

Hutt City Proposed District Plan

Hearing 3 – Residential

22-23 and 25-26 June 2026

1. My name is Laura Skilton, I have lived in Petone for the past 35 years. I am a Transport Planner and through my employment I am familiar with District Plans. The submission I make today is a personal submission and I am not representing anyone.
2. I my evidence focuses on High Density Residential Zone and Medium Density Residential Zone. I have not reviewed Large Lot or Rural Zones.
3. The main areas change I would like to see in residential zones are:
 - Reducing the area covered by the High Density Residential Zones due to the detrimental effect on adjacent properties
 - Providing more detail where matters for discretion are included, to reduce the adverse effects on adjacent properties if rules are breached
 - Reducing the effects of severe rainfall events through the permeable surface standards
 - Reducing the amount of non-residential activity that can occur within residential zones.

Strengthening of Policies

4. I am familiar with the National Policy Statement on Urban Development (NPS-UD) and that it requires Councils to have enough zoned land for housing for the next 30 years. I am also aware that many of the rules in the Proposed District Plan are set by the Enabling Housing Supply Amendment Act 2021 (RMA-EHS), also referred to as Medium Density Residential Standards (MDRS). As part of preparing this evidence I have reviewed these standards in more detail. RMA-EHS does not require High Density Residential Zones, other than those that are required by NPS-UD.
5. RMA-EHS requires for building up to three homes of up to three storeys (11m) on each site in relevant residential zones without needing resource consent. Legislation requirements are in Appendix A of this evidence.
6. You will see in my submission and in this evidence that I consider the rules set up by the Government have severe consequences on neighbouring properties, particularly

those on the southern side, and as such, I consider that they should not be breached further.

7. RMA-EHS states that if the rules are breached, the activity becomes a restricted discretionary activity. As such I better understand why the Officers Report is not able to alter a breach to a non-complying or prohibited activity. This was not clear to me when I made my submission.
8. However, the Proposed Plan is able to provide details of matters of discretion that Officers will use when considering a resource consent application, and I consider the draft matters require strengthening. This will be discussed in more detail later in my evidence.
9. I agree with the Council Officers report where it says that "*Council can impose conditions or decline the consent if the effects are unacceptable*". However, I am still concerned that consents will be approved with conditions that do not mitigate the adverse effects.
10. As 98 percent of all resource consent applications are granted, I am concerned with breaches of the already very relaxed standards set by the Government and the adverse effects on neighbouring properties. Council Officers often take the 'easy road' and issue a resource consent with conditions, rather than decline an application, as this could result in a hearing.
11. That being said, under a restricted discretionary activity, matters of discretion are based on the standard that is infringed. These can reflect that breaching the standards has adverse effects on neighbouring properties.
12. One of the reasons I am concerned is that Hutt City Council Planning Officers have recently approved a subdivision where this is a non-complying activity. The site is on Petone Esplanade. It is in a high tsunami zone, a high climate change zone, and a high flooding zone. The subdivision reduces the amount of permeable surface. If this is allowed, then I have to question the purpose of a District Plan and the rules within it.
13. I will discuss individual issues in more detail in the following sections of my evidence.

High Density vs Medium Density

14. RMA-EHS and NPS-UD only require Tier 1 territory authorities to incorporate high density residential zones within walking distance to a rapid transit stop, edge of city centre zone or edge of a metropolitan centre (not neighbourhood centre, local centre

or mixed use zones). There is no definition of what 'walking distance' within the instruments.

15. TLA's can modify the standards in RMA-EHS where the standards would make such developments inappropriate, such as within natural hazard zones.
16. Prior to PC56, we were told by Council Officers that due to the valley floor being made of riverbed, it is extremely difficult to build to 22m in height due to the foundations that are required.
17. Based on this, I question the practicality of the High Density Residential Zone over the majority of the valley floor.
18. In terms of walking distance, the distance people are prepared to walk varies by trip purpose. People will walk further to work than to shop due to the necessity of carrying goods home.
19. In terms of walking to work, the distance people are prepared to walk varies by the number of modes required. For example, people who need to walk to a bus or train will walk a shorter distance than someone walking the entire distance to their place of work. I note that Waterloo and Petone railway stations are the busiest stations on the Hutt Valley line, due to the significant off street parking areas that are provided, as people generally do not walk far to a railway station.
20. I consider that 'walking distance' therefore is around 500m to a place of employment and 300m to a railway station.
21. As an example, there is a yoga studio within Doreen Doolan Mall. It is located around 75m from an off street carpark. When Council made the carpark a paid parking area, attendees of the yoga facility complained as they did not want to walk a further 100m for free on-street parking.
22. As another example, I know someone who recently moved from one part of Petone to another. They happily walked 350m to a café from their original home, but now drive from their new home as it is 750m to the nearest café.
23. When I review the objectives of the High Density Residential Zone and the Medium Density Residential Zone, I note that there are very few differences that distinguish them, so again I question the use of High Density Residential Zones that are not 'walking distance'.
24. HRZ-O1 is exactly the same as MRZ-O1 (purpose).

