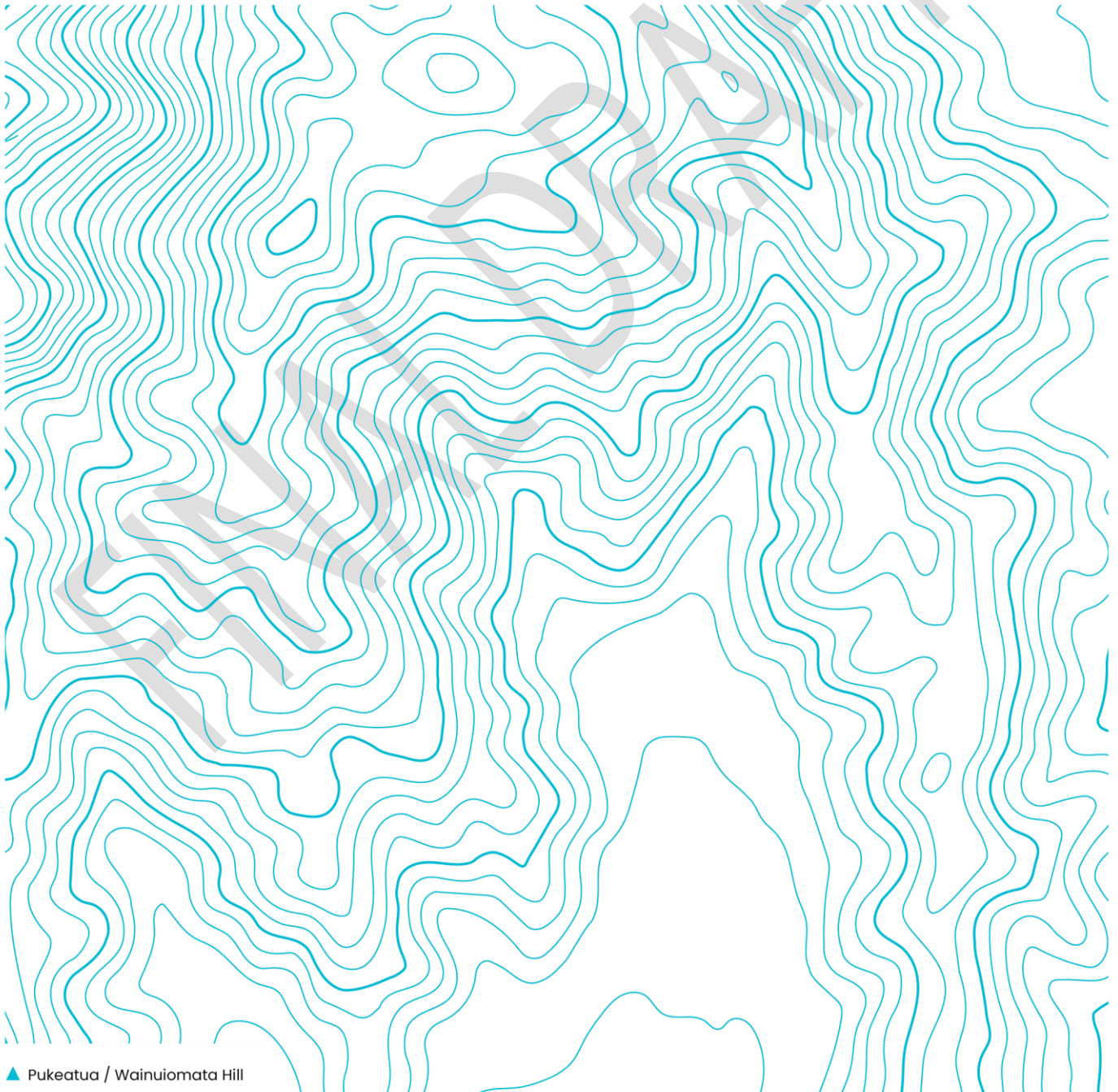


Section 32 Evaluation

COMMERCIAL AND MIXED USE ZONES



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2 Overview and Purpose

- (1) Hutt City Council is reviewing the City of Lower Hutt District Plan. This is a full review of the District Plan, including the approach to Commercial and Mixed Use Zones.
- (2) This report is a record of the review with regard to Commercial and Mixed Use Zones, and includes an evaluation of objectives and provisions for a proposed District Plan to address Commercial and Mixed Use Zones in accordance with the requirements of s32 of the Resource Management Act 1991.
- (3) This report sits as one of a package of reports for the proposed Plan and should be read alongside the plan-wide report for matters common to all Plan topics.

2.1 Commercial and Mixed Use Zones of the proposed District Plan

- (4) The proposed District Plan includes a package of five commercial or mixed use zones: the City Centre Zone, Metropolitan Centre Zone, Local Centre Zone, Neighbourhood Centre Zone, and Mixed Use Zone.
 - (5) There are three precincts, the Civic Precinct and Riverbank Precinct in the City Centre Zone, and Jackson Street Character Transition Precinct in the Metropolitan Centre Zone.
 - (6) The plan review has assessed the zoning of all land in the city, and so sites have been rezoned between categories. The Commercial Zones other than the Mixed Use Zone are significantly aligned with the policy direction and area covered by the Central Commercial, Petone Commercial, and Suburban Mixed Use Activity Areas in the operative plan. The Mixed Use Zone has no clear analogue in the operative plan and represents a new policy direction.
 - (7) The City Centre Zone applies to roughly the area covered by the Central Commercial Activity Area in the operative plan, with some moderate boundary adjustments. This is the heart of the city centre and is the key
-

area to achieving the goals of the Central City Transformation Plan. This is the area of the city that Council most wants to encourage growth and high density development for intensive commercial, residential, and mixed uses.

- (8) The Metropolitan Centre Zone applies to roughly the area covered by the Petone Commercial Activity Area in the operative plan, with some moderate boundary adjustments. This is the city's other regionally significant centre in Pito One, and is an area that the Council intends to encourage further commercial, residential, and mixed-use growth, although this is balanced in some areas with natural hazards and heritage considerations.
 - (9) The Local Centre Zone applies to major suburban commercial centres of activity in Alicetown, Avalon, Boulcott (x2), Eastbourne, Epuni, Fairfield, Homedale, Hutt Central (directly west of Waterloo Station), Maungaraki, Moera, Naenae, Stokes Valley, Taitā, Wainuiomata Central, Waterloo (east of the station), and Waiwhetū. These are well-established commercial areas at the heart of local communities and Council aims to encourage their retention and growth for commercial, residential, and mixed uses, although not to the extent of undermining the regional roles of the city centre and Pito One. The zone largely replaces the Suburban Mixed Use Activity Area.
 - (10) The Neighbourhood Centre Zone applies to several dozen smaller established commercial areas integrated into local residential areas. Council aims to foster the retention of these areas and their commercial, residential, and mixed-use growth to support the surrounding area. The zone largely replaces the Suburban Mixed Use Activity Area.
 - (11) Mixed Use Zones are a new zone with no parallel in the operative plan and apply to sites with a wide variety of zonings in the operative plan. The zone intends to provide for more flexible land use in well-connected areas or areas that form a spatial transition or are in transition over time, where this can serve local needs. It also applies to some sites such as community facilities or with other unusual site-specific issues and opportunities in lieu of having a large range of special-purpose zones to cover such sites.
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(12) Affecting all zones are two overlays that modify the policy approach within zones:

- Specific Height Controls, which modify the zone's standard height limit based on the plan-wide strategic approach to implementation of the NPS-UD intensification direction.
- Active Frontage Controls, which set out the balance between streetscape protection and land use flexibility in different areas.

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3 Statutory and Policy Context

- (13) The following sections discuss the national, regional and local policy framework that are particularly relevant to the statutory and policy context for Commercial and Mixed Use Zones for the District Plan Review.

3.1 Resource Management Act 1991

3.1.1 Section 5 – Purpose and Principles

- (14) The purpose of the RMA is set out in Section 5. The purpose is to promote the sustainable management of natural and physical resources.
- (15) Under s5(2) of the Act, sustainable management means:

managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

(a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*

(b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*

(c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

3.1.2 Section 6 – Matters of National Importance

- (16) Section 6 of the RMA sets out matters of national importance that all persons exercising functions and powers under the Act shall *recognise and provide for* in achieving the purpose of the RMA. The relevant s6 matters for Commercial and Mixed Use are:
-

Section	Relevant Matter
6(d)	"the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers"
6(e)	"the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga"
6(f)	"the protection of historic heritage from inappropriate subdivision, use, and development"
6(h)	"the management of significant risks from natural hazards"

- (17) Public access to the Hutt River / Te Awa Kairangi and the relationship of Māori with their ancestral lands, water, sites, waahi tapu, and other taonga in the city centre are important drivers of the Riverlink project, which is implemented largely outside the District Plan but has informed its development.
- (18) All four matters are also primarily covered in relevant chapters in this plan (Public Access, Open Space and Recreation Zones, Sites and Areas of Significance to Māori, Historic Heritage, Natural Hazards, Coastal Environment), but the plan has been prepared with integration with the Commercial and Mixed Use Zone chapters in mind.

3.1.3 Section 7 – Other Matters

- (19) Section 7 of the RMA sets out other matters that all persons exercising functions and powers under it shall *have particular regard to* in achieving the purpose of the RMA. The relevant s7 matters for Industrial Zones are:

Section	Relevant Matter
7(b) / 7(g)	"the efficient use and development of natural and physical resources" / "any finite characteristics of natural and physical resources"

	Land that is well-connected to regional transport networks and supported by the highest level of council investment in the public realm is a scarce resource.
7(c)	<i>"the maintenance and enhancement of amenity values"</i> Commercial activity can have significant impacts of amenity values, particularly amenity values enjoyed in commercial centres and residential/mixed-use areas.
7(f)	<i>"maintenance and enhancement of the quality of the environment"</i> Commercial activity can have significant impacts on the quality of the environment.

