changes to the coastal hazard maps for inundation.
- (1077) Based on the time constraints to prepare this plan change, the Existing Coastal Inundation Extent with a 1:100 year storm and a scenario with the Coastal Inundation Extent – (1.5m Relative Sea Level Rise and 1:100 year storm tide and wave setup) were used for the provisions and mapping in PC56. Scott Stephens states that the maps are a basic assessment and are appropriate as best available information currently but could be improved by undertaking dynamic flow path modelling or detailed site-specific modelling of extreme sea levels and their interaction with pluvial and fluvial and groundwater processes. During the full district plan review, there may be opportunity to consider more scenarios and dynamic modelling.
- (1078) The hazards are ranked in Chapter 14H based on that likelihood of occurring and the magnitude of consequence. The single scenario of RCP8.5H+ scenario (Coastal Inundation Extent – 1.5m Sea Level Rise and 1:100 year storm tide and wave setup) has been used, rather than multiple scenarios (for the reasons outlined above). Therefore, I do not agree with the submission by Troy Baisden (226.1) to add another Coastal Inundation Extent with a 1.0m Sea Level Rise or to reclassify these rankings for this plan change.
- (1079) David Burbidge for GNS has provided specialist input with regards to mapping the Coastal Hazard Overlay – Tsunami and his evidence in Appendix 9 outlines the basis for this mapping. Mr Burbidge advises no changes to the tsunami hazard mapping in light of the submissions which query this mapping. Based on the advice of Mr Stephens and Mr Burbidge, I consider the identification of the coastal hazard overlays, both inundation and tsunami, is appropriateness for use in the proposed plan change.

Management of coastal hazard risk and intensification

- (1080) Bruce Spedding (57.6) request that land designated as 'at risk' (from inundation, sea-level rise, or tsunami) be zoned for relocatable housing (possibly "tiny homes") to mitigate future

impacts of having to retreat from these areas (and making more affordable housing possible at the same time).

- (1081) Keith Fraser (134.1) requests that new provisions should be included to require only relocatable residential buildings in Petone and in other suburbs within 1.5 vertical metres of sea level.
- (1082) Kimberley Vermacy (114.4) requests that the policy and rule framework be refined to recognise different inundation depths which may have implications on the hazard classification framework, recommending that the hazard map overlays be adjusted to remove inundation depths below a certain level as they do not warrant land use planning. Kimberley Vermacy (114.5) seeks that only one residential unit is allowed in High Hazard Areas, aligning with the NZCPS.
- (1083) Laura Skilton (44.2) requests amendments to the Coastal Hazards Areas to better align with the policies and to allow a maximum of two stories in these areas.
- (1084) Mike Wong (264.2) and Poneke Architects Ltd (263.2) requests that all coastal hazard provisions that restrict housing intensification beyond the permitted building height envelope standards should be removed.
- (1085) Edgar Andrew (84.1) requests revised permitted development within the coastal hazard zone, with no intensification permitted in any of the coastal hazard zones.
- (1086) Martyn and Stephanie Robey (39.1) requests that all areas contained in the identified tsunami and liquefaction risk zones to be excluded in those areas marked for high density housing. Central Apartments Ltd (F18.5) oppose this submission.
- (1087) Malcolm Lewis (97.2) seeks amendments to the rules to not allow any intensification in Coastal Hazard Areas.
- (1088) Sylvia and Bill Allan (168.1, 168.2, 168.3) request that intensification of residential development above the current density in the medium and high coastal hazard areas be prevented, and that any increase in dwelling numbers in the medium coastal hazard area should be a non-complying activity and prohibited in high coastal hazard area. York Bay Resident's Association (F19.2) support this submission.
- (1089) Pam Roberts (132.2) requests that heritage areas should be considered in conjunction with a plan for sea level rise protection for Petone Foreshore.
- (1090) Within a Coastal Hazard Overlay, an application for proposed relocatable housing could be considered as a mitigation measure that reduces or does not increase the risk to people and property from a coastal hazard. Therefore, the relief sought by Bruce Spedding (57.6) and Keith Fraser (134.1) is provided for under the proposed rules.
- (1091) Rather than restricting the height or building envelope for buildings in a Coastal Hazard Overlay, the rules restrict the number of units. This is to restrict the number of people and property that could be affected by a coastal hazard. I therefore disagree with the amendments sought by Laura Skilton (44.2) and Mike Wong (264.2) and Poneke Architects Ltd (263.2).
- (1092) The Rules as notified retain the operative District Plan rule relating to the number of units permitted on the site – i.e. limit the permitted number of units per site to two in medium or high coastal hazard areas. In low coastal hazard areas three units per site are permitted. Development over and above these thresholds requires resource consent to mitigate or avoid risk to people, property, and infrastructure. In addition, hazard mitigation and access to evacuation for commercial activities over a certain size is required. Therefore, there is no increase in intensification permitted in these medium and high hazard overlay areas.