25. HRZ-O2 is exactly the same as MRZ-O2 (activities).
26. HRZ-O3 only differs from MRZ-O3 (provision of housing) as the former has six-story and the latter three-story. This objective is required in RMA-EHS.
27. HRZ-O4 only differs from MRZ-O4 (character) as the former has six-story and the latter three-story.
28. HRZ-P1 is exactly the same as MRZ-P1 (compatibility).
29. HRZ-P2 is exactly the same as MRZ-P2 (non-residential).
30. HRZ-P3 is exactly the same as MRZ-P3 (other activities).
31. HRZ-P4 is exactly the same as MRZ-P4 (provision of housing).
32. HRZ-P6 is exactly the same as MRZ-P6 (streets and open spaces).
33. HRZ-P7 is exactly the same as MRZ-P7 (housing needs).
34. HRZ-P8 is exactly the same as MRZ-P7 (high quality).
35. HRZ-P10 is exactly the same as MRZ-P10 (retirement villages).
36. HRZ-P11 is exactly the same as MRZ-P11 (changing environment).
37. HRZ-P12 is exactly the same as MRZ-P12 (urban design).
38. HRZ-P13 is exactly the same as MRZ-P13 (urban design).
39. HRZ-P14 is exactly the same as MRZ-P14 (urban design).
40. HRZ-P15 is exactly the same as MRZ-P15 (marae).
41. Only HRZ-P9 differs to MRZ-P9 as it covers specific height control relating to existing or planned commercial activities.
42. In my submission I showed how the new rules have a detrimental effect on neighbouring properties and contradict the policies in the Proposed Plan.
43. I also consider there is a contradiction within the Proposed Plan as property owners in a High Density Residential Zone expect to be able to build to six storeys, while other provisions in the rules place considerable limitations on this. As such, Large Lot

Residential might be more appropriate for the areas within the Natural Hazard Overlay Areas. This will be discussed further in Hearing 5.

44. I consider that the use of High Density Residential Zones should be limited to 500m from the City Centre Zone and Metropolitan Centre Zone and 300m from a Railway Station.
45. Should the Commissioners not agree with this, then at the very least residential areas within the Natural Hazard Overlay Areas should be Medium Density Residential Zones or Large Lot Residential Zones, not High Density Residential Zones.

Objectives and Policies

46. Schedule 3A of the RMA-EHS includes the requirements for two Objectives and five policies to be included in the District Plan. The Proposed Plan however has other objectives and policies that can be altered.
47. With the rules set by RMA-EHS, there will be significant loss of sunlight to the adjoining properties, particularly on the southern boundary. The policies imply that this is not the case and I consider need adjusting.
48. In paragraph 24 to paragraph 41 in this evidence, I have shown that the Objectives and Policies in the High and Medium Density Residential Zones are generally similar. Many of them use words such as “*support health and well being*”, “*positively contribute*”. “*high level of service*”, “*manage adverse effects*”, “*adequate privacy*”, “*access to daylight*” and “*access to sunlight*”. I consider that these statements are false and that the policies should openly admit that the rules are adverse in many situations, and therefore should not be exceeded.
49. I disagree with including four or more units on a site within the Proposed Plan. While this can occur with a Resource Consent, it should not have different standards (HRZ-S4 and MRZ-S4).
50. I also consider that four or more units on a single site should not be encouraged on transport grounds. Sections that are large enough to contain four or more residential units are generally on the periphery of the city and generally do not have any public transport, therefore increasing car usage.
51. An AI Google search states that “*A policy within a district plan is a specific, actionable guideline that bridges the gap between what a council wants to achieve (the objective) and the actual regulations (the rules). It outlines the approach the local authority will*

take to manage land use, development, and environmental effects in the district". As such I consider that HRZ-P14 and MRZ-P14 are not policies and should instead be in the introduction section of each Chapter.

52. I have made a series of recommended changes to the Objectives and Policies in Appendix B.

Matters of Discretion

53. Generally the Proposed Plan provides that where a rule has been breached, a permitted activity becomes a restricted discretionary activity. In each rule there are matters of discretion which Council Officers will use in assessing an application. I consider that some of these matters are not strong enough for reasons outlined in my submission and elsewhere in this evidence.

54. I have also reflected this in the policy changes I have recommended.

55. New developments that I have seen all build on the southern side to maximise the sunlight planes for the new development and this has a significant impact on the adjoining neighbour on the southern side. This is highlighted in Paragraphs 46 to 50 in my written submission, specifically the figure in Paragraph 48 of my submission.

56. It should be noted that the recession planes required by the legislation are the same for the entire country. I have been informed that it is based on Auckland sunlight angles which are higher than areas further south. The winter sunlight angles are lower in Wellington and even lower in Christchurch and Dunedin.

57. I have measured the sunlight angle in Lower Hutt throughout the year and in winter the sunlight angle is only 20 degrees.

58. When the sun is at 30 degrees, for every 1m of additional building height, the shadow is 1.7m longer. The sun is lower than 30 degrees for 3 months of the year.

59. When the sun is at 45 degrees, for every 1m of additional building height, the shadow is 1m longer. The sun is lower than 45 degrees for 6 months of the year.

60. With many residential sections being around 15m in width, this means that many adjoining properties will have no sunlight for significant parts of the year, in particular during winter months when it is cold.

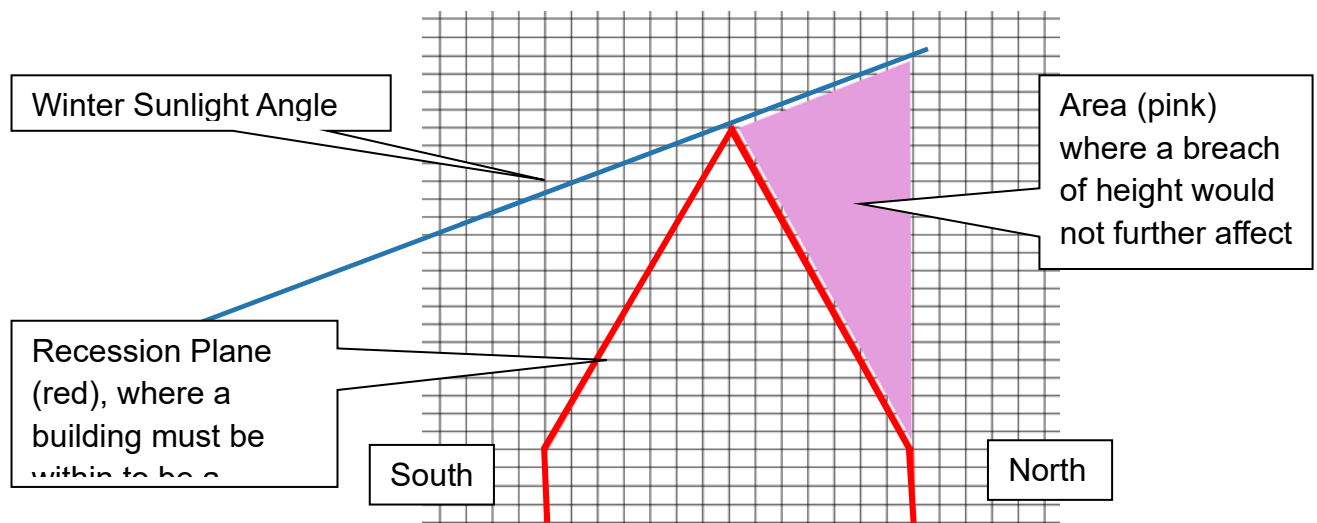
61. In order to minimise adverse effects on adjacent properties on the south or a new development, if the height limit is breached, I consider any matters of discretion should