3.1.4 Section 8 – Treaty of Waitangi

- (20) Section 8 of the RMA requires Council to take into account the principles of the Treaty of Waitangi when exercising functions and powers under the Act.
- (21) Council has engaged with Mana Whenua of Lower Hutt as part of the District Plan Review, including with representatives of Taranaki Whānui ki te Upoko o te Ika (Port Nicholson Block Settlement Trust), Wellington Tenth's Trust, Palmerston North Māori Reserve Trust, Te Rūnanganui o Te Āti Awa ki Te Upoko o Te Ika a Māui Incorporated and Te Rūnanga o Toa Rangatira Incorporated.
- (22) This engagement has demonstrated two key principles of the treaty, the first being the principle of partnership by, recognising and fostering mutual good faith with our existing iwi partnerships and continuing to provide the opportunities for tangata whenua to input meaningfully into the design of the Commercial and Mixed Use Zones.
- (23) Secondly, the principle of active protection is another key aspect of the treaty principles demonstrated, as it seeks ways to deliver mixed and culturally dynamic communities in a sustainable way.
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3.1.5 Other provisions

- (24) The RMA in s31(1)(aa) also specifically gives Council the function of “the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district”.
- (25) Council relies on the information produced in the triennial Housing and Business Development Capacity Assessments to determine whether this function is being achieved.

3.2 National Policy Statements

- (26) Section 75(3)(a) of the RMA requires district plans to give effect to any national policy statement.
- (27) The National Policy Statement on Urban Development 2020 (NPS-UD) has some relevance for Industrial Zones.
- (28) The relevant objectives and policies of the NPS-UD are discussed below:

National Policy Statement on Urban Development 2020

The NPS-UD directs Councils to enable well-functioning urban environments that provide for the social, economic and cultural wellbeing of people. The following objectives and policies are particularly of relevance to the Commercial and Mixed Use Zones:

- Objective 1 – Well-functioning urban environments that enable people and communities to provide for health, safety and wellbeing.
- Objective 3 – ... District plans enabled more people to live in, and more businesses and community services to be located in ... areas in or near a centre zone or other area with more many employment opportunities, [areas] well-serviced by ... public transport, [and areas with] high demand for housing or business land in the area.
- Policy 1(a) – Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a

minimum [...] have or enable a variety of sites that are suitable for different business sectors in terms of location and site size.

- Policy 2 - Tier 1 [...] local authorities, at all times, provide at least sufficient development capacity to meet expected demand for [...] business land over the short term, medium term, and long term.
 - Policy 3 - In relation to tier 1 urban environments, ... district plans enable:
 - a. in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and
 - b. in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and
 - c. building heights of at least 6 storeys within at least a walkable catchment of the following:
 - (i) existing and planned rapid transit stops
 - (ii) the edge of city centre zones
 - (iii) the edge of metropolitan centre zones; and
 - d. within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and densities of urban form commensurate with the level of commercial activity and community services.
 - Policy 4 - ... district plans applying to tier 1 urban environments modify the relevant building height or density requirements under Policy 3 only to the extent necessary (as specified in subpart 6) to accommodate a qualifying matter in that area.
 - Part 3 – Implementation: Local authorities must provide sufficient development capacity for housing and business land, and must be satisfied that the additional infrastructure to service the development capacity is likely to be available.
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3.3 New Zealand Coastal Policy Statement

(29) The New Zealand Coastal Policy Statement 2010 (NZCPS) sets out the objectives and policies in order to achieve the purpose of the RMA in relation to the coastal environment. The NZCPS is relevant to those parts of the Industrial Zones that are within the coastal environment, but in this proposed plan, coastal issues are dealt with in district-wide chapters (particularly the Coastal Environment chapter).

3.4 National environmental standards

(30) There are no relevant National Environmental Standards for the Commercial and Mixed Use Zones.

3.5 National Planning Standards

(31) Section 75(3)(ba) requires district plans to give effect to national planning standards.

(32) The first set of national planning standards was published in April 2019, with additional changes being incorporated into the standards since then.

(33) Standard 8 of the National Planning Standard (the Zone Framework Standard) specifies the zones that can be implemented through district plans, including eight Commercial and Mixed Use Zones. The proposed plan uses five of these zones, whose names and descriptions from the Standards are given below:

Zone	Description
City Centre Zone	Areas used predominantly for a broad range of commercial, community, recreational and residential activities. The zone is the main centre for the district or region.
Metropolitan Centre Zone	Areas used predominantly for a broad range of commercial, community, recreational and residential

Zone	Description
	activities. The zone is a focal point for sub-regional urban catchments.
Local Centre Zone	Areas used predominantly for a range of commercial and community activities that service the needs of the residential catchment.
Neighbourhood Centre Zone	Areas used predominantly for small-scale commercial and community activities that service the needs of the immediate residential neighbourhood.
Mixed Use Zone	Areas used predominantly for a compatible mixture of residential, commercial, light industrial, recreational and/or community activities.

3.6 Regional Policy Statement for the Wellington Region

(34) The Regional Policy Statement for the Wellington Region ('the RPS') identifies the significant resource management issues for the region and outlines the policies and methods required to achieve the integrated sustainable management of the region's natural and physical resources.

(35) There is currently a proposed RPS in the form of Proposed RPS Change 1, a sweeping series of amendments on a number of topics including indigenous biodiversity and climate change. At time of writing, the proposed RPS had received decisions from the Regional Council but was still subject to appeal, so there is still uncertainty over the final form of the change. The RPS change will not significantly change the issues for existing commercial areas, except in the realm of natural hazards, which are dealt with in the proposed plan in district-wide chapters. New commercial areas in the proposed plan are all existing urban areas, and the relevance of the RPS to these is shown in the table below.

(36) The relevant objectives and policies of the RPS for commercial and mixed use zones are discussed below:

Reference	Comment
Objective 22 (operative)	<p>“A compact well designed and sustainable regional form that has an integrated, safe and responsive transport network and:</p> <p>[...]</p> <p>(b) an increased range and diversity of activities in and around the regionally significant centres to maintain vibrancy and vitality;</p> <p>[...]</p> <p>(e) urban development in existing urban areas, or when beyond urban areas, development that reinforces the region’s existing urban form;</p> <p>[...]</p> <p>(g) a range of housing (including affordable housing);</p> <p>(h) integrated public open spaces;</p> <p>(i) integrated land use and transportation;</p> <p>[...]</p> <p>(k) efficiently use existing infrastructure (including transport network infrastructure); and</p> <p>(l) essential social services to meet the region’s needs.”</p>
Objective 22 (RPS Change 1)	<p>“A compact, well-designed, climate-resilient, accessible, and environmentally responsive regional form with well-functioning urban areas and rural areas, where:</p>

	<p>(a) there is sufficient development capacity to meet the needs of current and future generations [...]</p> <p>[...]</p> <p>(d) intensification occurs within existing urban zones in appropriate places where it is environmentally responsive; and</p> <p>[...]</p> <p>(e) subdivision, use and development is located, designed, and constructed in a way that is climate-resilient and contributes to reducing greenhouse gas emissions; and</p> <p>(f) built environments, including integrated transport infrastructure, meet the health and wellbeing needs of all people, with multi-modal access including active transport, between housing, jobs, community services, centres, green space, and open space; and</p> <p>(g) the biophysical characteristics, location, recognised values, capability and limitations of land inform its use and development; and</p> <p>[...]</p> <p>(i) existing urban-zoned land, and infrastructure capacity is used effectively and efficiently; and</p> <p>(j) new or upgraded infrastructure is integrated and sequenced with development; and</p> <p>(k) development densities are sufficient to support the provision and ongoing maintenance of infrastructure; and</p> <p>(l) a variety of residential, commercial, mixed use and industrial development in appropriate locations is</p>
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	provided which contributes to viable and vibrant centres at a range of scales, and industrial-based employment locations; [...]"
Policy 30 (operative)	<p>"District plans shall include policies, rules and/or methods that enable and manage a range of land use activities that maintain and enhance the viability and vibrancy of the regional central business district in Wellington city and the:</p> <p>(a) Sub-regional centres of: [...]</p> <p>(ii) Lower Hutt city centre; [...]; and the</p> <p>(b) Suburban centres in: (i) Petone; [...]"</p>
Policy 30 (RPS Change i)	<p>"District plans shall include objectives, policies, rules and/or methods that enable and manage appropriate subdivision, use and development that maintains and enhances the viability and vibrancy of:</p> <p>(a) central Wellington as the main centre of the Wellington Region; and</p> <p>(b) other regionally significant centres: [...]</p> <p>(ii) Lower Hutt; [...]</p> <p>(viii) Petone; and</p>

	<p>[...]; and</p> <p>(d) other local and neighbourhood centres that provide for the daily and weekly needs of their residential catchments.”</p>
<p>Policy 31 (operative)</p>	<p>“District plans shall:</p> <p>(a) identify key centres suitable for higher density and/or mixed use development;</p> <p>(b) identify locations, with good access to the strategic public transport network, suitable for higher density and/or mixed use development; and</p> <p>(c) include policies, rules and/or methods that encourage higher density and/or mixed use development in and around these centres and locations,</p> <p>so as to maintain and enhance a compact, well designed and sustainable regional form.”</p>
<p>Policy 31 (RPS Change 1)</p>	<p>[as it relates to commercial areas, effectively duplicates NPS-UD Policy 3]</p>

(37) These objectives and policies speak to the importance of providing for higher density development and a wide range of land uses in major commercial centres and highlights the regional importance of the Lower Hutt City Centre and Pito One Metropolitan Centre in particular.