Flood Hazards

Identification of flood hazard areas

- (1093) Cuttriss Consultants Ltd (221.7) request the use of probability to identify flood hazard effects rather than a time interval.
- (1094) Kāinga Ora (206.308) requests that natural hazard flooding overlays be removed from the District Plan statutory maps, and instead hold this information in non-statutory GIS maps. Kāinga Ora (206.309) request that new definitions are added to identify flood hazards in the Plan and amend the rule framework to enable rules to be linked to newly defined terms of Flood Hazards (206.310). Kāinga Ora (206.311) seek a revision to reference through the plan to delete “flood hazard overlay” and other consequential amendments (206.312).
- (1095) Wellington Regional Council (F02.206) made a further submission disagreeing with Kāinga Ora’s requests (206.308, 206.309, 206.310, 206.311, 206.312) to remove the natural hazard flooding overlays from the District Plan and associated amendments. EQC (Toka Tū Ake) (F21.21 – F21.24) also oppose the submission by Kāinga Ora to remove the flood hazard mapping.
- (1096) Robert Brathwaite (129.2) requests the removal of “within 1200m from the edge of the Lower Hutt Central Business District” area from the targeted intensification areas until the stopbank downstream from the Melling Bridge and bridge itself is rebuilt.
- (1097) In response to the submission by Cuttriss Consultants (221.7) for the use of probability rather than time intervals for flood hazards, evidence from Alastair Osborne (Wellington Water) in Appendix 6 to this report states:
- The application of Average Recurrence Interval (ARI) and/or Annual Exceedance Probability (AEP) is complex. However, in my view, it ultimately has little material impact on the management of flood hazard. The advantages of maintaining the use of ARI at present is that ARI is applied by other councils across the Wellington region for flood hazard mapping. It therefore enables a consistent approach to be taken across the region. The use of ARI also aligns with current Level of Service targets.*
- Based on this evidence, I do not agree with changing the application of Average Recurrence Interval.
- (1098) An evaluation of Kāinga Ora’s (206) submission on removing flood hazard mapping from the District Plan and associated amendments is provided in Section 6.3.1.
- (1099) The Flood Hazard Overlay applies to areas of the Lower Hutt Central Business District. Where this Overlay applies, the Natural Hazard provisions restrict development in accordance with the scale of hazard risk. The flooding from the Hutt River is not modelled or mapped for land use planning purposes because of the high level of protection provided by the stopbanks (existing and future). It is unclear which area Robert Brathwaite (129.2) is requesting be rezoned, however if there are areas within the identified Flood Hazard Overlay, any development would be subject to compliance with the Natural Hazard Rules.

Management of flood hazard risk and intensification

- (1100) Cuttriss Consultants Ltd (221.6) request consideration of assessing flood hazard effects in addition to building location and floor levels and including guidance as to how flood hazard effects on access could be addressed having regard to the nature of the risk in terms of frequency, depth and velocity of floodwaters, ability for occupants’ and emergency vehicle access, duration of flooding, and provision of alternative access during a major flood event.
- (1101) Kimberley Vermacy (114.1) seeks that resource consent should not be required for buildings located within flood depths of 0.5m, but resource consent should be required in floodwater 0.5m or more, with displacement effects considered.
- (1102) Rules 14H 2.2 - 14H 2.5 as notified only permit development in Inundation Hazard Overlays where it can meet finished floor level standards. If finished floor level standards are met, hazard effects on access are not considered due to the low risk to people and property. If finished floor levels are not met, any development in any of the flooding hazard overlays

requires consent which must consider the matters of discretion in the rule or Policies 14H 1.3, 14H 1.4 and 14H 1.6. These policies refer to mitigation measures to reduce or avoid an increase in risk to people and properties from flooding, ensuring people can safely evacuate and that overland flowpaths and stream corridors are unimpeded and unobstructed. Therefore, the considerations raised by Cuttriss Consultants Ltd (221.6) are understood to be required by these matters of discretion.

- (1103) Resource consents are required in the Inundation Area of the Flood Hazard Overlay where development cannot meet the minimum required finished floor levels above the 1% Flood Annual Exceedance Probability Level, rather than an arbitrary flood level height as recommended by Kimberley Vermacy (114.1). Notwithstanding this conclusion, we consider there is merit in considering a more refined approach through the full district plan review.

Fault Hazards

Identification natural hazard areas

- (1104) While no submissions points raised this issue, it is noted for completeness that during the full district plan review, the Council will consider any other hazards, such as those associated hazard areas as a result of faults (such as subsidence risk). This is out of scope of PC56.

Management of natural hazard areas and intensification

- (1105) Kimberley Vermacy (114.2) requests more restrictive policies and rules for development in areas where there is good understanding of fault hazards, and a less restrictive policy framework where the identification and position of the fault hazard is less certain.
- (1106) The Wellington Fault Overlay maps the latest information regarding fault hazards in the district, this represents the Wellington Fault Rupture within 20m of a known fault. Policy 14H 1.2 and Rule 14H 2.1 manage development in these fault zones in accordance with this best available information on fault hazard areas.
- (1107) Malcolm Lewis (97.3) seeks amendments to the rules to not allow any intensification within 1km of a fault line.
- (1108) While the Proposed Plan Change 56 maps show areas of High Density Residential, Medium Density Residential and Suburban Mixed Use areas within this Wellington Fault Overlay, Policy 14H 1.2 and Rule 14H 2.1 restrict development within 20m of the Wellington Fault Overlay. The 20m distance is the identified area where properties could be affected by this fault rupture (i.e. where the land at the physical fault boundary would separate).