be worded so that the southern properties are not affected by the breach, as a breach on the northern side, will have less impact than a breach on the southern side.

62. In the diagram below, the grid pattern represents 1m in width and height. The red line represents the recession plane of 4m + 60°. The area inside the red line is where a building could go within the permitted activity rules. The blue line shows the sunlight angle in winter (20°) and in effect the shading. Should the recession plane be breached within the pink shaded area, the property on the southern side would not be affected any differently to the permitted standards.

63. The sunlight plane is only more than 60° between November and February. The rest of the year, a breach on the southern side of the recession plane would increase the shadow of a building, should the recession plane be breached.

64. By limiting any height breach to within the pink area, a property on the south would not be further affected from the rules set by RMA-EHS and MDRS. As such, I consider that discretion should be limited to this.



65. I have tried to convey this in my suggested changes to HRZ-P12 and MRZ-P12.

66. I have made a series of other recommended changes to the Rules and Standards in Appendix C.

Permeable Surfaces

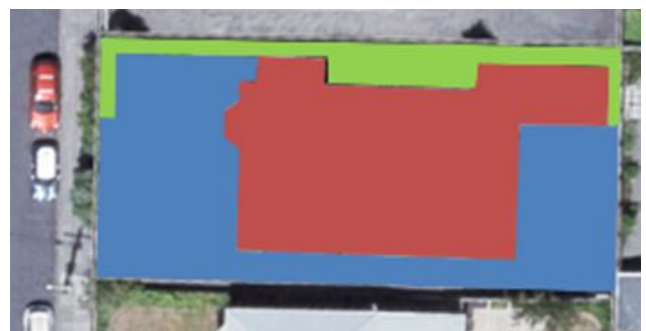
67. New Zealand is prone to earthquakes, tsunamis and flooding, from both sea level rise and heavy rainfall. While the first two are random or difficult to predict, scientists are providing evidence of the latter two, particularly the increase of heavy rainfall events.

68. The NIWA website states that “*heavy rainfall is one of the most frequent and widespread severe weather hazards to affect New Zealand*”¹.
69. The Ministry of Environment is predicting more that extreme rainfall events will be more intense and more frequent.²
70. I consider that the requirement for permeable surfaces is therefore critical to reduce the effects of extreme rainfall.
71. You will recall that after Cyclone Gabriel the Government delayed Auckland requiring more high density housing areas due to the areas that had high proportions of concrete having severe flood issues.
72. While the Proposed Plan has overlays for natural hazards, we do not really know when the next earthquake or tsunami may occur. But I think we can all agree that significant weather events with significant rain is occurring more frequently. I am most passionate about ensuring that flood protection is maintained for future weather events.
73. Combined with slow sea level rise, the situation is certainly worsening.
74. The residential zones require at least 30 percent of the ground surface to be permeable. In the example I gave in Paragraph 12 above, the house subdivision ensured that the new Lot had 30% permeable area, but the existing house on the remainder of the section falls far short of this.
75. Permeable surface requirements are not included in RMA-EHS or MDRS (refer Appendix A) and as such, if this standard is not met, the activity status can change from permitted to non-complying (rather than a restricted discretionary activity, as would otherwise apply).
76. I would also like Commissioners to review the diagrams I have provided in my written submission in Paragraphs 61 to 66, particularly in Paragraph 62, which shows that side yards between two buildings should not be used for calculating permeable area. The use of side yards increases as the height of buildings increases. Specifically, I refer to side yards of 1m.

¹ <https://niwa.co.nz/hazards/extreme-weather-heavy-rainfall#:~:text=Heavy%20rainfall%20tends%20be%20most,due%20to%20the%20prevailing%20westerlies>.

² <https://environment.govt.nz/facts-and-science/climate-change/climate-change-projections/>

77. I also want to remind Commissioners that water takes the path of least resistance. If a drain is blocked or partially blocked, water will flow overland. If the outlet of the drain is covered in water, ie the kerb and channel is full due to water run-off from the road, the water has nowhere to go.
78. The weather event in the Marlborough Sounds in August 2022 resulted in transport infrastructure repairs costing \$235M. The flooding and damage would have been significantly less if the drains had been cleared more regularly. Needless to say, the road maintenance contract in the Sounds has since been changed.
79. The Three Waters Objective THW-O2, in the Proposed Plan states “*Future use and development in urban areas incorporates measures to manage stormwater runoff so it does not increase offsite stormwater peak flows compared to current levels, does not increase flood risks, and improves stormwater quality*”. As such, rules in other sections must adhere to this.
80. The Three Waters Policy THW-P1, in the Proposed Plan requires all development in urban areas to comply with the Wellington Water Regional Standard for Water Services, December 2021, Version 3.0.
81. In addition to the figures in my written submission, I would like to show the Commissioners two more sets of images.
82. The first is a standard drain that Council Planning Officers have required for mitigation when the permeable surface is less than 30 percent. The drain is only 30mm by 90mm and drains into the existing kerb and channel. The drain in the photo below is supposed to adequately mitigate the effects of the blue and red impermeable areas for the property on the right (refer written submission Paragraph 63).