3.7 Natural Resources Plan for the Wellington Region

- (38) Under section 75(4)(b) of the RMA, a district plan must not be inconsistent with a regional plan for any matter specified in section 30(1) of the RMA (which lists functions of regional councils under the Act). The Natural Resources Plan is the only regional plan for the Wellington region. However, no provisions in the operative Natural Resources Plan relate to the Commercial and Mixed Use Zones.
- (39) Section 74(2)(a)(ii) of the RMA requires territorial authorities, when preparing and changing their district plan, to have regard to any proposed regional plans with regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4 of the Act. Greater Wellington Regional Council has proposed a change to the Natural Resources Plan (Proposed NRP Change 1). However, this is primarily of concern for greenfield development. The proposed plan does not introduce any greenfield commercial areas and so no provisions in Proposed NRP Change 1 are relevant for the Commercial and Mixed Use Zones.

3.8 Hutt City Council plans, policies, and strategies

- (40) In addition, there are other plans, policies and strategies of Council that, while not directly prepared under a specific Act, should be considered as part of the District Plan Review as they set Council's intentions on some matters that need to be addressed through the District Plan Review.
- (41) The following Council plans, policies and strategies are relevant for Commercial and Mixed Use Zones:
- Central City Transformation Plan (2019)
 - Petone 2040 (2017)
-

(42) Council has also considered the potential directions of its draft Sustainable Growth Strategy which, at time of writing, was being prepared for public engagement.

(43) These plans, policies and strategies are discussed below:

Plan/Policy/Strategy	Comment
<p>Central City Transformation Plan</p>	<p>The plan is mostly delivered through non-district plan means, and the district plan is intended to merely enable and respond to those. Key moves from the plan that have informed the proposed provisions are:</p> <ul style="list-style-type: none"> • Riverlink: enhancing access to the city centre from Melling Station, re-tuning car-oriented streets, improving pedestrian links to the river, and providing a waterfront promenade • Laneways: encouraging more vibrant use of existing laneways and development of new laneways • Civic Precinct extension: improving links between Riddiford Gardens / Civic Precinct and the core of the city centre, including possible redevelopment of parts of the Civic Precinct • North Central: more urban redevelopment of low-rise, low-intensity land use in the northern city centre

<p>Petone 2040</p>	<p>The plan is mostly delivered through non-district plan means, and the district plan is intended to merely enable and respond to those. Key moves from the plan that have informed the proposed provisions are:</p> <ul style="list-style-type: none">• Petone West Gateway Area: encouraging finer-grained and more diverse land uses in Pito One West• Hutt Road & Petone Station: encouraging redevelopment of low quality buildings• Jackson Street Heritage Precinct: encouraging continued use and adaptive reuse of heritage buildings• Cuba Street Axis: proposed mixed-use corridor• Randwick Road / Moera: proposed mixed-use corridor
<p>Sustainable Growth Strategy</p>	<p>Intends to consolidate existing council direction with regards to development, including Council's aspirations for Riverlink and obligations under the Infrastructure Acceleration Fund (IAF). This document is still a draft for engagement at the time of writing, but formalises some of Council's existing intentions into a single plan, around:</p> <ul style="list-style-type: none">• Encouraging growth in the central and northern valley floor and particularly the city centre and immediate

	<p>surroundings, as enabled through IAF investments</p> <ul style="list-style-type: none"> • Improving links from the urban area to the Hutt River / Te Awa Kairangi • Supporting existing neighbourhoods outside the valley floor with improving existing commercial centres and potential new commercial centres
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3.9 District plans of adjacent territorial authorities

(44) Under section 74(2)(c) of the RMA, the Council is required to have regard to the extent to which the District Plan needs to be consistent with the plans of proposed plans of adjacent territorial authorities. The Commercial and Mixed Use Zones, like almost all the urban area of Lower Hutt, is not in close proximity to other districts. The structure of existing commerce and future demand is also distinct from other districts. There is therefore not considered to be a high need of consistency with provisions in district plans of adjacent territorial authorities as they relate to commercial and mixed use areas.

3.10 Other statutory and non-statutory plans, policies, strategies, and guidance

(45) Although it is not a mandatory consideration for the plan, Council is also particularly concerned with community access to food and groceries and so has had regard to the findings of the Commerce Commission's Market

Study Into the Grocery Sector including its recommendations for the planning system.

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4 Resource management issues

4.1 Background

(46) The determination of resource management issues for the Commercial and Mixed Use Zones, and the options for addressing those issues, has involved:

- A review of the statutory and strategic context (outlined in Section 3 of this report),
- A review of the available development capacity in the district and region through the 2023 Wellington Regional Housing and Business Capacity Assessment,
- A review of the existing approach of the District Plan,
- A review of information on recent resource consents and compliance for activities on sites proposed to be located in the Commercial and Mixed Use Zones,
- A review of the approaches of other district plans, and
- Engagement with Mana Whenua, the community and other stakeholders (including engagement on a draft District Plan).

(47) The review and the outcomes of the engagement are summarised below.

4.2 Evidence base

4.2.1 Existing approach of City of Lower Hutt District Plan

(48) The operative District Plan contains three commercial activity areas, which are the primary locations that provide for most commercial activity. Some commercial activities are also provided for in the General Business and Avalon Business activity areas, which is discussed further in the s32 report for Industrial Zones.

- (49) The three activity areas are the Central Commercial, Petone Commercial, and Suburban Mixed Use activity areas. The first two were introduced in the originally notified plan in 1995, and while each has had a full review, those reviews are now more than 10 years past. The Suburban Mixed Use Zone was introduced in 2017 in Plan Change 43. All three zones were altered in Plan Change 56 in 2022 which implemented the intensification requirements of the NPS-UD. Given the recency of that plan change, Council did not revisit the outcomes for development density decided through that plan change.
- (50) The Central Commercial area provides for a broad mix of activities with substantial controls for urban design outcomes. The Petone Commercial area is split into two. Area 1 provides for a diverse range of activities in the Jackson Street Heritage Area but coupled with strong controls on physical redevelopment of heritage buildings. Area 2 provides for a more limited range of activities in Petone West and encourages large format retail activities that cannot effectively locate in the smaller heritage buildings in Jackson Street.
- (51) The Suburban Mixed Use area covers all other commercial areas in the city and is a fairly flexible commercial centre zone providing for a large range of land uses but with limits on scale for amenity and centres hierarchy reasons.
- (52) All three zones provide for residential activities above ground level where it will not cause reverse sensitivity and privacy issues, detract from the vibrancy of the street, or take up scarce pedestrian-facing shopfronts. Some also provide for ground-level residential in some circumstances.
- (53) As part of the District Plan review the relevance and appropriateness of the issues and objectives identified in the operative plan have been assessed, which has noted:
- The objectives remain largely relevant but plan provisions are convoluted and often not well connected with the policies.
 - Residential development has been extremely limited in all commercial areas despite the plan's encouragement.
 - The encouragement of large format retail at the expense of other land uses in Petone West and limited urban
-

design control has produced an area with poor urban design and pedestrian connectivity.

- Jackson Street's heritage shopfronts now have a much lower vacancy rate and there is likely a shortage of available retail space in the area.
- The city centre and suburban centres have a glut of retail space with high vacancy rates.
- The urban design guides within the plan have been difficult to use and implement and have been ineffective, although it is worth noting there is a small sample size of recent developments to consider.
- Large format retail is well-catered for in the Lower Hutt City Centre and Petone Commercial, but supermarkets struggle to find adequate sites outside of these areas.
- There is notable demand for small-scale commercial activities outside the zoned centres, particularly around other nodes of activity such as community facilities and the hospital.

(54) Some issues managed in the Commercial activity area chapters are discussed in other reports for the proposed plan as the location of these provisions has shifted along with the National Planning Standards, e.g. issues around natural hazards and cultural practices.

4.2.2 Analysis of other District Plans

(55) Practice in other districts has been considered in respect of this topic, with a review undertaken of the following District Plans:

- Auckland Unitary Plan
- Proposed Wellington City District Plan
- Proposed Porirua District Plan
- Upper Hutt District Plan

(56) More casual reference was also made in preparing the chapter to:

- Christchurch District Plan
 - Hamilton District Plan
 - Kāpiti Coast District Plan
-

(57) Key findings were:

- Most plans implement a hierarchy of centres in accordance with national and regional direction.
- Objectives tend to centre issues of amenity values, efficient use of infrastructure and public investment in the public realm, urban design, and safety.
- Recent plans provide for a wide range of non-commercial activities and use effects standards to control incompatibility.
- Most plans had detailed rules for the interface with residential and other non-commercial areas although some did still routinely require resource consent for some or all land uses near boundaries.
- Most plans have urban design controls targeted at key areas.

4.2.3 Advice from mana whenua

(58) Council has engaged with mana whenua on the district plan review through the Kāhui Mana Whenua engagement group. No specific issues have been raised with regard to commercial zones and mixed use zones. However, mana whenua have provided advice on the sites and areas that are of significance to them. The values associated with these sites and areas have potential to be impacted by activities which are provided for in commercial and mixed use zones.

4.2.4 Stakeholder and community engagement

(59) As part of the District Plan Review, Council engaged with the community and stakeholders in several rounds:

Date	Invitees	Summary
2020	General public	General comment was received from several members of the community.
2023	Stakeholders and general public	Specific comment was sought on the draft chapter from the public and stakeholders. General comments were received as well as users filling out an online survey.

