

SUBMISSION ON
HUTT CITY COUNCIL - PROPOSED DISTRICT PLAN

To: Chief Executive, Hutt City Council
Via email to: district.plan@huttcity.govt.nz

Submission on: Proposed Lower Hutt District Plan 2025

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- This is a submission concerning the Proposed District Plan as notified by Hutt City Council on 6 February 2025.
- The specific provision of the Proposed District Plan that this submission relates to are the urban design provisions of the various zones.
- Urban Edge Planning could not gain an advantage in trade competition through this submission.
- Urban Edge Planning wishes to be heard in support of this submission and will consider presenting a joint case if others make a similar submission.
- **Urban Edge Planning seeks changes to the Urban Design policies that are outlined in this submission.**

SUBMISSION OUTLINE

Introduction

This submission relates to the urban design policies within the various zones of the Proposed District Plan, including:

- Residential Zones
- Commercial and Mixed Use Zones
- Industrial Purpose Zones
- Special Purpose Zones

It addresses concerns around the structure, clarity, and internal consistency of these policies, particularly in relation to the overlap between policies for:

- Urban design outcomes by meeting standard or assessment
- Urban design outcomes for non-residential activities and develop
- Urban design outcomes (exclusions)

The submission seeks to improve the coherence and practical application of the urban design framework by:

- Clarifying the distinct roles and content of urban design outcomes,
- Recommending the integration or consolidation of policies where appropriate,
- Proposing a revised approach to the exclusions listed to support more nuanced and outcomes-based assessment of design quality.

Together, these changes are intended to strengthen the usability of the policy framework while enabling context-sensitive development that enhances amenity outcomes and urban character.

RESIDENTIAL ZONES

Urban Design Policy - MRZ-P12/HRZ-P12

MRZ-P12/HRZ-P12 is an urban design policy that includes several matters of discretion for built development where one or more of the relevant building standards are not met.

MRZ-P12/HRZ-P12 Urban design outcomes by meeting standard or assessment		Building Standard that requires assessment against MRZ-P12/HRZ-P12 if not met		
1	Ensure adequate privacy for residential activities and other sensitive activities on the site and on adjacent sites.	MRZ-S2 MRZ-S3 MRZ-S4 MRZ-S5 MRZ-S9	HRZ-S2 HRZ-S3 HRZ-S4 HRZ-S5 HRZ-S9	Building coverage Building height Height in relation to boundary Setbacks Outlook space
2	Ensure adequate access to daylight for residential activities on the site and on adjacent sites.	MRZ-S2 MRZ-S3 MRZ-S4 MRZ-S5 MRZ-S9	HRZ-S2 HRZ-S3 HRZ-S4 HRZ-S5 HRZ-S9	Building coverage Building height Height in relation to boundary Setbacks Outlook space
3	Ensure adequate access to sunlight for existing outdoor living spaces on adjacent sites, and public open space.	MRZ-S2 MRZ-S3 MRZ-S4 MRZ-S5	HRZ-S2 HRZ-S3 HRZ-S4 HRZ-S5	Building coverage Building height Height in relation to boundary Setbacks
4	Create a safe residential environment by enabling passive surveillance.	MRZ-S10	HRZ-S10	Windows to street
5	Ensure residential units have access to outdoor living spaces that: <ol style="list-style-type: none"> Are located and oriented to ensure good access to sunlight, Are of a functional size and configuration, Provide screening or landscaping to contribute to privacy, or Alternatively, public open space is located nearby that is accessible and functional for residents. 	MRZ-S8	HRZ-S8	Outdoor living spaces
6	Provide a specified amount of landscaping on a site, or a lesser amount that is well-integrated with the development and provides a significant benefit to one or more of: <ol style="list-style-type: none"> Aesthetics for the site, neighbouring sites, and the streetscape, The management of stormwater, or Ecological values. 	MRZ-S11	HRZ-S11	Landscaped area

Wording of the policy

It is agreed that the design outcomes sought under this policy are urban design matters, however non-compliance with one or more building standard can usually be addressed through an assessment of environmental effects without the need for an urban design report. We recommend the wording of this policy is changed from 'Urban Design Outcomes' to 'Built Form Outcomes' or 'Character and amenity' to minimise confusion for applicants.