Subdivision

- (1109) Kāinga Ora (206.294) seek that Objective (b) section 11.1.3 is retained as notified.
- (1110) Kāinga Ora (206.295) seek amendments to Policy 11.1.3 to simplify the wording focusing on a risk-based approach as outlined in their submission. EQC (F21.20) further submitted in opposition to this submission.
- (1111) Kāinga Ora (206.305) support Rule 11.2.3.1 in part but seek consequential changes to remove reference to Flood Hazard Overlay in 11.2.3.1(d).
- (1112) Wellington Regional Council (149.69) seek to amend Section 11.1.3 clause (bd) to differentiate between high and medium coastal hazard areas – to minimise development in the high coastal hazard overlay and manage development within the medium coastal hazard overlay. York Bay Resident's Association (F19.1) and EQC (F21.5) further submitted in support of this submission. Investore Property Ltd (F23.1) further submitted in opposition to this submission.
- (1113) Wellington Regional Council (149.70) also seek amendments to the Explanations and Reasons in Section 11.1.3 to 'minimise the risk to people, property and infrastructure and

adverse effects on the natural environment from hazard mitigation measures'. Investore Property Ltd (F23.1) further submitted in opposition to this submission.

- (1114) Kāinga Ora (206.307) seek that Rule 11.2.5 is retained as notified.
- (1115) Sylvia and Bill Allan (196.4) seek that subdivision in the medium and high coastal hazards areas should be a prohibited activity.
- (1116) Wellington Regional Council (149.75, 149.76, 149.77, 149.78, 149.79, 149.80, 149.81) support the inclusion of coastal hazards, flood hazards and fault hazards as matters of discretion in 11.2.3.1, 11.2.3.1(d), (e), (f), 11.2.4 and 11.2.4.1. Investore Property Ltd (F23.1) further submitted in opposition to this submission.
- (1117) Petone Community Board (116.57) request removal of mitigation possibilities from Policies 11.1.3.
- (1118) Petone Community Board (116.59) request subdivision in the hazard overlays covered in Rules 11.2.3 be changed from 'restricted discretionary' to 'full discretionary'.
- (1119) The policies as notified provide clear direction on what subdivision activities are provided for in the specific hazard overlay areas. Therefore, simplifying this policy as sought by Kāinga Ora (206.295) would provide less clarity and direction to the policies. We recommend these policies are retained as notified.
- (1120) The language in objective 11.1.3 (b) seeks to "not increase risk". Therefore, the policy wording in 11.1.3 (bd) as notified is consistent with this objective by stating "to avoid any increase in risk". The direction objective is to not increase this risk in both the high and medium coastal hazard overlay areas.
- (1121) As evaluated above, I recommend retaining the flood hazard overlay.
- (1122) The notified version of the District Plan rules relating to the creation of building platforms in the High Coastal Hazard Overlay are a Discretionary Activity and in the Medium Coastal Hazard Overlay are a Restricted Discretionary Activity. This aligns with the objective and policy direction that subdivision would only be appropriate where it does not increase the risk from natural hazards, including coastal hazards.
- (1123) In terms of changing the activity status from restricted discretionary to full discretionary, as the reason for these specific subdivision rules is for natural hazard reasons, it is not considered effective or efficient to broaden the activity status to full discretionary.

Summary of Officer Recommendations and s32AA Evaluation

- (1124) Section 32AA of the RMA requires a further evaluation of any changes that have been made to, or are proposed for, a proposed Plan Change since the original evaluation report for the proposed Plan Change was completed.
- (1125) This evaluation must be undertaken in accordance with section 32(1) to (4) of the RMA. The Section 32AA evaluation of these recommended changes made in response to submissions is provided below.

Recommended Changes

- (1126) The following is a summary of the recommended changes to Chapter 14H in response to the submission points outlined in Section 6.3.2 Natural Hazards of this report:
- Amend Issue Statement 14 1.1.1 by replacing the second sentence to read: ~~The risk to people and their property should be avoided or mitigated. People's actions including mitigation measures and ongoing development in areas at risk from natural hazards can cause, or increase, the risk and consequences from natural hazards.~~
 - Amend Policy 14H 1.2 to: Manage-Limit Structures and Buildings, within the Wellington Fault Overlay ~~by ensuring that unless:...~~

- Amend Policy 14 1.11 to: *Manage Limit residential units, commercial activities or retail activities within the High Coastal Hazard Areas...*
- Amend Rule 14H 2.2 by correcting the rule reference from 14H 2.4(1)(a) to 14H 2.2(1)(a).
- Amend Rule 14H 2.6(1)(b) by deleting reference to Low Coastal Hazard Area.

Reasons for Changes

(1127) The above changes are recommended in response to submissions from submitters on Plan Change 56, for the reasons set out throughout Section 6.3.2 Natural Hazards of this report as above.

How these Changes Achieve the Purpose of the RMA

(1128) The recommended changes give effect (or give improved effect) to the direction set out in Policy 4 of the NPS-UD on qualifying matters, and recognising and providing for Section 6(h) of the RMA to manage the significant risks from natural hazards. .

Benefits of the Changes (Including Opportunities for Economic Growth and Employment)

(1129) The recommended changes clarify the issue statement and apply a consistent approach to the different types of natural hazard based on their risk category.