(60) Main themes of the feedback on Commercial and Mixed Use Zones were:

- Support for the draft approach in general
- Support for encouraging provision for residential activities in centres
- Support for and opposition to the outcomes of Plan Change 56
- Support for the centres hierarchy
- Support for and opposition to a new Mixed Use Zone
- Support for and opposition to the proposed urban design approach and individual design outcomes
- Questions around the consistency between strategic directions and zone chapters
- Concerns that excessive commercial space was being provided for
- Requests to retain restrictions on small-scale commercial activity in Petone West
- Support for the Jackson Street heritage precinct and related provisions
- Support for the Civic Precinct
- Opposition to the use of the City Centre and Metropolitan Centre zones from the National Planning Standards
- Requests for additional zones (e.g. the Town Centre Zone)
- Support for and opposition to the Jackson Street Character Transition Precinct
- Requests to enable additional land uses or have dedicated policy frameworks for particular land uses (e.g. emergency services, retirement villages)
- Requests to exempt particular land uses from urban design controls (e.g. service stations)
- Requests for rezonings of particular centres and individual sites
- Requests for Mixed Use areas to be closer to centres and not along arterials

(61) The Council's feedback also allowed short-answer support-or-oppose feedback on particular items in the draft. It should be noted that these are

self-reported responses and this is not a statistically representative survey of the community. Responses to the survey were:

- Roughly mixed support and opposition for the Mixed Use Zone, and
- More support than opposition for the locations of the Mixed Use Zone, but a plurality of respondents were neutral.

4.2.5 Technical information

(62) The main technical information informing the review is the Housing and Business Development Capacity Assessment 2023. This finds that business land needs in general are met across the city and region, other than for industrial land. The assessment included assumptions around a proportion of development capacity in centres being used for residential activities. However, the analysis of development capacity does not take into account the sizes of sites and so does not consider the availability of sites suitable for large-format retail.

4.3 Summary of issues analysis

(63) Based on the above sources of information, the key resource management issues are:

- a. The regional significance of the Lower Hutt City Centre and Pito One Metropolitan Centre
- b. The heritage values of the Jackson Street Heritage Precinct and Civic Precinct
- c. The opportunities to improve connections to the Hutt River/Te Awa Kairangi presented by Riverlink
- d. The vibrancy, vitality, and commercial viability of commercial centres
- e. Protection of the amenity values of residential and other non-commercial land uses from the effects of industry
- f. The functional and operational needs of various specific but relatively uncommon activities, such as emergency services

- g. The provision of sufficient commercial development capacity, both in general and for commercial activities with specific needs such as supermarkets
- h. The quality of existing building stock and urban design outcomes of development
- i. Existing low physical attractiveness of many commercial areas
- j. A high level of commercial vacancies in some areas
- k. Poor access to commercial and community services in some areas

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5 Scale and significance assessment

- (64) In writing this evaluation report we must provide a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects anticipated from the implementation of the proposal.
- (65) In assessing that scale and significance we have had regard to:

Matters of national importance	There are no relevant matters of national importance.
Other matters	There are no particularly relevant other matters.
Degree of change from the operative plan	There is a low degree of change from the operative plan in the City Centre Zone, Metropolitan Centre Zone, and Local Centre Zones. There is a highly significant change from the operative plan in the Mixed Use Zone, and for sites that are rezoned but are not commercially zoned in the operative plan.
Geographic scale of effects	Adverse effects are mostly contained within the zone. Positive effects have citywide impacts.
Number of people affected	Commercial areas attract significant numbers of visitors and workers from around the city and region and so affect many people.
Duration of effects	Land use changes in commercial centres generally have effects on the scale or

	years or decades but do not have significant intergenerational effects.
Economic impacts	There can be significant economic gains/losses through the successful/unsuccessful management of commercial areas.
Social and cultural impacts	Moderate. Commercial centres are often key locations for social and cultural infrastructure and activities.
Environmental impacts	Moderate, although these impacts are mostly locked in by existing uses and the plan has relatively little impact on them.
Health and safety impacts	Low
Degree of interest from mana whenua	Low. Mana whenua have not expressed a particular interest in this topic.
Degree of interest from the public	Moderate interest.
Degree of risk or uncertainty	Moderate, given the flexible and generic nature of provisions and the wide range of activities provided for.

(66) Accordingly, the overall scale and significance of the effects of commercial and mixed use areas are **moderate**.

6 Proposed District Plan objectives and provisions

(67) The proposed plan includes five commercial zones. Each zone has five objectives. Each of these objectives is worded similarly to the equivalent objective in the other zones and does a similar structural job. The provisions accordingly are considered in groups, with the equivalent objective in every zone considered as a package.

(68) The six objectives for each zone set out:

- The expected purpose of the zone (O1 in each zone)
- The land use activities for the zone (O2 in each zone)
- Development capacity (O3 in each zone)
- The planned character and planned urban built environment (O4 in each zone)
- The expected approach to the management of adverse effects such as nuisances (O5 in each zone).

(69) There are also three precincts. Each precinct has a single objective:

- CCZ-PREC1-O1 – sets out the purpose and character expected within the Riverbank Precinct of the City Centre Zone
- CCZ-PREC2-O1 – sets out the purpose and character expected within the Civic Precinct of the City Centre Zone
- MCZ-PREC1-O1 – sets out the purpose and character expected within the Jackson Street Character Transition Precinct

Objective	Text and associated provisions
CCZ-O1	Purpose of the zone

Objective	Text and associated provisions
	<p>“The City Centre is the primary commercial, community, and civic centre for Lower Hutt, and the primary location of choice for activities with a city-wide or regional catchment, that attract significant numbers of people, and use land intensively.</p> <p>The City Centre is supported by residential activities and a diverse range of other activities compatible with this purpose and the intended character of the zone, including activities that serve a more local community.”</p> <p>Implemented by:</p> <ul style="list-style-type: none"> • CCZ-P1 to CCZ-P7 • Spatial application of zone • Land use rules
MCZ-O1	<p>Purpose of the zone</p> <p>“The Metropolitan Centre is a key commercial, community, and civic centre for Lower Hutt, and is a location of choice for such activities with a city-wide or sub-regional catchment.</p> <p>The Metropolitan Centre is supported by residential activities and a diverse range of other activities compatible with this purpose and the intended character of the zone, including activities that serve a more local community.”</p> <p>Implemented by:</p> <ul style="list-style-type: none"> • MCZ-P1 to MCZ-P7 • Spatial application of zone • Land use rules

Objective	Text and associated provisions
LCZ-01	<p>Purpose of the zone</p> <p>“Local Centres are the heart of commercial activity in their neighbourhood and may also be a significant location for community and civic activity. The Local Centres are locations of choice for activities that serve the surrounding neighbourhoods or other small-scale activities. The Local Centres are supported by residential activities and a diverse range of other compatible activities, including small-scale commercial activities that may serve more than just the surrounding area, while reflecting the Local Centres’ role and function within the hierarchy of commercial centres.”</p> <p>Implemented by:</p> <ul style="list-style-type: none"> • LCZ-P1 to LCZ-P7 • Spatial application of zone • Land use rules
NCZ-01	<p>Purpose of the zone</p> <p>“Neighbourhood Centres are an important focus of commercial activity in their neighbourhood and may also be a significant location for community and civic activity. The Neighbourhood Centres are locations of choice for activities that serve the surrounding neighbourhoods or other small-scale activities. The Neighbourhood Centres are supported by residential activities and a diverse range of other compatible activities, including small-scale commercial activities that may serve more than just the surrounding area, while reflecting the</p>

Objective	Text and associated provisions
	<p>Neighbourhood Centres' role and function within the hierarchy of commercial centres.”</p> <p>Implemented by:</p> <ul style="list-style-type: none"> • NCZ-P1 to NCZ-P7 • Spatial application of zone • Land use rules
MUZ-O1	<p>Purpose of the zone</p> <p>“The Mixed Use Zone contributes to a well-functioning urban environment through the provision of areas that can flexibly adapt to a range of mixed urban uses over time, in locations that are appropriate for medium or high density residential and commercial development.”</p> <p>Implemented by:</p> <ul style="list-style-type: none"> • MUZ-P1 to MUZ-P6 • Spatial application of zone • Land use rules
CCZ-O2	<p>Activities in the zone</p> <p>“The City Centre Zone:</p> <ol style="list-style-type: none"> a. Primarily provides for commercial activities and community activities, b. Is supported by residential activities that: <ol style="list-style-type: none"> i. Are compatible with the purpose, the planned character, and the planned urban built environment of the zone, and ii. Are compatible with the types of amenity associated with a high density

Objective	Text and associated provisions
	<p>commercial centre anticipated by the zone, and</p> <p>c. Provides for other activities that:</p> <ul style="list-style-type: none"> i. Are compatible with the purpose, the planned character, and the planned urban built environment of the zone, and ii. Are compatible with the types of amenity associated with a high density commercial centre anticipated by the zone." <p>Implemented by:</p> <ul style="list-style-type: none"> • CCZ-P1 to CCZ-P7 • Spatial application of zone • Land use rules
MCZ-O2	<p>Activities in the zone</p> <p>"The Metropolitan Centre Zone:</p> <ul style="list-style-type: none"> a. Primarily provides for commercial activities and community activities, b. Is supported by residential activities that: <ul style="list-style-type: none"> i. Are compatible with the purpose, the planned character, and the planned urban built environment of the zone, and ii. Are compatible with the types of amenity associated with a high density commercial centre anticipated by the zone, and c. Provides for other activities that: <ul style="list-style-type: none"> i. Are compatible with the purpose, the planned character, and the planned urban built environment of the zone, and ii. Are compatible with the types of amenity associated with a high density