Exclusions to be included into the policy

Urban design matters that are not being assessed include:

- Streetscape and visual amenity effects
- Building bulk and dominance

These two matters are key urban design considerations and provide measures for minimising the effects of buildings, not only when particular standards are not met, but also for integrating development into the urban environment in a considered and respectful way.

Policy MRZ-P12.2/HRZ-P12.2 Ensuring Adequate Daylight

Sunlight access can be measured through shading or sunlight access diagrams, however, daylight levels to habitable spaces are assessed under G7 of the Building Code. All uncovered open space will receive some daylight, so this policy would only apply to internal spaces, and therefore considered unnecessary at this stage. When assessing whether a development provides adequate access to daylight for residential activities on adjacent sites, this would be very difficult to demonstrate. Furthermore, what is adequate daylight? This policy may be trying to address effects created by building up to a boundary perhaps, but otherwise this policy is very ambiguous and should not be included in the Proposed District Plan.

In summary, Urban Edge Planning seeks to:

- a) **remove policy matter MRZ-P12.2/HRZ-P12.2 from the Medium Density Residential Area policies.**
- b) **Reword the policy heading from 'Urban design outcomes' to 'Built form outcomes' or 'Character and amenity'.**
- c) **Include a matter of discretion to assess development against streetscape and visual amenity affects, as well as building bulk and dominance effects for development that does not comply with MRZ-S2/HRZ-S2, MRZ-S3/HRZ-S3, MRZ-S4/HRZ-S4, and MRZ-S5/HRZ-S5.**

MRZ-P13/HRZ-P13 Urban design outcomes for non-residential activities and developments of more than 3 residential units

MRZ-P13/HRZ-P13 is an urban design policy that includes a number of matters of discretion for developments comprising more than 3 residential units and for non-residential activities. We agree that a more thorough urban design assessment is generally required for these types of development, and an urban design statement should be required as a matter of discretion for all development that falls within this activity.

MRZ-P13/HRZ-P13 Urban design outcomes for non-residential activities and developments of more than 3 residential units		Building Rules and Standard that requires assessment against MRZ-P13/HRZ-P13
1	Create a safe and legible residential environment by: a) providing easily visible, accessible, and sheltered main entrances to buildings (other than accessory buildings), b) enabling passive surveillance over public and communal spaces, c) appropriately designing, demarcating, and lighting public, communal, and private spaces, d) avoiding wasted space or space of unclear function, and e) integrating other CPTED measures at a scale appropriate for the site.	<i>Non-compliance with Rules:</i> MRZ-R5 Papakainga MRZ-R6 Home Businesses MRZ-R7 Visitor Accommodation MRZ-R8 Child Care Services MRZ-R9 Supported Residential Care Facilities MRZ-R10 Health Care Facilities MRZ-R11 Educational Facilities (excluding childcare facilities) MRZ-R12 Retirement Villages MRZ-R13 Marae MRZ-R14 Community Facilities MRZ-R15 Emergency Service Facilities
2	Avoid having carparking areas, loading areas, manoeuvring areas, and garages visually or physically dominate public and communal spaces or the streetscape.	HRZ-R5 Papakainga HRZ-R6 Home Businesses HRZ-R7 Visitor Accommodation HRZ-R8 Child Care Services
3	Ensure on-site landscaping, where it is required by a standard or proposed as a mitigation of other effects: a) Retains healthy and mature vegetation, b) Uses planting that is appropriate for the climate and environment within the site, c) Improves outlooks from dwellings and softens hard built surfaces, and d) Provides one or more of aesthetic, stormwater management, ecological, or urban heat mitigation benefits.	HRZ-R9 Supported Residential Care Facilities HRZ-R10 Commercial activities not otherwise provided for HRZ-R11 Health Care Facilities HRZ-R12 Educational Facilities (excluding childcare facilities) HRZ-R13 Retirement Villages HRZ-R14 Marae HRZ-R15 Community Facilities HRZ-R16 Emergency Service Facilities
4	Ensure that activities have storage and servicing areas that: a) Are of a functional size, b) Are integrated into the site design to ensure they are conveniently located, accessible, secure, and minimise visual intrusion, and c) Do not create health and safety hazards or nuisance (such as odour) for on-site residents or adjacent sites.	<i>Non-compliance with Standards:</i> MRZ-S1/HRZ-S1 Number of Residential Units per site

This policy has a note that design guidance will provide examples of ways these outcomes can be achieved. It is not clear whether there will be one set of guidance that specifically covers these policy matters for both non-residential activities or whether it will include multi-unit residential development as well. The ways in which urban design outcomes are achieved is often treated differently for residential activities to non-residential activities.