83. The second set of images I took after a short but heavy rain event. The drain is the same as the one mentioned in paragraph 82.

84. On the day I took these photos, it rained hard for only about 10 minutes. As you can see, the water in the kerb is higher than the drain. I consider that the drains that are used for mitigation when there is less than 30% permeable surface are not sufficient for prolonged heavy rain.



85. Appendix D shows that a significant number of drains are blocked by leaves and other debris. Of note is that the kerb sweepers used by Council to clear kerbs actually flick material into the drains, further reducing their effectiveness. You can see by the date and time stamp that it did not take long to take these photos.

86. Without regular maintenance these drains do not work. The maintenance is for the land owner to undertake, however most are unaware of the consequences. If maintenance and clearance of these drains is not regularly undertaken, and there is a heavy rainfall event, it is highly likely that flooding will occur.

87. This is why I consider that it is crucially important to ensure adequate permeable surface is provided and that if standard HRZ-S7, MRZ-S7 and LLRZ-S6 are breached the activity should be non-complying.

88. I have suggested that HRZ-R3, MRZ-R3 and LLRZ-R3 should be altered so that a third activity status is included, that being non-complying if the permeable surface area reduces below 25%. I am not an expert in water runoff, and suggest 25% as this is less than the permitted activity of 30%, allowing for mitigation measures for a value between 25 and 30%. Commissioners may want to increase this to 30%.

Commercial Sprawl

89. In Hearing 2, I discussed the effects of 'commercial sprawl' and the increased use of private car to the detriment of public transport. By allowing non-residential activities in residential zones, the opportunities, and therefore the adverse effects of commercial sprawl, is intensified.
90. In Hearing 2, I told Commissioners that 'commercial sprawl' contradicts the Transport Policies in the Proposed Plan.
91. In Hearing 2, I told Commissioners that half of New Zealand's businesses employ 4 people or less. The Rules in the Proposed Plan allow for half of all businesses to be in residential areas.
92. In Hearing 2, I told Commissioners that small businesses will potentially move away from the CBD to areas with cheaper rent and free parking and that, with less commercial activity, the CBD could start to feel like a ghost town.
93. In Hearing 2, I told Commissioners that 97% of all businesses employ less than 20 people. I also told Commissioners that the average amount of space used by each employee is typically 10-15m². As such, 97% of all businesses can be located in residential areas (200 m²) under the restricted discretionary activity. Therefore I totally disagree with Paragraph 372 of the Officers Report when it states that the Rules only allow "*small scale businesses*".
94. While a 200m² commercial activity in a residential area will still need a consent, I consider that the rules should be strengthened.
95. A person living alone in a medium to large house can easily use the rest of their house for a personal business. The Proposed Plan actively allows houses to be larger in the future which will enable a significant amount of commercial activity within residential zones. Any commercial activity with more than 4 employees can still establish as a restricted discretionary activity, hence the permitted baseline needs to be reduced.
96. I also note that Paragraph 373 of the Officers Report specifically refers to hairdressers. In my experience, woman will not go to the nearest hairdresser, rather their preferred hairdresser, which often is in a different city (I met a lady in early June that goes to Napier for her hairdresser!). Put simply, people do not use the closest hairdresser, physio, doctor, dentist or other service, they use the one they like and follow them if they relocate.

97. In terms of Paragraph 374 of the Officers Report, I completely disagree with the statement that the “HRZ ... is located adjacent to commercial centres” as mentioned in my previous discussions on walking distances.
98. In addition to increase car usage when employment is allowed in residential zones, it also will increase on street parking in residential streets as there are no minimum parking requirements. I do not think this is compatible with residential streets, particularly narrow ones.
99. These are the main drivers for my recommendations to reduce the amount of non-residential activity that is permitted in the residential zones, particularly businesses that rely on visitors.
100. I do however fully support screening of carparks and non residential activities from adjoining residential activity and also the road to ensure that the character remains residential.
101. Since the preparation of my submission, Council has installed parking meters on Jackson Street. Many businesses are blaming this for a decline in turnover.
102. I consider some of the decline to be due to commercial sprawl. When businesses are grouped together a visit to one will often lead to a visit at another business close by.
103. The Jackson Street Programme is holding a meeting on 18 June to “Save Jackson Street”.



Summary

104. While many components of the Residential Rules and Standards are set by legislation, I am concerned with their effects, particularly if the permitted standards are breached.
105. I strongly recommend that Commissioners make the changes I have suggested in Appendix B and Appendix C.

Appendix A – Legislation

Rules in Medium Density Residential Standards

Note that Permeable surface requirements are not in Medium Density Residential Standards, therefore if this is not met, then the activity can become non-complying or prohibited.

Table 1: Medium Density Residential Standards

Density standard		
Number of residential units per site	Maximum	3
Building height	Maximum	11 m + 1 m for pitched roof
Height in relation to boundary	Maximum	4 m + 60° recession plane
Setbacks	Minimum	Front yard: 1.5 m Side yard: 1 m Rear yard: 1 m (excluding on corner sites)
Building coverage	Maximum	50% of the net site area
Outdoor living space (one per unit)	Minimum	Ground floor: 20 m ² , 3 m dimension Above ground floor: 8 m ² , 1.8 m dimension
Outlook space (per unit)	Minimum	Principal living room: 4 m depth, 4 m width All other habitable rooms: 1 m depth, 1 m width
Windows to street	Minimum	20% glazing of the street-facing facade
Landscaped area	Minimum	20% of the developed site with grass or plants

Schedule 3A of Enabling Housing Supply and Other Matters Amendment Act 2021

6 Objectives and policies

(1) A territorial authority must include the following objectives in its district plan:

Objective 1

- (a) a well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future:

Objective 2

- (b) a relevant residential zone provides for a variety of housing types and sizes that respond to—
- (i) housing needs and demand; and
 - (ii) the neighbourhood's planned urban built character, including 3-storey buildings.