Objective	Text and associated provisions
	<p>commercial centre anticipated by the zone.”</p> <p>Implemented by:</p> <ul style="list-style-type: none"> • MCZ-P1 to MCZ-P7 • Spatial application of zone • Land use rules
LCZ-O2	<p>Activities in the zone</p> <p>“The Local Centre Zone:</p> <ol style="list-style-type: none"> a. Primarily provides for commercial activities and community activities that are small scale or serve a surrounding residential catchment, b. Is supported by residential activities that: <ol style="list-style-type: none"> i. Are compatible with the purpose, the planned character, and the planned urban built environment of the zone, and ii. Are compatible with the types of amenity associated with a high density commercial centre anticipated by the zone, and c. Provides for other activities that: <ol style="list-style-type: none"> i. Are compatible with the purpose, the planned character, and the planned urban built environment of the zone, ii. Are compatible with the types of amenity associated with a high density commercial centre anticipated by the zone, and

Objective	Text and associated provisions
	<p>iii. Support the health and wellbeing of people and communities in the surrounding area.”</p> <p>Implemented by:</p> <ul style="list-style-type: none"> • LCZ-P1 to LCZ-P7 • Spatial application of zone • Land use rules
NCZ-O2	<p>Activities in the zone</p> <p>“The Neighbourhood Centre Zone:</p> <p>a. Primarily provides for commercial activities and community activities that are small scale or serve a surrounding residential catchment,</p> <p>b. Is supported by residential activities that:</p> <ul style="list-style-type: none"> i. Are compatible with the purpose, the planned character, and the planned urban built environment of the zone, and ii. Are compatible with the types of amenity associated with a high density commercial centre anticipated by the zone, and <p>c. Provides for other activities that:</p> <ul style="list-style-type: none"> i. Are compatible with the purpose, the planned character, and the planned urban built environment of the zone, ii. Are compatible with the types of amenity associated with a high density

Objective	Text and associated provisions
	<p>commercial centre anticipated by the zone,</p> <p>iii. Are compatible with the types of amenity planned for surrounding zones, and</p> <p>iv. Support the health and wellbeing of people and communities in the surrounding area.”</p> <p>Implemented by:</p> <ul style="list-style-type: none"> • NCZ-P1 to NCZ-P7 • Spatial application of zone • Land use rules
MUZ-O2	<p>Activities in the zone</p> <p>“The Mixed Use Zone:</p> <ol style="list-style-type: none"> 1. Does not have a single predominant use that it provides for, 2. Is expected to provide flexibility for any combination of commercial, community, light manufacturing and servicing, recreational, residential, and other compatible activities, while reflecting the Mixed Use Zone's role and function in relation to the hierarchy of centres, 3. Provides for other activities that: <ol style="list-style-type: none"> a. Are compatible with the purpose, the planned character, and the planned urban built environment of the zone, b. Are compatible with the types of amenity associated with a medium or high density mixed use environment anticipated by the zone, and c. Support the health and wellbeing of people and communities in the surrounding area, and 4. Is not intended to provide for: <ol style="list-style-type: none"> a. Large-scale vehicle oriented activities, or

Objective	Text and associated provisions
	<p>b. Activities that would be a significant city-wide or regional destination, and</p> <p>5. Otherwise avoids other activities that are likely to be incompatible.”</p> <p>Implemented by:</p> <ul style="list-style-type: none"> • MUZ-P1 to MUZ-P6 • Spatial application of zone • Land use rules
CCZ-O3	<p>Provision of commercial and community spaces and housing</p> <p>“The City Centre Zone provides for a variety of types and sizes of tenancies that respond to:</p> <ol style="list-style-type: none"> a. Business needs and demand, b. The planned urban built environment of the neighbourhood, including intensive use of sites and high-rise buildings, and c. The opportunity to support the city centre with housing and other supporting activities.” <p>Implemented by:</p> <ul style="list-style-type: none"> • CCZ-P1 to CCZ-P7 • Spatial application of zone • Land use rules
MCZ-O3	<p>Provision of commercial and community spaces and housing</p> <p>“The Metropolitan Centre Zone provides for a variety of types and sizes of tenancies that respond to:</p> <ol style="list-style-type: none"> a. Business needs and demand,

Objective	Text and associated provisions
	<p>b. The planned urban built environment of the neighbourhood, including intensive use of sites and high rise buildings, and</p> <p>c. The opportunity to support the city centre with housing and other supporting activities.”</p> <p>Implemented by:</p> <ul style="list-style-type: none"> • MCZ-P1 to MCZ-P7 • Spatial application of zone • Land use rules
LCZ-03	<p>Provision of commercial and community spaces and housing</p> <p>“The Local Centre Zone provides for a variety of types and sizes of tenancies that respond to:</p> <p>a. Business needs and demand,</p> <p>b. The planned urban built environment of the neighbourhood, including intensive use of sites and six-storey buildings, and</p> <p>c. The opportunity to support commercial centres with housing and other supporting activities.”</p> <p>Implemented by:</p> <ul style="list-style-type: none"> • LCZ-P1 to LCZ-P7 • Spatial application of zone • Land use rules
NCZ-03	<p>Provision of commercial and community spaces and housing</p> <p>“The Neighbourhood Centre Zone provides for a variety of types and sizes of tenancies that respond to:</p> <p>a. Business needs and demand,</p>

Objective	Text and associated provisions
	<p>b. The planned urban built environment of the neighbourhood, including intensive use of sites, and</p> <p>c. The opportunity to support commercial centres with housing and other supporting activities.”</p> <p>Implemented by:</p> <ul style="list-style-type: none"> • NCZ-P1 to NCZ-P7 • Spatial application of zone • Land use rules
MUZ-O3	<p>Provision of commercial and community spaces and housing</p> <p>“The Mixed Use Zone provides for a variety of types and sizes of housing types and sizes, and non-residential tenancies, that respond to:</p> <ol style="list-style-type: none"> 1. Housing needs and demand, and 2. Business needs and demand.” <p>Implemented by:</p> <ul style="list-style-type: none"> • MUZ-P1 to MUZ-P6 • Spatial application of zone • Land use rules
CCZ-O4	<p>Planned character and planned urban built environment of the zone</p> <p>“Built development and open spaces positively contribute to a commercial and community hub of</p>

Objective	Text and associated provisions
	<p>activity within a well-functioning urban environment that:</p> <ul style="list-style-type: none"> a. Comprises buildings and spaces surrounding buildings, sites, streets, and neighbourhoods that are designed to achieve the desired urban design outcomes for the zone, b. Has an urban built environment that is characterised by a high concentration of building densities and forms, including buildings that provide an active frontage on identified frontages and providing for high rise buildings, c. Recognises the significance and opportunity of Te Awa Kairangi / the Hutt River, the historic modern buildings of the City Centre, and the setting of buildings within functional open space in the Civic Precinct, d. Takes advantage of and contributes positively to the opportunities of pedestrian spaces and adjoining parks and reserves, e. Makes efficient use of the scarce resource of space at ground level, f. Is easily legible to visitors, g. Is healthy, safe, attractive, and accessible, h. Provides useful on-site outdoor living areas for residents, or is located in close proximity to useful public open space in the neighbourhood, i. Has good access within the City Centre, to and from surrounding neighbourhoods, and to and

Objective	Text and associated provisions
	<p>from other commercial centres, through active and public transport modes, providing for well-connected and low emission communities,</p> <p>j. Is integrated with existing and planned infrastructure,</p> <p>k. Includes opportunities for housing and other activities that positively contribute to the function and amenity of the City Centre, and</p> <p>l. Enhances co-location benefits.”</p> <p>Implemented by:</p> <ul style="list-style-type: none"> • CCZ-P8 to CCZ-P10 • Buildings and structures rules
MCZ-O4	<p>Planned character and planned urban built environment of the zone</p> <p>“Built development and open spaces positively contribute to a commercial and community hub of activity within a well-functioning urban environment that:</p> <p>a. Comprises buildings and spaces surrounding buildings, sites, streets, and neighbourhoods that are designed to achieve the desired urban design outcomes for the zone,</p> <p>b. Has an urban built environment that is characterised by a high concentration of building densities and forms, including buildings that provide an active frontage on identified frontages and providing for high rise buildings,</p> <p>c. Recognises the significance and opportunity of the Pito One foreshore,</p>

Objective	Text and associated provisions
	<p>d. Provides a high amenity experience walking between Jackson Street and the Pito One Railway station,</p> <p>e. Takes advantage of and contributes positively to the opportunities of pedestrian spaces and adjoining parks and reserves,</p> <p>f. Makes efficient use of the scarce resource of space at ground level,</p> <p>g. Is easily legible to visitors,</p> <p>h. Is healthy, safe, attractive, and accessible,</p> <p>i. Provides useful on-site outdoor living areas for residents, or is located in close proximity to useful public open space in the neighbourhood,</p> <p>j. Has good access within the Metropolitan Centre, to and from surrounding neighbourhoods, and to and from other commercial centres, through active and public transport modes, providing for well-connected and low emission communities,</p> <p>k. Is integrated with existing and planned infrastructure,</p> <p>l. Includes opportunities for housing and other activities that positively contribute to the function and amenity of the Metropolitan Centre, and</p> <p>m. Enhances co-location benefits.”</p> <p>Implemented by:</p> <ul style="list-style-type: none"> • MCZ-P8 to MCZ-P10 • Buildings and structures rules
LCZ-O4	<p>Planned character and planned urban built environment of the zone</p> <p>“Built development and open spaces positively contribute to a commercial and community hub of activity within a well-functioning urban environment that:</p> <p>a. Comprises buildings and spaces surrounding buildings, sites, streets, and</p>