Costs of the Changes

(1130) There are no significant additional costs associated with the recommended changes as they are clarification or consistency purposes.

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

(1131) For the recommended changes, I consider there is certain and sufficient information in relation to these matters.

Efficiency and Effectiveness

(1132) As set out above, the efficiency of the recommended change is high because the benefits outweigh the costs, and the effectiveness of the recommended change is high because they clarify and apply a consistent approach.

Other Reasonably Practicable Options for Achieving the Objectives

(1133) The other reasonably practicable option is to retain the provisions as originally proposed. However, for the reasons set out throughout Section 6.3.2 Natural Hazards of this report as above, it is considered more beneficial to make the recommended changes to Chapter 14H.

6.3.3. Sites of significance to Māori

(1134) As set out in section 7.2.3.1 of the Section 32 report, the plan change as notified provides for the qualifying matter of:

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

(1135) The two main methods of doing so are:

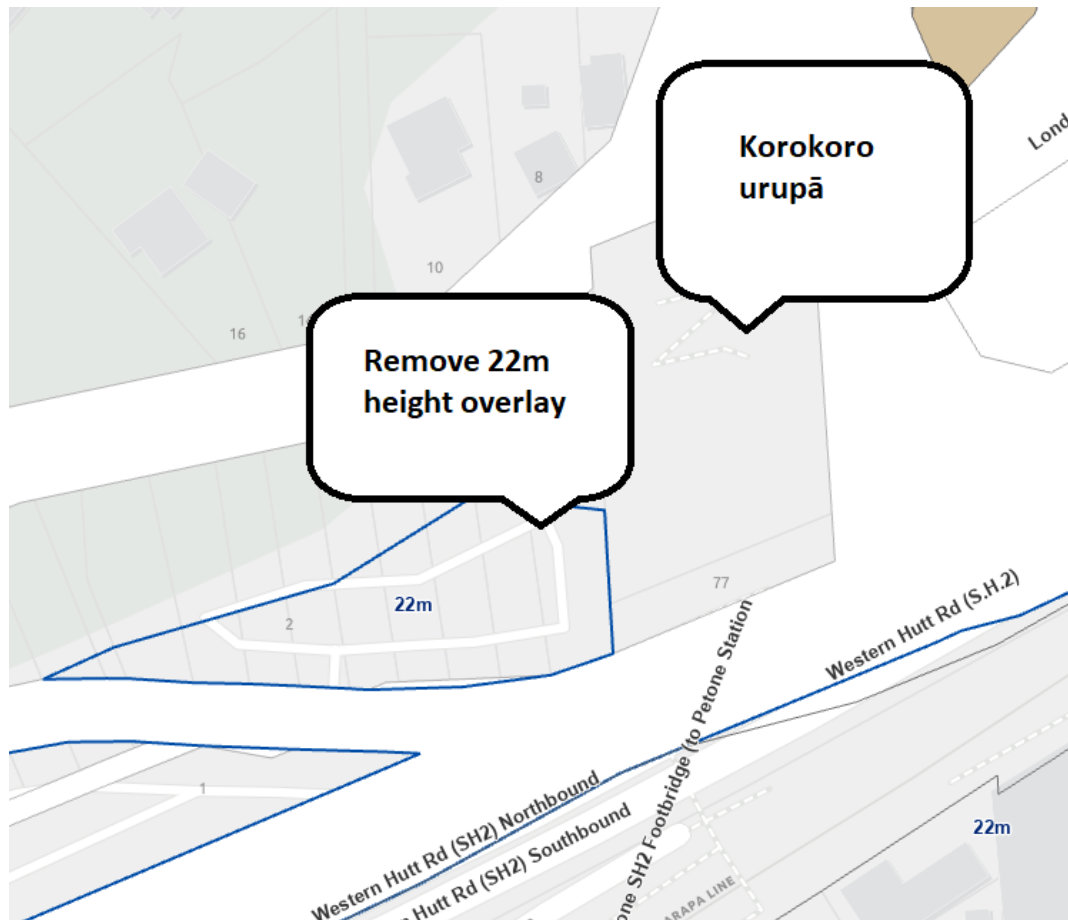
- retaining the provisions for Significant Cultural Resources, and
- a new suite of setbacks and recession planes that effectively retain the operative plan approach for sites bordering marae, with new objectives, policies, and matters of discretion to inform resource consent applications.

(1136) The table below shows relevant submissions on these issues:

Issue	Relevant submissions
Significant Cultural Resources / Sites of significance in general	119, 274, F24
Protection of marae	116, 149, 163, 206, 211, 274, F2, F24