(2) A territorial authority must include the following policies in its district plan:

Policy 1

- (a) enable a variety of housing types with a mix of densities within the zone, including 3-storey attached and detached dwellings, and low-rise apartments:

Policy 2

- (b) apply the MDRS across all relevant residential zones in the district plan except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga):

Policy 3

- (c) encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance:

Policy 4

- (d) enable housing to be designed to meet the day-to-day needs of residents:

Policy 5

- (e) provide for developments not meeting permitted activity status, while encouraging high-quality developments.

Appendix B – Recommended Changes to the Policies for Medium and High Density Residential Zones

Specific words within the existing wording of the Proposed Plan that I consider require removing or adjusting have been underlined.

Where the words are identical, except for the underlining zone, I have placed these words in brackets.

Reference	Wording in Proposed District Plan	Recommended Wording	Reason
HRZ-O1 MRZ-O1	The (High) Density Residential Zone contributes to a well-functioning urban environment through the provision of predominantly residential activities and housing in locations that are appropriate for high density development.	The (High) Density Residential Zone contributes to a well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.	As per Objective 1 in Schedule 3A of RMA-EHS
HRZ-O2 MRZ-O2	The (High) Density Residential Zone: 1. Predominantly provides for residential activities and housing, including housing types that support high density residential development, and 2. Provides for non-residential activities that: a. Are <u>compatible with</u> the purpose and the planned character and planned urban built environment of the zone, b. Are compatible with the amenity associated with high density residential development anticipated by the zone, and c. Support the health and wellbeing of people and communities in the surrounding area.	The (High) Density Residential Zone: 1. Predominantly provides for residential activities and housing, including housing types that support (high) density residential development, and 2. Provides for non-residential activities that: a. Allow small scale activities that fit the character and urban built environment of a residential zone, b. Are compatible with the amenity associated with residential development anticipated by the zone, and c. Support the health and wellbeing of people and communities in the surrounding area.	I do not consider that non-residential activities with 4 employees is compatible and therefore emphasis is given to the character of a residential area.
HRZ-O4 MRZ-O4	Built development in the (High) Density Residential Zone will positively contribute to a	Built development in the (High) Density Residential Zone will positively contribute to a	

	<p>predominantly residential urban environment that:</p> <ol style="list-style-type: none"> 1. Comprises buildings and <u>spaces surrounding buildings</u>, sites, streets, and neighbourhoods that are designed to achieve the desired urban design outcomes for the zone, 2. Has an urban built environment that is characterised by a high concentration of building densities and forms, including: <ol style="list-style-type: none"> a. Building heights up to (six) storeys, or b. (Buildings of up to 36m in identified areas adjacent to the City Centre Zone). 3. Is <u>healthy, safe, attractive</u>, and accessible, 4. <u>Provides on-site outdoor living area and greenspace for residents, which contributes to visual residential amenity for adjoining properties and the street.</u> 5. Includes opportunities for affordable housing, including through the provision of a variety of housing types and sizes, 6. Has a (high) level of access to commercial activities and community services through active and public transport, providing for well-connected and low emission communities, 7. Is integrated with existing and planned infrastructure, and 8. <u>Is connected to open space and the natural environment.</u> 	<p>predominantly residential urban environment that:</p> <ol style="list-style-type: none"> 1. Comprises buildings and neighbourhoods that are designed to achieve the desired urban design outcomes for the zone, 2. Has an urban built environment that is characterised by a high concentration of building densities and forms, including: <ol style="list-style-type: none"> a. Building heights up to (six) storeys, or b. (Buildings of up to 36m in identified areas adjacent to the City Centre Zone). 4. Provides minimum on-site outdoor living area for residents, 5. Includes opportunities for affordable housing, including through the provision of a variety of housing types and sizes, 6. Has a (high) level of access to commercial activities and community services through active and public transport, providing for well-connected and low emission communities, 7. Is integrated with existing and planned infrastructure, and 	<ol style="list-style-type: none"> 1. The rules do not provide “<i>spaces surrounding buildings</i>” with the levels of development provided (both zones). 3. The increased shade is not healthy, alleyways between buildings is not safe and large buildings in existing low lying residential areas is not attractive. Not all areas are accessible. 4. the outdoor living space is significantly less than expectations of the average New Zealander. Large buildings in existing low lying residential areas does not have any visual amenity. 8. The rules do not allow open space and the only connection to the natural environment is via existing reserves that are not always adjacent to a site.
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<p>HRZ-P1 MRZ-P1</p>	<p>Provide for residential activities and non-residential activities that are <u>compatible</u> with the purpose, planned character and planned urban built environment of the zone, support the community's <u>social</u>, economic, and cultural wellbeing, and <u>manage adverse effects on residential amenity</u>.</p>	<p>Provide for residential activities and allows small scale non-residential activities that fits with the character and urban built environment of a residential zone, and supports the community's social, economic, and cultural wellbeing.</p>	<p>Emphasis is given to the character of a residential area.</p> <p>Adverse effects are not managed with the rules.</p>
<p>HRZ-P2 MRZ-P2</p>	<p>Only allow non-residential activities where:</p> <ol style="list-style-type: none"> 1. They support the social, economic and cultural well-being of the local community, 2. They are <u>compatible</u> with the purpose of the zone, 3. They are of an intensity, scale and design that is <u>consistent with the planned character and planned urban built environment for the zone</u>, 4. They have a functional need or operational need to locate in the zone, 5. The hours of operation are compatible with residential amenity anticipated by the zone, and 6. Adverse effects on adjoining sites and the safety and functionality of the transport network (including effects on pedestrians, cyclists, vehicles, and public transport) can be adequately mitigated. 	<p>Only allow small scale non-residential activities where:</p> <ol style="list-style-type: none"> 1. They support the social, economic and cultural well-being of the local community, 2. They fit with the purpose of the zone, 3. They are of an intensity, scale and design that is consistent with the character of a residential zone, 4. They have a functional need or operational need to locate in the zone, 5. The hours of operation are compatible with residential amenity anticipated by the zone, and 6. Adverse effects on adjoining sites and the safety and functionality of the transport network (including effects on pedestrians, cyclists, vehicles, and public transport) can be adequately mitigated. 	<p>As per previous comments</p>
<p>HRZ-P4</p>	<p>Enable a variety of housing types with a mix of densities within the zone, including <u>three-storey</u> attached and detached dwellings, and low-rise apartments</p>	<p>Enable a variety of housing types with a mix of densities within the zone, including six-storey attached and detached dwellings, and low-rise apartments</p>	<p>Modified Policy 1 in Schedule 3A of RMA-EHS for High Density</p>