Objective	Text and associated provisions
	<p>neighbourhoods that are designed to achieve the desired urban design outcomes for the zone,</p> <ul style="list-style-type: none"> b. Has an urban built environment that is characterised by a high concentration of building densities and forms, including buildings that provide an active frontage on identified frontages and providing for building heights up to at least six storeys, c. Takes advantage of and contributes positively to the opportunities of pedestrian spaces and adjoining parks and reserves, d. Makes efficient use of the scarce resource of space at ground level, e. Is easily legible to visitors, f. Is healthy, safe, attractive, and accessible, g. Provides useful on-site outdoor living areas for residents, or is located in close proximity to useful public open space in the neighbourhood, h. Has good access within the Local Centre, to and from surrounding neighbourhoods, and to and from other commercial centres, through active and public transport modes, providing for well-connected and low emission communities, i. Is integrated with existing and planned infrastructure, j. Includes opportunities for housing and other activities that positively contribute to the function and amenity of the Local Centre, and

Objective	Text and associated provisions
	<p>k. Enhances co-location benefits.”</p> <p>Implemented by:</p> <ul style="list-style-type: none"> • LCZ-P8 to LCZ-P10 • Buildings and structures rules
NCZ-O4	<p>Planned character and planned urban built environment of the zone</p> <p>“Built development or open spaces positively contribute to a commercial and community hub of activity within a well-functioning urban environment that:</p> <ul style="list-style-type: none"> a. Comprises buildings and spaces surrounding buildings, sites, streets, and neighbourhoods that are designed to achieve the desired urban design outcomes for the zone, b. Has an urban built environment that is characterised by a high concentration of building densities and forms, including buildings that provide an active frontage on identified frontages, c. Takes advantage of and contributes positively to the opportunities of pedestrian spaces and adjoining parks and reserves, d. Makes efficient use of the scarce resource of space at ground level, e. Is easily legible to visitors, f. Is healthy, safe, attractive, and accessible,

Objective	Text and associated provisions
	<p>g. Provides useful on-site outdoor living areas for residents, or is located in close proximity to useful public open space in the neighbourhood,</p> <p>h. Has good access within the Neighbourhood Centre, to and from surrounding neighbourhoods, and to and from other commercial centres, through active and public transport modes, providing for well-connected and low emission communities,</p> <p>i. Is integrated with existing and planned infrastructure,</p> <p>j. Includes opportunities for housing and other activities that positively contribute to the function and amenity of the Neighbourhood Centre, and</p> <p>k. Provides for co-location benefits.”</p> <p>Implemented by:</p> <ul style="list-style-type: none"> • NCZ-P8 to NCZ-P10 • Buildings and structures rules
MUZ-O4	<p>Planned character and planned urban built environment of the zone</p> <p>“Built development or open spaces are consistent with a mixed-use residential, commercial, and community area within a well-functioning urban environment that:</p> <ol style="list-style-type: none"> 1. Comprises buildings and spaces surrounding buildings, sites, streets, and neighbourhoods that are designed to achieve the desired urban design outcomes for the zone,

Objective	Text and associated provisions
	<p>2. Has an urban built environment that is characterised by flexibility of building densities and forms,</p> <p>3. Takes advantage of and contributes positively to the opportunities of pedestrian spaces and adjoining parks and reserves,</p> <p>4. Is healthy, safe, attractive, and accessible,</p> <p>5. Provides useful on-site outdoor living areas for residents, or is located in close proximity to useful public open space in the neighbourhood,</p> <p>6. Has good access to and from surrounding neighbourhoods, and to and from commercial centres, through active and public transport modes, providing for well-connected and low emission communities,</p> <p>7. Is integrated with existing and planned infrastructure, and</p> <p>8. Provides for activities with co-location benefits in the area.”</p> <p>Implemented by:</p> <ul style="list-style-type: none"> • MUZ-P7 to MUZ-P9 • Buildings and structures rules
CCZ-O5	<p>Adverse effects</p> <p>“Adverse effects of activities and development are effectively managed within the zone, and at interfaces with other zones.”</p>

Objective	Text and associated provisions
	<p>Implemented by:</p> <ul style="list-style-type: none"> • CCZ-P11 • General rules
MCZ-O5	<p>Adverse effects</p> <p>“Adverse effects of activities and development are effectively managed within the zone, and at interfaces with other zones.”</p> <p>Implemented by:</p> <ul style="list-style-type: none"> • MCZ-P11 • General rules
LCZ-O5	<p>Adverse effects</p> <p>“Adverse effects of activities and development are effectively managed within the zone, and at interfaces with other zones.”</p> <p>Implemented by:</p> <ul style="list-style-type: none"> • LCZ-P11 • General rules
NCZ-O5	<p>Adverse effects</p> <p>“Adverse effects of activities and development are effectively managed within the zone, and at interfaces with other zones.”</p> <p>Implemented by:</p> <ul style="list-style-type: none"> • NCZ-P11 • General rules

Objective	Text and associated provisions
MUZ-O5	<p>Adverse effects</p> <p>“Adverse effects of activities and development are effectively managed within the zone, and at interfaces with other zones.”</p> <p>Implemented by:</p> <ul style="list-style-type: none"> • MUZ-P10 • General rules
CCZ-PREC1-O1	<p>Purpose and character</p> <p>“Built development addresses the river and creates a vibrant riverbank environment.”</p> <p>Implemented by:</p> <ul style="list-style-type: none"> • CCZ-PREC1-P1 • Buildings and structures rules
CCZ-PREC2-O1	<p>Purpose and character</p> <p>“Built development is integrated with useful and attractive public open space.”</p> <p>Implemented by:</p> <ul style="list-style-type: none"> • CCZ-PREC2-P1 • Buildings and structures rules
MCZ-PREC1-O1	<p>Purpose and character</p> <p>“The character, style, and built form of the Jackson Street Character Transition Precinct evolves, as sites are redeveloped, to recognise the significance and opportunity of the heritage values of the Jackson</p>

Objective	Text and associated provisions
	<p data-bbox="616 315 1347 394">Street Heritage Area and the industrial history of the western end of Pito One.”</p> <p data-bbox="616 450 855 479">Implemented by:</p> <ul data-bbox="807 528 1270 607" style="list-style-type: none"><li data-bbox="807 528 1046 557">• MCZ-PREC1-P1<li data-bbox="807 577 1270 607">• Buildings and structures rules

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7 Evaluation of objectives

- (70) This section is the evaluation of objectives, as required through s32(1)(a) of the RMA.
- (71) An objective is a statement of what is to be achieved through the resolution of a particular resource management issue. A district plan objective should set out a desired end state to be achieved through the implementation of policies and rules.
- (72) Under s75(1)(a) of the Resource Management Act, a district plan must state the objectives for the district.
- (73) Under s32(1)(a) of the Resource Management Act, an evaluation report required under the Act must examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA. The purpose of the RMA, as stated in s5(1) of the Act, is to promote the sustainable management of natural and physical resources.
- (74) The objectives of each Commercial or Mixed Use Zone chapter are intended to be read as a collective. The five Commercial and Mixed Use Zones including their precincts themselves are intended to work as a package delivering outcomes for the city as a whole by providing for different outcomes in different areas. Accordingly, the twenty-three objectives have been grouped together for the purpose of this evaluation.

CCZ-01/MCZ-01/LCZ-01/NCZ-01/MUZ-01

Purpose of the zone

CCZ-02/MCZ-02/LCZ-02/NCZ-02/MUZ-02

Activities in the zone

CCZ-03/MCZ-03/LCZ-03/NCZ-03/MUZ-03

Provision of commercial and community spaces and housing

CCZ-04/MCZ-04/LCZ-04/NCZ-04/MUZ-04

Planned character and planned urban built environment of the zone

CCZ-05/MCZ-05/LCZ-05/NCZ-05/MUZ-05

Adverse effects

CCZ-PREC1-01/CCZ-PREC2-01/MCZ-PREC1-01

Purpose and character

Relevance

- CCZ-01/MCZ-01/LCZ-01/NCZ-01/MUZ-01 address resource management issues a, d, g, j, and k in paragraph (63) by setting out the major reason for the zone.
- CCZ-02/MCZ-02/LCZ-02/NCZ-02/MUZ-02 address resource management issues a, d, e, f, g, j, and k in paragraph (63) by setting out the approaches to various potential land uses.
- CCZ-03/MCZ-03/LCZ-03/NCZ-03/MUZ-03 address resource management issues a, d, f, g, j and k in paragraph (63) by addressing the approach to the provision of development capacity.
- CCZ-04/MCZ-04/LCZ-04/NCZ-04/MUZ-04 address resource management issues b, c, d, e, h, and i in paragraph (63) by setting intended character and urban built outcomes for the zone.
- CCZ-05/MCZ-05/LCZ-05/NCZ-05/MUZ-05 address resource management issue e in paragraph (63) by setting out the approach to adverse effects on neighbouring zones.
- CCZ-PREC1-01 addresses resource management issues c and d in paragraph (63).
- CCZ-PREC2-01 addresses resource management issues b and d in paragraph (63).
- MCZ-PREC1-01 addresses resource management issues b and d in paragraph (63).

Usefulness

- For the centres zones, the package of objectives as a whole set out what activities are intended to occur in the zone and why: providing for development capacity for and the ongoing operation of commercial and community activities, development capacity for the centres' purpose to be supported by residential activity, the protection of the community from their effects, and the management of reverse sensitivity.

- For the Mixed Use Zone, the package of objectives as a whole set out what activities are intended to occur in the zone and why: providing for development capacity for residential and small-scale mixed use commercial activities and flexible land use, the protection of the community from adverse effects, and the evolution of areas over time.
- The package of objectives set out the approach to character, amenity, and effects, which are key issues for the zone.
- The objectives sets out the approach and expected outcomes from urban design which is useful in achieving the Council's aspirations for high quality centres.
- The objectives support the council's functions of providing commercial development capacity and managing effects on the environment.
- The objectives support the council's duty under national direction and regional direction to establish and support its centres hierarchy.