Significant Cultural Resources / Sites of significance in general

- (1137) Wikitoria Love (119.1, 119.2), Te Rūnanga o Toa Rangatira (274.19, etc.), and Te Āti Awa Nui Tonu (F24.12, F24.17, F24.24, F24.27, etc.) request that zoning be modified to take account of identified sites of significance to Māori, or that additional sites be identified.
- (1138) The only submitter to identify specific additional sites other than those already identified in the plan was Wikitoria Love. She identifies Rakeiora Grove (including the Taumata house at 38 Rakeiora Grove), Te Whiti Grove, the area around Korokoro urupā, and Te Puni urupā as potential new sites of significance.
- (1139) Te Whiti Grove is not in the area affected by the plan change.
- (1140) While Taumata is already a listed heritage item in the plan, there are no controls on the buildings in the surroundings. However, I do not think that the submitter's reasoning provided in the submission for Rakeiora Grove in general or the Taumata house in particular as being a site of significance would make it necessary to limit building height or density to protect its relevant values. However, I would welcome further information from her in the hearing about why this might be necessary.
- (1141) Te Puni urupā has existing protection in the district plan and a new proposed approach, as discussed in section 6.2.3 of this report in the section on the Petone Commercial Activity Area. I believe the provisions as notified provide protection to the degree necessary as required by NPS-UD Policy 4.
- (1142) I agree with the submitter that the Korokoro urupā should be treated as a site of significance and that it may be affected by taller buildings nearby (although not an increase in density). Ideally the plan would include protection for it. However, I do not think this is urgent and is better handled as part of the more thorough review of sites of significance in the full review. This is because the urupā is mostly surrounded by road reserve, and the only other sites nearby have a very low likelihood of being redeveloped with taller buildings in the next few years:
- Taumata itself, which being heritage listed could not be substantially redeveloped
 - 6-16 Korokoro Road, which remain in the Hill Residential Activity Area and are unaffected by PC56
 - The downhill side of Korokoro Road, which is zoned General Recreation is unaffected by PC56
 - 2 Pito-one Road, which is the Petone Railway Station park-and-ride, and also falls within the State Highway designation. It is also within the General Business Activity Area, which limits the land uses provided for on the site – in particular, a taller building for residential purposes would be a fully discretionary activity, and thus the resource consent could consider any effects on Korokoro urupā.
- (1143) However, as an interim step I recommend removing the Specific Height Control Overlay from 2 Pito-one Road, which would effectively retain the operative plan approach for that site:



- (1144) Te Rūnanga o Toa Rangatira and Te Āti Awa Nui Tonu do not identify specific new proposed sites of significance but seek that Council partner with mana whenua to identify new sites.
- (1145) This work is currently happening through the full district plan review.
- (1146) Te Āti Awa Nui Tonu (F24.25, F24.30) oppose permitted development abutting marae and urupā, and seek that each area should be assessed in partnership with mana whenua, who should approve any outcomes.
- (1147) The operative plan approach is to control development on sites abutting urupā through permitted activity conditions such as setbacks and recession planes. This is also proposed in PC56 to be extended to marae where heights and density are otherwise being increased.
- (1148) It is likely out of scope of the ISPP to introduce new, significantly more restrictive controls. In any case, the requested relief is likely not compatible with the requirement in s85 of the Act to enable reasonable use of land.

Protection of marae

- (1149) The plan change as proposed provides an objective, policy, and permitted/restricted discretionary recession plane rule framework in a number of activity areas that have sites bordering marae in the Community Iwi Activity Area. This is intended to protect the tikanga and cultural safety of activities that take place at those marae.
- (1150) While this is implemented through specific provisions of the Medium Density Residential, High Density Residential, and General Business Activity Areas, the issue and proposed provisions are effectively the same across the activity areas and so I discuss the issue here.

- (1151) The Petone Historical Society (163.13 in part), Wellington Regional Council (149.46, 149.48), and Kāinga Ora (206.64, 206.78, 206.100, 206.135, 206.152, 206.184) support some or all of the proposed provisions.
- (1152) The Petone Community Board (116.18) seeks to extent the scope of the provisions to also cover sites abutting the Jackson Street Heritage Precinct. In my opinion, regardless of the merits of such a policy, it would be better tackled with provisions relating to historic heritage rather than being combined with a rule for the protection of marae. This issue is discussed further in section 6.3.1 (Qualifying Matters – Heritage).
- (1153) The Retirement Villages Association (211.41) seeks to exempt retirement villages from the provisions. I see no good reason to make such an exception.
- (1154) Te Rūnanga o Toa Rangatira seek slightly different relief in the different activity areas, but in general:
- Seek that the scope be broadened to other significant sites, not just marae (274.26, 274.35)
 - Seek that the scope be broadened to other issues, not just cultural safety and tikanga (274.22, 274.37, 274.42), such as the protection of the marae grounds and buildings.
 - Seek a more restrictive rule framework (274.27, 274.38)
 - Seek to amend the approach to give more of a decision-making role to tangata whenua (274.21, 274.25)
 - Seek that mana whenua approval of the proposal must be obtained (274.39), it is not clear if this is expected to be in only some or in all circumstances.
- (1155) Wellington Regional Council (F02.16, F02.18) support some of these points particularly on the grounds that they would give effect to Policy 49 of the operative RPS⁵.
- (1156) In their further submission Te Āti Awa Nui Tonu generally support Ngāti Toa's points (F24.19, F24.14, F24.24, F24.28), adding:
- Seek a requirement to engage with mana whenua (F24.18, F24.24) and
 - Seek explicit acknowledgement of mana whenua and their connection to the area (F24.24)
 - Seek additional protection for identified and yet to be identified SASMs (F24.24)
 - Seek that any development adjacent to a marae require resource consent (F24.19)
 - Seek that each marae is treated individually (F24.31)
 - Seek that developments adjacent to marae must be done in partnership with mana whenua (F24.28, F24.29, F24.31)
- (1157) It is worth noting that PC56 is a plan change on intensification, not a plan change on the protection of sites and areas of significance to Māori in general. As set out in the Section 32 report, identifying and protecting sites of significance is a major piece of work being done by the Council in partnership with mana whenua as part of the full review. Reviewing the plan's consistency with Policy 49 of the RPS can only be fully considered in the full review,

⁵ And also on the grounds that they would give regard to Objective 22 of Proposed RPS Change 1. However, the relevance of this is discussed in section 6.1.4 of this report.

although I consider that the changes as proposed advance the plan's consistency with Policy 49 of the RPS.