<p>HRZ—P5 MRZ-P5</p>	<p><u>Recognise the benefits</u> of (high)-density housing in providing sufficient housing capacity for the community of Lower Hutt, improving housing affordability, and enabling the efficient use of land, by providing for a variety of housing types at a mix of densities, including housing at (high) densities.</p>	<p>Enabling (high)-density housing to provide sufficient housing capacity for the community of Lower Hutt, improving housing affordability, and enabling the efficient use of land, by providing for a variety of housing types at a mix of densities, including housing at (high) densities.</p>	<p>There are many disbenefits of the high and medium density residential zones.</p>
<p>HRZ—P12 MRZ-P12</p>	<p>Built development is managed to achieve the following outcomes through either meeting the relevant performance standards, or an alternative approach demonstrated in a resource consent when the relevant performance standards are not met.</p> <p>Where specific existing site constraints (such as topography) or other unusual factors affect the ability for built development to achieve these outcomes, the development shall meet the outcomes to the greatest degree practical.</p> <ol style="list-style-type: none"> 1. Ensure <u>adequate privacy</u> for residential activities and other sensitive activities on the site and on adjacent sites. 2. Ensure <u>adequate access</u> to daylight for residential activities on the site and on adjacent sites. 3. Ensure <u>adequate access</u> to sunlight for existing outdoor living spaces on adjacent sites, and public open space. 4. Create a safe residential environment by enabling passive surveillance. 	<p>Built development is managed to achieve the following outcomes through either meeting the relevant performance standards, or an alternative approach demonstrated in a resource consent when the relevant performance standards are not met.</p> <p>Where specific existing site constraints (such as topography) or other unusual factors affect the ability for built development to achieve these outcomes, the development shall meet the outcomes to the greatest degree practical.</p> <ol style="list-style-type: none"> 1. Ensure privacy is not compromised above existing standards for residential activities and other sensitive activities on adjacent sites, especially on the southern side. 2. Ensure daylight hours are not compromised above existing standards for residential activities on adjacent sites, especially on the southern side. 3. Ensure sunlight hours are not compromised above existing standards on adjacent sites, especially on the southern side, and public open spaces. 4. Ensure Crime Prevention Through Environmental Design requirements are met 	<p>This policy is to ensure that if a consent is required, there are “<i>adequate</i>” provisions.</p> <p>Wording suggestions to better emphasis that the specifics are not made worse through a consent.</p> <p>Also only considered effects to adjacent sites. If the internal standards are not met then this only affects the applicant or their re-sale options.</p> <ol style="list-style-type: none"> 3. Sunlight hours on buildings is also important in winter due to heating, particularly at windows. 4. CPTED added as this has specific requirements above “<i>passive surveillance</i>”

	<p>5. Ensure residential units have access to outdoor living spaces that:</p> <p>a. Are located and oriented to ensure <u>good</u> access to sunlight,</p> <p>b. Are of a functional size and configuration,</p> <p>c. Provide screening or landscaping to contribute to privacy, or</p> <p>d. Alternatively, public open space is located nearby that is accessible and functional for residents.</p> <p>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:</p> <p>a. Aesthetics for the site, neighbouring sites, and the streetscape,</p> <p>b. The management of stormwater, or</p> <p>c. Ecological values.</p>	<p>5. Ensure residential units have access to outdoor living spaces that:</p> <p>a. Are located and oriented to ensure minimum <i>3 hours</i> access to sunlight <i>per day</i>,</p> <p>b. Are of a functional size and configuration,</p> <p>c. Provide screening or landscaping to contribute to privacy</p> <p>6. Ensure sufficient landscaping is provided on a site to provide significant benefit to one or more of:</p> <p>a. Aesthetics for the site, neighbouring sites, and the streetscape,</p> <p>b. The management of stormwater, or</p> <p>c. Ecological values.</p>	<p>5. Minimum sunlight hours added Removed (d) as this implies that nearby open space is easily accessible and many people, particularly elderly, have mobility issues.</p> <p>6. Changed to “<i>ensure</i>” to keep in context of other subheadings</p>
HRZ—P13 MRZ-P13	<p>Built development for non-residential activities, or <u>for more than 3 residential units per site</u>, is managed to achieve the following outcomes.</p> <p>Where specific existing site constraints ...</p> <p>.</p>	<p>Built development for non-residential activities is managed to achieve the following outcomes.</p> <p>Where specific existing site constraints ...</p>	<p>As 3 residential units on a single site is already high density, I consider that 4 units should require a resource consent.</p> <p>This is consistent with HZR-S1 and MZR-S1.</p> <p>Rest of policy OK</p>
HRZ—P14 MRZ-P14	<p>For the avoidance of doubt, when applying the standards and urban design policies of this chapter, the following ...</p>	<p><i>Delete in its entirety</i></p>	<p>Move to the introduction section, refer Paragraph 51</p>

<p>HRZ—P15 MRZ-P15</p>	<p>Manage development on sites neighbouring marae in the Marae Zone to ensure that risks to cultural safety and tikanga from overlooking, visual dominance, and noise are appropriately addressed in consultation with tangata whenua.</p>	<p>Manage development on sites neighbouring marae in the Marae Zone to ensure that matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga are appropriately addressed</p>	<p>Modified Policy 2 in Schedule 3A of RMA-EHS</p>
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Appendix C – Recommended Changes to the Rules and Standards

Words underlined are added. Words with ~~strike out~~ are to be deleted.