Reasonableness

- Given the significance of commercial and community activities to the economic wellbeing of people and communities in Lower Hutt and the wider region, it is appropriate for the District Plan to continue to promote these and supporting activities in a dedicated space, to define the expected urban environment in relation to the activities which are enabled within the zone, and to manage incompatible activities. It is reasonable to seek for the effects of activities enabled within the zone to be managed, particularly in relation to the interfaces with other zones that have different character and amenity expectations.
- It is appropriate to restrict activities that would undermine the vitality and vibrancy of centres, or make less efficient use of council's investments in transport and other infrastructure, and investments in the quality of the public realm, or undermine co-location benefits.
- The objectives are consistent with regional and national direction.

Achievability

- The provisions enable the continuation of established commercial, community, and residential uses and their continued development, enables new commercial, community, and residential uses, and protects the capacity of the zone for additional new and altered residential uses in the further future by managing activities that might cause sensitivity issues or lead to the loss of activity in and visitors to centres.
- For the centres zones, the provisions follow conventional approaches comparable to those in the operative plan and other plans around the country with a well-understood track record.
- For the centres zones, the objectives are consistent with existing uses and community expectations for the zones, and can be achieved without imposing a significant regulatory burden on businesses or the community.
- For the Mixed Use Zone, the objectives are flexible and adaptive to future needs and provide for activities unlikely to have significant adverse effects while leaving riskier proposals to be assessed through resource consents.

Alternatives considered

- **Fewer tiers in centres hierarchy**

Council considered an approach with three centres in the hierarchy and the smallest centres in the Mixed Use Zone. This was consulted on in the Draft District Plan. Council opted to add the fourth tier, Neighbourhood Centre Zone, based on feedback to the draft and being concerned that the Mixed Use Zone would cause difficulties for well-established commercial centres.

- **No Mixed Use Zone**

Council considered not using a Mixed Use Zone and using only centres zones. Council opted against this as being less consistent with its existing strategies and policies, creating excessive pressure on existing commercial areas, wanting to provide a decent surplus of development capacity, and providing for resilience in the plan.

- **More tiers in centres hierarchy**

Council considered adding a fifth tier to the centres hierarchy in the form of the Town Centre Zone, but opted against this as there would not have been enough difference in the provisions compared to the Local Centre Zone for this to be worthwhile.

- **More restrictions on commercial activity in Pito One West**

Council considered retaining provisions like those in the operative plan that significantly restricted small-scale commercial activity and various types of land uses (e.g. licenced premises) in Pito One West. Council opted not to retain these provisions as deliberately providing insufficient development capacity in an area would be inconsistent with the approach in national and regional direction to providing for sufficient development capacity for business use.

- **No Jackson Street Character Transition Precinct**

Council opted whether to include the proposed character transition precinct but decided to include it due to the importance of the corridor to perceptions of the city and appreciation of the heritage area, the expected lack of negative impact on development capacity, and the relatively small affected area.

- **More lenient approach to vehicle-oriented activity in centres**

Council opted whether to provide specific areas dedicated to vehicle-oriented businesses in centres, but opted against this as:

- The classification of areas into active frontages and non-active frontages already encouraged vehicle-oriented businesses to locate in areas where they would have less adverse effect on the streetscape and transport network safety, functionality, and amenity,
 - Vehicle-oriented businesses tend to have fairly wide-spread and significant effects and it is appropriate to check their location in a resource consent in each instance, and
 - Vehicle-oriented businesses would require resource consent under the proposed Transport chapter in most cases anyway.
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8 Evaluation of Policies and Rules

8.1 Background

- (75) Policies and rules implement, or give effect to, the objectives of a plan.
- (76) Policies of a district plan are the course of action to achieve or implement the plan's objective (i.e. the path to be followed to achieve a certain, specified, environmental outcome). Rules of a district plan implement the plan's policies, and have the force and effect of a regulation.
- (77) Under s32(1)(b) of the Resource Management Act, an evaluation report required under the Act must examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—
- (i) *identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) *summarising the reasons for deciding on the provisions.*
- (78) Under s32(2) of the Resource Management Act, the assessment of the efficiency and effectiveness of the provisions must:
- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
 - (i) *economic growth that are anticipated to be provided or reduced; and*
 - (ii) *employment that are anticipated to be provided or reduced; and*
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- (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
- (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

8.2 Notes

- (79) Quantification of the benefits and costs of provision of commercial land capacity in general is found in the Housing and Business Development Capacity Assessment 2023. While this has not yet been updated for the proposed plan, it is unlikely that the overall total of residential and commercial development capacity has been significantly altered by the proposed plan. More widespread use of the Mixed Use Zone and the smaller area subject to restrictions on ground-floor retail will likely have increased the proportion of overall capacity that is available to *either* residential or commercial, rather than being limited to one or the other.
 - (80) Specific quantification of the other benefits and costs associated with the proposed Commercial and Mixed Use Zones chapters is not considered practical, given the moderate level of change from the operative plan, the ability for benefits and costs to be considered in more detail at resource consent stage, the regional strategic significance of key centres, and the nature of the costs and benefits being difficult to quantify.
 - (81) The evidence base which has informed the preparation of the proposed Commercial and Mixed Use Zones chapters is identified in section 4.2 of this report. With consideration to this evidence base, the issues concerning commercial centres are generally long-standing and similar in other cities around New Zealand. As such, there is sufficient information on which to base these provisions based on local and national experience. To the extent that any information is uncertain or insufficient, the risk of not acting may be that development capacity is imperfectly used, that adverse effects of or on commercial activity are not appropriately managed, or that buildings are poorly designed or designed wastefully to achieve unnecessary or disproportionate outcomes. All of these issues
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can be mitigated through the provision of more detailed evidence at resource consent stage.

- (82) The anticipated scale and density of development has been largely carried over from the operative district plan which was updated to give effect to the NPS-UD in Plan Change 56 in 2022-23. Given the recency of this plan change Council has not revisited the issue of appropriate development density in different areas.

8.3 Evaluation of provisions

- (83) The proposed provisions are:

- For the City Centre Zone, a package of 11 policies and a suite of rules and standards in the three categories of Building and Structures, Land Use Activities, and General Rules. The two precincts each have a policy setting out additional urban design outcomes and supporting standards.
- For the Metropolitan Centre Zone, a package of 11 policies and a suite of rules and standards in the three categories of Building and Structures, Land Use Activities, and General Rules. The precinct also has a policy setting out additional urban design outcomes.
- For each of the Local Centre Zone and Neighbourhood Centre Zone, a package of 11 policies and a suite of rules and standards in the three categories of Building and Structures, Land Use Activities, and General Rules.
- For the Mixed Use Zone, a package of 10 policies and a suite of rules and standards in the three categories of Building and Structures, Land Use Activities, and General Rules.

- (84) Each package works in a similar manner and so we can describe the general framework for commercial and mixed use zones while noting zone-specific differences.

- (85) Each zone provides a suite of policies that classify land uses into:

- Enabled Activities (CCZ-P1, MCZ-P1, LCZ-P1, NCZ-P1, MUZ-P1), which obviously are enabled
 - Residential activities and other activities sensitive to privacy intrusion (CCZ-P2, MCZ-P2, LCZ-P2, NCZ-P2). These are provided for in all zones
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but with controls on their compatibility with identified active frontages. The Mixed Use Zone does not have this policy and residential activities are enabled in the same way as other activities.

- Potentially and likely incompatible activities (CCZ-P3, MCZ-P3, LCZ-P3, NCZ-P3, MUZ-P2, CCZ-P4, MCZ-P4, LCZ-P4, NCZ-P4, MUZ-P3). These set out activities that require resource consent assessment before being allowed in the zone and a test to be applied for activities proposed.
- Existing activities (CCZ-P5, MCZ-P5, LCZ-P5, NCZ-P5, MUZ-P4). While rare that policies will be applied to existing activities with existing use rights, this sets the zone's tolerance for incompatible existing activities.

(86) Each zone also has policies to manage considerations of development capacity and the role of the zone within (or supporting) the hierarchy of centres (CCZ-P6, MCZ-P6, LCZ-P6, NCZ-P6, MUZ-P5, CCZ-P7, MCZ-P7, LCZ-P7, NCZ-P7, MUZ-P6).

(87) Each zone also has a suite of policies setting out urban design outcomes including the outcomes to be sought and when this is achieved through performance standards or assessment (CCZ-P8 to CCZ-P10, MCZ-P8 to MCZ-P10, LCZ-P8 to LCZ-P10, NCZ-P8 to NCZ-P10, MUZ-P7 to MUZ-P9, as well as additional outcomes within the precincts: CCZ-PREC1-P1, CCZ-PREC2-P1, MCZ-PREC1-P1).

(88) Finally, each zone has a policy setting out the management of adverse effects at zone interfaces (CCZ-P11, MCZ-P11, LCZ-P11, NCZ-P11, MUZ-P10).

(89) The rules, like all zones in the proposed plan, are divided into rules managing buildings and structures, with performance standards, rules controlling land use activities, with conditions affecting activity status in some cases, and general rules managing some specific nuisances.

(90) In the City Centre and Metropolitan Centre Zones, all new buildings of any significance require resource consent to assess how they achieve the zone's urban design objectives. There are also performance standards that are intended to work in a similar fashion to permitted activity standards tied to restricted discretionary rules in other zones, by removing specific issues from consideration when relevant standards are met.

(91) In the Local Centre, Neighbourhood Centre, and Mixed Use Zones, buildings and structures rules provide for permitted development where for the

purpose of a permitted land use and subject to meeting standards, and a resource consent process where this is not the case.

- (92) Land use activity rules implement the policy direction for anticipated land uses.
- (93) General rules implement some remaining matters for the policy for adverse effects at zone interfaces that are not directly caused by changes to buildings and structures.