- (1158) For this plan change, the question is whether restrictions on building heights and density are necessary to provide for the protection of sites of significance.
- (1159) The plan change as proposed continues the existing protection for sites of significance provided in Chapter 14E, and limits building height (in relation to the boundary) near marae to that provided for in the operative plan.
- (1160) A more restrictive rule framework would not be a valid use of the ISPP. The proposed framework already limits building height to the same extent as the operative plan – providing additional restrictions would not have a connection with the purposes of an IPI, to implement NPS-UD Policies 3 and 4 and the MDRS.
- (1161) Broadening the protection to other sites of significance that are not yet identified requires identifying those sites and the risks that development would pose to them. This work is still ongoing for the full plan review.
- (1162) Broadening the scope of protection to factors other than cultural safety and tikanga that are affected by the environment of the marae may have merit. Submitters have not provided specific issues they wish to see protected but could provide more information at the hearing.
- (1163) Submitters question whether the provisions adequately protect the surrounding environments of the marae as well as the marae itself. The definition of “marae” in the plan does not include just the literal marae (i.e. the grounds in front of the wharenuī), but the broader meaning that
- “includes the meeting house, dining hall, educational and associated facilities and residential accommodation associated with the marae.”*
- (1164) The objectives, policies and rules referring to marae also therefore cover these buildings and facilities. In my view this adequately addresses the risks, but submitters may wish to expand on their concerns about the surroundings at the hearing.
- (1165) The Act provides a framework for Councils to delegate decision-making to other organisations, including mana whenua. However, the power to make such a delegation is reserved to Council and cannot itself be delegated. It is therefore not a question for the Panel. In any case, I think there is a natural justice issue in delegating decision-making to a person who is themselves an affected party in the matter. Councils themselves face these issues when acting as both resource consent applicant and decision-maker and generally delegate decision-making to an independent party.
- (1166) Within what is possible with district plan provisions, a district plan cannot require a person to engage or act in partnership with anyone else, or that a particular person's approval must be given for a particular activity. One matter of discretion for the resource consent process is the reporting of any engagement the applicant has had with tangata whenua responsible for the marae and this encourages applicants to do this engagement prior to lodging the application.
- (1167) The rule and policy framework is structured so that the rule is a boundary activity. In circumstances where the marae's owners consent to the proposal, they can give their approval under s87BA of the Act, a relatively fast, cheap, and guaranteed process. Whereas if the marae's owners have not consented, the result would be a resource consent application that is likely to be limited notified to the marae's operators, giving them a right to be heard through the formal process. Evidence would need to be provided about the impact of the activity on tikanga and cultural safety at the marae and the resource consent decision-maker would need to weight the evidence provided by representatives from the marae or mana whenua and that provided by the applicant. This is not necessarily an easy process for the applicant.

- (1168) This difference provides a strong incentive for applicants to engage with the marae operators and mana whenua (if appropriate) and gain approval.
- (1169) It may be of benefit to explicitly acknowledge mana whenua in these provisions but I note that not all marae covered are operated by mana whenua – this is not the case for Te Mangungu Marae, Koraunui Marae, Te Kākano o Te Aroha Marae, Kōkiri Marae, and Wainuiomata Marae.
- (1170) As this relief was sought in a further submission, not an original submission, representatives from the above marae have not had the opportunity to submit on this request. The issue of how non-mana whenua marae relate to mana whenua is a complex and potentially sensitive one that those marae naturally have an interest in, and it would not be reasonable to make such a decision without being able to hear from representatives of those marae.
- (1171) However, Waiwhetū Marae and Te Tatau o Te Pō Marae have an acknowledged connection with Te Āti Awa Nui Tonu and, as such, the submitter may wish to suggest appropriate wording.
- (1172) Accordingly, I recommend that the provisions stand as notified, while noting further information at the hearing may help inform possible changes.

Summary of Officer Recommendations and s32AA Evaluation

- (1173) Section 32AA of the RMA requires a further evaluation of any changes that have been made to, or are proposed for, a proposed Plan Change since the original evaluation report for the proposed Plan Change was completed.
- (1174) This evaluation must be undertaken in accordance with section 32(1) to (4) of the RMA. The Section 32AA evaluation of these recommended changes made in response to submissions is provided below.
- (1175) The only change proposed is removing the 22m specific height control overlay from 2 Pito-one Road.

Reasons for Changes

- (1176) The above changes are recommended in response to a submission on PC56 for the reasons set out in this section.

How these Changes Achieve the Purpose of the RMA

- (1177) The proposed changes give better effect to section 6(e) of the Act, to recognise and provide for “*the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga*”.