Reference	Rule	Recommended Change	Reason
HRZ-R2 ... MRZ-R2	Demolition or removal of buildings and structures	Demolition or removal of heritage buildings should not be a permitted activity	
HRZ-R3 ... MRZ-R3 ... LLRZ-R3	Construction of new buildings and structures and alterations and additions to existing buildings and structures	Include HRZ-S1 Add: <u>3. Activity Status: Non Complying</u> <u>Where</u> <u>a. The permeable surface area of a site is less than 25%.</u>	Relevant in terms of number of buildings, particularly as the heading is plural Refer Paragraph 88.
HRZ-R4 ... MRZ-R4	Residential activities	Where: Compliance is achieved with: HRZ-S1: Number of residential units, HRZ-S8: Outdoor living space, HRZ-S9: Outlook space, HRZ-S10: Windows to street, and HRZ-S11: Landscaped area.	These standards are required for all buildings under HRZ-R3 and MRZ-R3
HRZ-R5 MRZ-R5	Papakainga	Papakainga (communities built on ancestral land)	Definition provided
HRZ-R5 MRZ-R5	Papakainga	1.e. The total gross floor area of non-residential activities is no more than 200m² 50m ² .	As discussed in Hearing 2, 200m ² allows for businesses employing up to 20 persons. This level of activity needs to be managed outside of commercial areas.

<p>HRZ-R5 MRZ-R5 LLRZ-R5</p>	<p>Papakainga</p>	<p>1.g. Compliance is achieved with: i. HRZ-S7: Permeable surface i. HRZ-S8: Outdoor living space, and ii. HRZ-S9: Outlook space.</p>	<p>Permeable Surface should be included in case of large carparking areas. Building standards are required for all buildings under HRZ-R3 and MRZ-R3</p>
<p>HRZ-R6 MRZ-R6</p>	<p>Home businesses</p>	<p>Where: a. At least one person employed by the home business lives permanently at the residential unit associated with the home business. b. No more than four <u>two</u> people may work onsite at the home business at any one time. c. Retail activities are <u>not undertaken on site, including online retail.</u> i. Goods produced on the site, or ii. Goods retailed online and not resulting in customer visits to the site and limited to one courier a day, or iii. Goods ancillary to a service provided by the home business. d. The home business does not include the repair, alteration, restoration, or maintenance of motor vehicles. e. The home business does not involve the use of trucks or other heavy vehicles. f. The hours of operation for visitors, customers, clients, deliveries, and pickups to the home business are not outside <u>between</u> the hours of: i. 8.00 <u>9.00</u> am to 7.00 <u>6.00</u> pm Monday to Friday, and ii. 9.00am to 6.00 <u>4.00</u> pm Saturday, <u>Sunday, and public holidays.</u> g. All materials and goods stored, repaired, or manufactured in association with the home business and all storage of</p>	<p>b. As discussed in Hearing 2, 50% of businesses employ 4.3 people or less. This level of activity needs to be managed outside of commercial areas c. This level of activity needs to be managed outside of commercial areas. If Commissioners do not agree, then recommend (ii) limiting courier visits dropping off or collecting goods has the same impact as retail customers and (iii) removing ancillary, e.g. a home massage business will be able to sell oils to any member of the public, contradicting (i) f. Hours are greater than most retail outlets in the commercial zones. Should not be allowed in residential No business on Sundays and public holidays</p>

		refuse from the home business must be within buildings or screened from view at ground level. <u>by a solid or close-boarded fully opaque fence of at least 1.8 metres in height.</u>	g. with allowance of 6 storeys, should be screened from above Consistent HRZ-R21
HRZ-R7 MRZ-R7	Visitor accommodation	Where: The maximum occupancy, including staff and visitors, is limited to <u>five</u> 10 persons at any one time.	b. As discussed in Hearing 2, this level of activity needs to be managed outside of commercial areas Better fits the character and urban built environment of a residential zone
HRZ-R8 MRZ-R8	Child care services	Where: The maximum number of children being cared for does not exceed five at any one time, excluding any children who are normally a resident at a residential unit associated with the child care service.	Better fits the character and urban built environment of a residential zone
HRZ-R9 MRZ-R9	Supported residential care facility	Where: The maximum number of people accommodated at the supported residential care facility, including staff and residents, does not exceed <u>five</u> 10 .	Better fits the character and urban built environment of a residential zone
HRZ-R10 MRZ-R10	Commercial activities not otherwise provided for	Where: a. The total gross floor area of the commercial activities does not exceed 200m² 50m ² . per site. b. The commercial activity is entirely indoors. c. The commercial activity is not paid carparking, a motor vehicle servicing activity, a service station, a drive-through activity, or a yard-based retail activity. d. The hours of operation are not outside between: i. 7.00 <u>9.00</u> am to 9.00 <u>6.00</u> pm Monday to Friday, and ii. 8.00 <u>9.00</u> am to 7.00 <u>4.00</u> pm Saturday, Sunday, and public holidays.	As discussed in Hearing 2, 200m ² allows for businesses employing up to 20 persons. This level of activity needs to be managed outside of commercial areas. Consistent with HRZ-R5