8.3.1 Zone purpose, development capacity, and land use activities provisions

<p>CCZ-P1 to CCZ-P7, MCZ-P1 to MCZ-P7, LCZ-P1 to LCZ-P7, NCZ-P1 to NCZ-P7, MUZ-P1 to MUZ-P6</p> <p>CCZ-R7 to CCZ-R26, MCZ-R7 to MCZ-R26, LCZ-R4 to LCZ-R21, NCZ-R4 to NCZ-R21, MUZ-R4 to MUZ-R28</p>
<p>Why these provisions are included in the proposed District Plan</p>
<p>These provisions implement objectives CCZ-O1 to CCZ-O3, MCZ-O1 to MCZ-O3, LCZ-O1 to LCZ-O3, NCZ-O1 to NCZ-O3, and MUZ-O1 to MUZ-O3.</p> <p>The policies outline the purposes of the zones, classify land use activities based on their type and effects and management approach, and provide guidance for deciding whether and under what circumstances different land uses are provided for in the zone.</p> <p>The package of rules implements the policies by providing for land use activities that are permitted or require resource consent.</p>
<p>Efficiency and effectiveness</p>
<p>Benefits</p> <ul style="list-style-type: none"> • Classification of land uses provides certainty to plan users. • Enables economic growth and for communities to provide for their well-being through providing for commercial businesses and employment and community facilities. • Enhances vibrancy and vitality of centres through controlling incompatible uses. <p>Costs</p> <ul style="list-style-type: none"> • Potential for less efficient land use, particularly in the short term, when suitable commercial tenants cannot be found for vacant sites.

- Adverse effects will occur through violations of the plan that are not practical to monitor and enforce.

Overall assessment

The provisions are effective in implementing the outcomes expressed in the objectives. Providing for such a wide range of activities may in some circumstances lead to conflicting outcomes. The provisions provide guidance as to how resource consent applications may resolve tension between these outcomes.

The hierarchy of centres approach is consistent with national and regional direction. These benefits and costs can be considered in further detail when proposals for out-of-centre developments are proposed based on then-existing market conditions and the latest Housing and Business Development Capacity Assessment figures.

Reasonably practicable alternatives

No alternatives were considered to implement the objectives, although alternative objectives were considered (see section 7).

8.3.2 Buildings and design provisions

CCZ-P8 to CCZ-P10, MCZ-P8 to MCZ-P10, LCZ-P8 to LCZ-P10, NCZ-P8 to NCZ-P10, MUZ-P7 to MUZ-P9, CCZ-PREC1-P1, CCZ-PREC2-P1, MCZ-PREC1-P1

CCZ-R1 to CCZ-R6, MCZ-R1 to MCZ-R6, LCZ-R1 to LCZ-R3, NCZ-R1 to NCZ-R3, MUZ-R1 to MUZ-R3

Why these provisions are included in the proposed District Plan

These provisions implement objectives CCZ-O4, MCZ-O4, LCZ-O4, NCZ-O4, and MUZ-O4. The provisions aim to encourage building to be designed to further the aims of the plan to create a well-functioning urban environment that attracts and suits the needs of residents, students, employees, shoppers, and other visitors. These are then implemented through rules that require compliance with permitted activity standards, and building and performance standards to ensure minimum outcomes are achieved. Non-statutory design guides are also provided for, which can provide further information on how to achieve good urban design outcomes. Alternatively, applicants can provide their own evidence about how the outcomes are achieved.

The urban design policies differ from the operative plan approach for the Central Commercial and Petone Commercial areas, but are comparable

to the operative plan's approach for the Suburban Mixed Use Activity Area and consistent with the proposed approach in residential and industrial zones. This approach is to clearly link standards to the plan's intended outcomes.

Efficiency and effectiveness

Benefits

- Enhances the appearance and functionality of the public realm and public-facing parts of developments.
- Protects privacy, daylight, and sunlight to sensitive and public places.
- Protects privacy, daylight, and sunlight to neighbouring residential areas.
- Promotes the efficient use of land.
- Promotes aesthetic value of new developments.
- Provides clear guidance for what is relevant in resource consent applications.
- Objective standards lower compliance costs.

Costs

- Compliance costs and increased cost of buildings.
- Potential less efficient use of land, especially in the short term if there are vacancies for encouraged development formats but discouraged formats would be viable.
- Adverse effects will occur through violations of the plan that are not practical to monitor and enforce.

Overall assessment

The provisions are effective in implementing the outcomes expressed in the objectives. Providing for the desired urban design outcomes while managing effects on the environment may in some circumstances lead to conflicting outcomes. The provisions provide guidance as to how resource consent applications may resolve tension between these outcomes.

Reasonably practicable alternatives

- **Discretionary assessment for all new buildings in Local Centre Zone and Neighbourhood Centre Zone**
Council discarded this option as having excessive compliance costs and excessive workload from resource consent processing.
- **Permitted activity development framework in City Centre Zone and Metropolitan Centre Zone**
Council discarded this option as failing to achieve the design outcomes sought in these areas, which are more onerous than in other zones.

- **Design guide in the plan**
Council discarded this option as being hard to enforce and lacking clarity for plan users.
- **Additional or omitted design outcomes**
Council took consideration of the individual design outcomes to the District Plan Review Committee, which recommended the proposed package. More information is available in the Committee’s minutes.

8.3.3 Nuisances provisions

CCZ-P11, MCZ-P11, LCZ-P11, NCZ-P11, MUZ-P10

Why these provisions are included in the proposed District Plan

These provisions implement objectives CCZ-O5, MCZ-O5, LCZ-O5, NCZ-O5, and MUZ-O5.

The policy outlines the purpose of the standards, and provides guidance for matters to consider when assessing applications under the rules.

Efficiency and effectiveness

Benefits

- Manages adverse effects on amenity values that might otherwise affect neighbouring residential, rural, open space, marae, and mixed use areas.
- Clearly identifies types of effects (visual, noise) which need to be managed.
- Tailored standards for different areas and situations provide greater protection where needed without requiring assessment where not needed.
- Provides objective standards that, for most sites, can be implemented without needing consent or complicated designs, and can be enforced using resources routinely available to council.
- Resource consent process limited to relevant effects.

Costs

- Compliance costs for developments, including potential less efficient scheduling of servicing.
- Enforcement costs for Council.

- Adverse effects will occur through violations of the plan that are not practical to monitor and enforce.

Overall assessment

The provisions are effective in implementing the outcomes expressed in the objectives. Controlling the appearance of servicing areas and controlling servicing hours enhances amenity values for nearby non-commercial areas, particularly residents.

Reasonably practicable alternatives

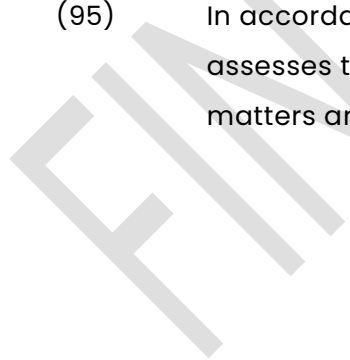
- **No controls**
Council discarded the option of no controls as it thought the benefits of more flexible land use were outweighed by the impacts on affected residents.

8.3.4 Qualifying matters

(94) The proposed Commercial and Mixed Use Zones apply provisions that in some cases provide for a scale of development less than required by Policy 3 of the NPS-UD:

- Specific Height Control overlay applying to parts of the Metropolitan Centre Zone near Te Puni Urupā.
- Height limit imposed in the City Centre Zone's Civic Precinct.

(95) In accordance with clause 3.33 of the NPS-UD, this report therefore assesses the requirements needed to demonstrate those qualifying matters are necessary:



Specific Height Control overlay near Te Puni Urupā	
Why subject to qualifying matter	The controls are necessary to protect the relationship of Māori with a site of significance to Māori, a s6 matter.
Why level of development is incompatible	Buildings looming over the site would carry an unacceptable risk to the privacy, dignity, and cultural safety of activities at the urupā.
Development capacity impact	The controls will have no impact on development capacity as the affected sites are also covered by an additional qualifying matter for natural hazards that is even more restrictive of development.
Costs and broader impacts of limits	There are no costs of the controls as the affected sites are also covered by an additional qualifying matter for natural hazards that is even more restrictive of development.

Height limit in Civic Precinct	
Why subject to qualifying matter	The controls are necessary to protect the historic heritage of the Lower Hutt Civic Centre Heritage Area, a s6 matter.
Why level of development is incompatible	Buildings of substantially larger scale than currently exist would negatively impact people's ability to enjoy the public space surrounding the heritage buildings from which those buildings are designed to be appreciated.
Development capacity impact	The controls will have no impact on development capacity as the affected sites are all owned by public authorities who do not intend to develop buildings beyond the anticipated scale in the foreseeable future in any case.
Costs and broader impacts of limits	There are no costs of the controls as the affected sites are all owned by public authorities who do not intend to develop buildings beyond the anticipated scale in the foreseeable future in any case.

9 Summary

(96) This report, including the evaluation, has been prepared to set the context for the Commercial and Mixed Use Zones chapters of the proposed District Plan. The evaluation has been undertaken in accordance with section 32 of the RMA in order to identify the need, benefits and costs and the appropriateness of the proposed chapters, having regard to their effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that this proposal is the most appropriate option as it:

- Recognises and provides for commercial activity in centres that supports Council's existing strategies and regional direction for the structure of commercial activity,
 - Controls the effects of that development to protect amenity values in the zone and in nearby zones,
 - Controls activities that may have unreasonable reverse sensitivity impacts,
 - Sets objectives that are relevant, useful, reasonable and achievable,
 - Minimises compliance and enforcement costs,
 - Makes conservative decisions where information is limited,
 - Provides adequate direction for resource consent applications,
 - Is consistent with higher order documents, particularly the National Policy Statement on Urban Development and the Regional Policy Statement for the Wellington region, and
 - Is consistent with the requirements of the National Planning Standards.
-