Benefits of the Changes (Including Opportunities for Economic Growth and Employment)

- (1178) The proposed changes provide better certainty of the protection of the surroundings of a site of significance to Māori.

Costs of the Changes

- (1179) There are no significant additional costs associated with the proposed changes.

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

- (1180) I do not consider that there are any risks around uncertain or insufficient information in relation to the above recommended change.

Efficiency and Effectiveness

- (1181) As set out above, the efficiency of the recommended change is high because the benefits outweigh the costs, and the effectiveness of the recommended change is high because the goals of the Plan Change, section 6(e) of the Act, and policies 3 and 4 the NPS-UD are achieved.

Other Reasonably Practicable Options for Achieving the Objectives

- (1182) The other reasonably practicable option is to retain the provisions as originally proposed. However, for the reasons set out throughout this section of the report, it is considered more beneficial to make the recommended change to the plan maps.

6.3.4. The National Grid

- (1183) Only Transpower (153) submitted on the use of the National Grid as a qualifying matter, and largely supported the proposed approach. This issue is further discussed in relation to individual submission points in the strategic direction section and individual activity areas.
- (1184) I recommend retaining the proposed approach.

6.3.5. Public open space

- (1185) No submissions were received on the qualifying matter for public open space in relation to the land that is open space.
- (1186) I recommend retaining the proposed approach.

6.3.6. Other matters (listed statutory matters, but not proposed in plan change)

Provisions raised	Relevant submissions
Indigenous biodiversity	210, F2
Natural character	149

Indigenous biodiversity

- (1187) The York Bay Residents Association (210.4) seek provisions to protect indigenous biodiversity. This is supported by Wellington Regional Council (F02.1).
- (1188) It is not in scope of the plan change to bring in new protection for indigenous vegetation. Biodiversity is a relevant qualifying matter under the NPS-UD and the Act, but as discussed in section 6.3.1 I do not think that restrictions on building height and density in and of themselves do anything substantial to advance the protection of biodiversity – the most appropriate tool is restrictions on vegetation clearance.

Natural character

- (1189) The Wellington Regional Council (149.8) seeks to use natural character and the NZCPS as additional qualifying matters, including reference to the 2016 Boffa Miskell assessments of landscapes.
- (1190) This assessment was performed for a plan change that Council chose not to notify, although it is the most relevant available information about natural character in the district that I am aware of.
- (1191) The areas of significant natural character identified in that report do not fall within relevant residential zones, or other urban non-residential zones (except recreation areas, which are already used as a qualifying matter). It is therefore irrelevant as a qualifying matter.
- (1192) The Regional Council also seeks that the plan give effect to Policies 13 and 14 of the NZ Coastal Policy Statement in a more general sense.
- (1193) That is not a valid use of the ISPP process.

Summary of officer recommendations

(1194) I recommend retaining the proposed approach.

6.3.7. Other matters (clause 3.32(h) of the NPS-UD)

Provisions raised	Relevant submissions
Residential character	11, 43, 53, 57, 86, 94, 101, 115, 145, 164, 192, 221, 234, 249, 255, 256, F22
Transport network and other infrastructure capacity	75, 103, 193, 218

Residential character

- (1195) Colin and Margaret Clarke (101.2) seek provisions that would protect special residential character areas.
- (1196) Several submitters (Bryan Gillies (192), Christopher Mackay (115), George Mackay (256), Juan Qu (094), Julie Francis (234), Kathryn Mackay (164), Jo Wilkshire (053), John Sheehan (011), Mary Taylor (255), Meng Xu (145), Mike Byrne (043)) seek the reinstatement of the Special Residential Activity Areas as set out in Chapter 4B. This is supported by the Petone Historical Society (F22.13).
- (1197) Ian McLauchlan (086) considers the Special Residential Activity Areas should be excluded from the Plan Change, and that more work should be undertaken with the ratepayers in the Special Residential Activity Areas with a view to changing some of the rules rather than deleting the chapter in its entirety.
- (1198) Bruce Spedding (057) seeks that any new buildings are in keeping with the character of the location and existing buildings where these are considered significant.
- (1199) Cuttriss Consultants Ltd (221) seeks the addition of a 'character overlay' instead to identify sites with specific characteristics which should be retained.
- (1200) Keith Carman (249) requests to create "Special Character Areas" and specific character "properties" to ensure the preservation of residential areas with high environmental benefits. This will require that the current special residential areas be maintained and where appropriate, others added, and not become designated "high density residential areas".
- (1201) Mary Taylor (255) requests to create special character areas and specific special character properties. These areas would include but not be limited to the current Woburn and Boulcott Special Residential Areas, and they would also include much of the current General Residential Area of Central Lower Hutt.
- (1202) As set out in the Section 32 Report for PC56, the effects of development on the character of residential areas were considered (refer to Section 7.2.3.3 and Appendix 6 of the Section 32 Report). I adopt the reasoning in the Section 32 Report, and I do not think the reasons given by submitters alters the conclusion that residential/special character is not a suitable qualifying matter.

Transport network and other infrastructure capacity

- (1203) Kerry Gray (75.3) and Roydon McLeod (103.1 in part) suggest existing transport network capacity be considered as a reason to restrict development.
- (1204) Lesley Haines (193.3) seeks that developers must demonstrate that developments have good access to public transport.