For residential activities comprising 4 or more units, a design statement should be required that addresses all relevant matters in MRZ-P12/HRZ-P12 and MRZ-P13/HRZ-P13. This ensures development with a greater

impact on the streetscape, townscape and neighbouring properties, as well as its positive contribution to the planned urban built form is designed comprehensively for high quality design outcomes.

In summary, Urban Edge Planning seeks to:

- a) **Change MRZ-P13/HRZ-P13 to require a design statement against relevant matters in MRZ-P12/HRZ-P12 and MRZ-P13/HRZ-P13 for residential activities comprising 4 or more units.**

MRZ-P14/HRZ-P14 Urban design outcomes (exclusions)

MRZ-P14/HRZ-P14 is an urban design policy that includes a number of urban design exclusions when assessing all development in the Medium Density Residential Area. It seems excessive having a policy direction that talks to exclusions, and if included, should form a note at the end of policies MRZ-P12 and MRZ-P13 (similar to the note regarding the Design Guide).

1. The protection of scenic views from private property,
2. The protection of scenic views from any part of a road where pedestrians cannot stop,
3. The protection of the visibility of commercial signage or advertising,
4. The protection of sunlight access to solar panels, where the height, setback, and height in relation to boundary standards are met or given written approval,
5. Limiting the height, scale, or density of developments where the height, setback, site coverage, height in relation to boundary, and density standards are met or waived, and
6. The aesthetics or visual interest of residential buildings, including the use of techniques such as modulation of building form or variation of building materials, where the height, setback, and height in relation to boundary standards are met or given written approval

The big concern is exclusions 5 and 6 under this policy. This could create significant conflict between policies and create difficulty for assessing the suitability of development. For example, it is not uncommon to have residential intensification of a site where there are several factors, not included in the built form standards, that can result in poor urban design outcomes if not considered comprehensively. Such as earthworks, vehicle dominance, infrastructure constraints, where adjustments to the buildings may be necessary to achieve a positive urban design outcome. The ability to recommend or consider building typologies, scale, modulation and articulation, etc to provide a comprehensively designed development (not purely based on individual building standards) is removed through these policy matters. Furthermore, where intensification of a site is enabled through the District Plan, consideration of the built form should be a consideration in achieving a development that contributes towards a well-functioning and vibrant city. Written approval should not be a s104 matter or negate urban design outcomes. A development may result in a poor urban design outcome with a neighbour and the development is approved due to the neighbour providing written approval, consistent with the RMA provisions. However, this should not result in an assessment that ignores poor urban design outcomes.

In summary, Urban Edge Planning seeks to:

- b) **Remove policy MRZ-P14/HRZ-P14 altogether**
- c) **Include matters MRZ-P14/HRZ-P14 1-3 as a note under Policies MRZ-P12/HRZ-P12 and MRZ-P13/HRZ-P13**
- d) **Allow for assessment against matters MRZ-P14/HRZ-P14 5 and 6 regardless of whether neighbours approvals are received under Policies MRZ-P12/HRZ-P12 and MRZ-P13/HRZ-P13.**

COMMERCIAL AND MIXED USE ZONES

Introduction

The Commercial and Mixed Use Zones include the following five zones:

- City Centre Zone
- Metropolitan Zone
- Local Centre Zone
- Neighbourhood Centre Zone
- Mixed Use Zone

The policy framework is similar to the residential zone, in that development in each zone is assessed against three urban design policies:

- Urban design outcomes (by meeting standard or assessment)
- Urban design outcomes (all significant developments)
- Urban design outcomes (exclusions)

Urban design outcomes (by meeting standard or assessment)

This policy is generally the same for all five zones, except for additional matters in the Local Centre Zone, Neighbourhood Centre Zone and Mixed Use Zone. There are a number of policy matters that apply for some zones and others that apply in both zones and should be clarified, omitted altogether or included.