- (1205) The Council did not present evidence on the ability of the transport network to provide for intensification. However, some evidence is available in the Council's latest Housing and Business Development Capacity Assessment Residential Update (2021/22).
- (1206) This suggests that the transport network faces mostly city-wide and regional issues with transport capacity, rather than localised issues. City-wide traffic is not an exceptional issue, in that it would apply across the district, rather than to specific sites. Accordingly, it does not meet the requirements for a qualifying matter.
- (1207) Richard Perry (218.6) seeks that infrastructure capacity, particularly water supply and sewerage, be assessed.
- (1208) The general policy direction of the NPS-UD is that broad infrastructure constraints on development capacity should be addressed by providing adequate infrastructure rather than limiting development. Accordingly, the appropriate response is providing adequate transport network capacity and other infrastructure capacity to meet population growth. The requirements of the NPS-UD are designed to aid this in being done through public and active transport, by encouraging greater development close to the rapid transit network and major centres, and encouraging development within the existing urban area (which can sometimes use existing capacity) rather than outside it (which almost always requires an extension of networks).

Summary of officer recommendations

- (1209) I recommend retaining the proposed approach.

7. Issues not raised by submitters

- (1210) Since notification of the plan change officers have also become aware of several minor errors in the plan change, some of which were not raised by submitters.
- (1211) The panel has the power under Schedule 1 Clause 95(2)(o) of the RMA to correct these errors. These errors and recommendations to correct them are:

Provision	Issue	Officers' Recommendation
Rule 4G 4.2.4	Diagram for recession plane shows an 11 metre height limit which is not correct for the zone, where the proposed height limit is either 14 or 22 metres.	Remove numeric label "11m" from diagram and replace with "height limit".
Mapping of heritage area HA-05	<p>The Lower Hutt Civic Centre Heritage Precinct was re-mapped and restructured in the plan change as a consequential matter of the reformatting of other heritage areas and was not intended to add new properties. It did remove properties for which the heritage rationale was doubtful.</p> <p>Additional sites at 2 and 6 Myrtle Street were included in error. As these are in the General Recreation Activity Area, and subject to the qualifying matter for public open space, this does not impact allowed height and density.</p> <p>No evidence was presented for this inclusion and it would not be a valid purpose of the ISPP to extend heritage protection other than limiting building height and density.</p>	Remove 2 and 6 Myrtle Street from the mapped Lower Hutt Civic Centre Heritage Precinct.

8. Conclusion

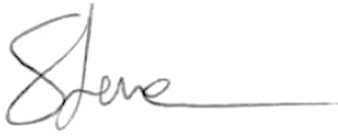
(1212) This report has provided an assessment of submissions received on the proposed plan change. The primary amendments to the proposed plan change that we recommend relate to:

- Update some definitions, for clarity and consistency.
- Update strategic direction, to clarify the application of the MDRS and NPS-UD and qualifying matters.
- Improve the consistency of the implementation of NPS-UD Policy 3(d) to provide comparable building heights in comparable areas, by adjusting the height limits in Eastbourne, Stokes Valley, and Wainuiomata to match those in Avalon and Moera.
- Recognise Naenae and Waterloo commercial centres as particularly suitable for taller developments,
- Amendments to the medium and high density residential chapters, and commercial chapters to better reflect and enable the flexibility, versatility, and planned urban building character for the areas, enable more ways of achieving desired design, servicing, and amenity outcomes, and improve consent process efficiency by precluding limited notification for development standards that are unlikely to result in effects beyond the subject site.
- Provide additional protection for heritage items and sites of significance to Māori to the degree possible within the scope of the plan change and ISPP process,
- Amendments to the objectives and policies for natural hazards for consistent use of language and consistency in similar situations.
- Correct a number of errors.
- Various other minor and specific issues.

(1213) These amendments are set out in more detail in the individual sections of the report and in full in Appendix 1.

(1214) We consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of this plan and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken.

7 March 2023

A handwritten signature in black ink, appearing to read 'Steve', with a long horizontal line extending to the right.

Stephen Davis

A handwritten signature in black ink, appearing to read 'Hamish Wesney', written in a cursive style.

Hamish Wesney

A handwritten signature in blue ink, appearing to read 'ERW', written in a stylized, blocky cursive.

Erica Wheatley

A handwritten signature in black ink, appearing to read 'Bronte', written in a cursive style.

Bronte Linkhorn

9. Appendices

Appendix 1: Officers' recommended amendments to Plan Change 56

Appendix 2: Officers' recommended decisions on submissions

Appendix 3: Legal advice on scope from DLA Piper

Appendix 4: Legal advice on heritage from DLA Piper

Appendix 5: Heritage evidence of Chessa Stevens, WSP

Appendix 6: Flood hazard evidence of Alistair Osborne, Wellington Water

Appendix 7: Coastal hazard evidence of Scott Stephens, NIWA

Appendix 8: Geological hazard evidence of Nicola Litchfield, GNS

Appendix 9: Tsunami hazard evidence of David Burbidge, GNS

Appendix 10: Tables of the Number of Properties in Natural Hazard Overlays