As previously mentioned, as these outcomes are being addressed standard by standard (so not necessarily meeting overall urban design outcomes), changing the wording to 'built form outcomes' or 'character and amenity' would be more appropriate.

LCZ-P8.5, NCZ-P8.5, and MUZ-P7.2 state: *Vehicle parking and loading areas, accessways, and garages do not visually or physically dominate public and communal spaces or access to buildings and are designed to provide for pedestrian safety, comfort, dignity, and amenity.*

Defining the comfort and dignity of vehicle parking, loading areas, accessways and garages is ambiguous, and difficult, if not impossible to assess. Particularly 'dignity'. The Oxford Dictionary defines dignity as:

Dictionary

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noun

1. the state or quality of being worthy of honour or respect.

"the dignity of labour"

2. a composed or serious manner or style.

"he bowed with great dignity"

It is unclear as to how this could relate to car parking for instance, and we recommend this being removed. Instead, replace the wording with:

Vehicle parking and loading areas, accessways, and garages do not visually or physically dominate public and communal spaces or access to buildings and are designed to provide for pedestrian safety, ~~comfort, dignity,~~ and ~~amenity~~ and accessibility.

There are a number of other urban design policy matters that should be refined and clarified in all five zones, such as:

- Passive surveillance is only enabled, when it should be ensured, except under special circumstances
- Clarifying the difference in policy matters relating to passive surveillance and those relating to street activation.
- Clarifying the policy matter relating to contribution to visual amenity in public spaces, when there is an exclusion to building form and visual appearance when recession planes are met.
- Remove reference to ensuring adequate daylight
- Clarifying the very vague policy matter requiring the amenity of surrounding residential zones, rural zones, and marae zones is protected. This does not tell us anything and is what the other policy matters should be seeking to achieve. What amenity in particular? Protected to what extent?
- One of the policy matters refers to prioritising an attractive streetscape. Yet, policy exclusions prevent assessment against building form, materiality, scale and setbacks, etc. This appears to be in conflict and enforces the reasons for removing these policy matters from the urban design policy exclusions altogether.

Urban design outcomes (all significant developments)

This policy is concerning in that there is no definition on what is considered a 'significant' development. The policy forms a matter of discretion for a number of rules, including additions and alterations to existing buildings and structures. At what point is an alteration to an existing building significant, for example? Or does it not matter as it is a matter of discretion regardless? This is ambiguous and needs to be clarified to ensure the correct level of assessment is applied relative to the scale of the proposal.

Urban design outcomes (exclusions)

The same concerns apply here, as for the residential zones. These exclusions should form a note to the urban design policies, not be a policy. Additionally, in our more built up areas and public buildings, building form and external treatments (modulation and articulation) and materiality is especially important for ensuring these more prominent buildings are robust (for example to vandalism and wear and tear) and are well modulated due to these buildings being more visually prominent from various viewpoints within higher populated areas where people work, live and play.

INDUSTRIAL ZONES

Introduction

The Industrial Zone include the following three zones:

- Light Industrial Zone
- General Industrial Zone
- Heavy Industrial Zone

The policy framework is similar to the residential zone, in that development in each zone is assessed against three urban design policies:

- Urban design outcomes (by meeting standard or assessment)
- Urban design outcomes (other than industrial activities and research activities)
- Urban design outcomes (exclusions)

Urban design outcomes (by meeting standard or assessment)

This policy is the same for all three industrial zones. As mentioned in other zones, defining the comfort and dignity of vehicle parking, loading areas, accessways and garages is ambiguous, unable to be assessed. Particularly 'dignity'. We also suggest changing the title of the policy as previously noted.

As previously mentioned, remove any reference to ensuring adequate daylight, as this is difficult to measure, especially on non-habitable spaces and other sites. In this instance it refers to daylight in well-used streets and public spaces. Unless these are enclosed, they will have access to daylight no matter what is constructed next door. It becomes ambiguous when it then infers there is an appropriate level of daylight expected. What is this and how can it be measured/demonstrated?

In summary, Urban Edge Planning seeks to:

- Remove the words 'comfort' and 'dignity' from LIZ-P9.2, GIZ-P9.2 and HIZ-P9.2, and define what amenity is being sought. Is this visual amenity? Recommended changing the wording to *Vehicle parking and loading areas, accessways, and garages are designed to provide for pedestrian safety, ~~comfort, dignity, and amenity accessibility.~~***
- Remove any reference to ensuring adequate 'daylight' and allow assessments to determine sunlight levels.**

Urban design outcomes (other than industrial activities and research activities)

This policy is generally the same for all three zones, except for:

- Light Industrial Zone – LIZ-P9.7 Ensure adequate privacy and access to daylight for residential activities on the site.

The variance is that access to daylight for residential activities on the site is added in the Light Industrial Zone and it excludes ensuring adequate privacy for activities sensitive to privacy intrusion, on the site and on adjacent sites. As previously mentioned, measuring effects on the daylight is onerous, and can be addressed by ensuring adequate open space, outlook, and sunlight access is provided.

The Light Industrial Zone also includes Policies LIZ-P9.8 and 9 which relate to residential units on the site.

We have concerns over the policy wording of LIZ-P9.8 (f) Ensure residential units have access to outdoor living spaces that: Alternatively, public open space is located nearby that is accessible and functional for residents.

From an urban design perspective this can create ambiguity and wide differences of opinion on what constitutes 'nearby' and what is an appropriate open space that provides a comparable level of residential amenity to on-site open space. This matter should be removed altogether as it is only in rare cases that this might be appropriate, especially in industrial areas.

The policy matter requires the retention of healthy and mature vegetation in outdoor living spaces. This is admirable and ideally will be provided. However, in some instances, healthy and mature vegetation is not appropriate for the context and a better landscape outcome can be achieved. As an extreme example, invasive bamboo on a site could be healthy and mature, but a better outcome would be to replace this with a native species that contributed towards the biodiversity of the city. It also potentially creates unnecessary issues when designing functional outdoor spaces and consideration of root spread, shading, and maintenance. Instead, a more flexible policy would be suitable, by adding the words 'where appropriate'.

In summary, Urban Edge Planning seeks to:

- a) Remove references to 'daylight' and change to 'sunlight'**
- b) Remove the policy matter LIZ-P9.8 (f) 'Alternatively, public open space is located nearby that is accessible and functional for residents.'**
- c) Change the wording from 'Retains healthy and mature vegetation' to 'Retains healthy and mature vegetation, where appropriate'.**

Urban design outcomes (exclusions)

The same concerns apply here, as for the residential and commercial zones. These exclusions should form a note to the urban design policies, not be a policy. In the Light Industrial Areas, which are often located on the fringes of residential areas, and can include on-site residential activities, modulation and articulation can be an important consideration to avoid large bulky buildings that dominate residential boundaries and public spaces.

SPECIAL PURPOSE ZONES

Introduction

The Special Purpose Zones include the following five zones and the associated urban design policies:

- Hospital Zone
 - HO SZ-P5 Urban design outcomes
- Marae Zone
 - MAZ-P5 Character and amenity
- Quarry Zone – no urban design policies
- Seaview Marina Zone
 - SMZ-P8 Urban design outcomes (by meeting standards or assessment)
 - SMZ-P9 Urban design outcomes (other than small-scale primary activities in the zone)
 - SMZ-P10 Urban design outcomes (exclusions)
- Tertiary Education Zone
 - TEDZ-P5 Urban design outcomes

Recommendations

It is unclear why the Seaview Marina Zone requires three urban design policies when it is such a defined area. It would be clearer to **include one urban design policy – possible called ‘character and amenity’ for all five zones, excluding the Quarry Zone.**

Urban Edge Planning Ltd also suggests consideration of the following general comments:

- **Removing reference to ensuring adequate daylight**
- **Removing the reference to comfort and dignity for vehicle areas and changing to pedestrian safety and accessibility**
- **Removing exclusions for building form, materiality, size and scale, etc**
- **Removing all other exclusion from the policy and adding these as a note instead**
- **Adding ‘where appropriate’ or ‘where possible’ to the retention of healthy and mature vegetation. Additionally, if this only relates to trees, then it should be defined as such to avoid confusion.**