		<u>e. No more than four staff may work on the premises at any one time.</u>	Hours are greater than most retail outlets in the commercial zones. Should not be allowed in residential. No business on Sundays and public holidays. Consistent with HRZ-R6 More aligned with HRZ-R6 and HRZ-R11
HRZ-R11 MRZ-R11	Health care activities	Where: a. No more than four staff may work on the health care activity premises at any one time <u>b. No more than two clinical rooms</u>	For every clinic room, there can be 6 car trips per hour or 20 minute appointments. Better fits the character and urban built environment of a residential zone
HRZ-R21 MRZ-R21	Outdoor storage and work areas	Where: a. The storage/work area is associated with a residential activity, or b. If the storage/work area are associated with a non-residential activity (including a home occupation) storage/work area is screened from any adjoining site or opposite site in a Rural Zone, Open Space and Recreation Zone, Residential Zone, Marae Zone, or Mixed Use Zone by a building or a solid or close-boarded fully opaque fence of at least 1.8 metres in height. <u>c. storage/work does not involve the use of trucks or other heavy vehicles.</u>	Consistent with HRZ-R6
HRZ-R21 MRZ-R21	Servicing	Where: a. The hours of servicing occurs only are between: i. 8:00 <u>9.00</u> -am to 7:00 <u>6.00</u> pm Monday to Friday, and	Hours are greater than most retail outlets in the commercial zones. Should not be allowed in residential

		ii. 9:00 am to 6:00 <u>4.00</u> pm Saturday, Sunday, and public holidays.	No business on Sundays and public holidays
HRZ-S2 MRZ-S2	Building coverage	<p>1. Building and structure coverage shall need not exceed 50%.</p> <p>2. 1 does not apply to:</p> <p>a. Decks less than 500mm in height,</p> <p>b. All structures less than 1.2 metres in height, and</p> <p>c. Any scaffolding or falsework erected temporarily for construction or maintenance purposes.</p> <p>Matters of discretion if the standard is breached:</p> <p>1. The planned character and the planned urban built environment for the zone.</p> <p>2. Urban design outcomes 1, 2 and 3 in HRZ-P12: Urban design outcomes by meeting standard or assessment.</p> <p>3. The matters in policy HRZ-P14: Urban design outcomes (exclusions).</p> <p>4. Whether topographical or other site constraints make compliance with the standard impractical.</p> <p>5. Any positive effects that cannot be achieved while meeting the standard</p>	<p>Decks should be included as (a) they are often covered and (b) they are often covered at a later date. This effectively increases the roof area. Refer also to my concerns about permeable surfaces.</p> <p>Refer to my recommendation to HRZ-P12</p> <p>Refer to my recommendation to delete HRZ-P14 and move to the introduction</p> <p>With height standards, site coverage does not need to be compromised.</p> <p>A positive effect and a negative effect does not make this neutral</p>

<p>HRZ-S3 MRZ-S3</p>	<p>Building height</p>	<p>1. Buildings and structures must not exceed a maximum height above ground level of:</p> <p>a. For buildings a structure within the Specific Height Control Overlay: The maximum height shown in that overlay,</p> <p>b. In any other case: (22/11)m,</p> <p>c. except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1m where the entire roof slopes 15 degrees or more as shown in (HRZ-Figure 1).</p> <p>Matters of discretion if the standard is breached:</p> <p>1. The planned character and the planned urban built environment for the zone.</p> <p>2. Urban design outcomes 1, 2 and 3 in HRZ-P12: Urban design outcomes by meeting standard or assessment.</p> <p>3. The matters in policy HRZ-P14: Urban design outcomes (exclusions).</p> <p>4. Whether topographical or other site constraints make compliance with the standard impractical.</p> <p>5. Any positive effects that cannot be achieved while meeting the standard.</p>	<p>Refer to my recommendation to HRZ-P12</p> <p>1. Ensure privacy is not compromised above existing standards for residential activities ...</p> <p>2. Ensure daylight hours are not compromised above existing standards for adjacent sites.</p> <p>3. Ensure sunlight hours are not compromised above existing standards on adjacent sites</p> <p>Refer to my recommendation to delete HRZ-P14 and move to the introduction</p> <p>A positive effect and a negative effect does not make this neutral</p>
<p>HRZ-S4 MRZ-S4</p>	<p>Height in relation to boundary</p>	<p>1. Where up to 3 residential units occupy the site:</p> <p>a. All buildings and structures must not project beyond a 60° recession plane measured from a point 4 metres vertically above ground level for all side and rear boundaries (as shown in the diagram HRZ-Figure 2).</p> <p>2. Where 4 or more residential units occupy the site:</p> <p>a. For the first 21.5m of a side boundary, as measured from the road frontage, buildings and structures must not project beyond a 60° recession plane measured from a point 8</p>	<p>As only 3 residential units are a permitted activity, 4 or more will require a consent and this can be considered further in that decision making process.</p> <p>This is consistent with the legislation.</p>

		<p>metres vertically above ground level (as shown in the diagram HRZ Figure 2), and</p> <p>b. For all other boundaries and the remainder of the side boundary, buildings and structures must not project beyond a 60o recession plane measured from a point 4 metres vertically above ground level (as shown in the diagram HRZ Figure 2).</p> <p>3. Despite 2 above, for any boundary with a site in any other residential zone, a site containing a scheduled historic building or structure or a site in a heritage area, all buildings and structures must not project be beyond a 60o recession plane measured from a point 4 metres vertically above ground level (as shown in the diagram HRZ Figure 2) for that boundary.</p> <p>4. 1, 2 and 3 do <u>does</u> not apply to:</p> <p>a. A boundary with a road, <u>where the road reserve is wider than 12m,</u></p> <p>b. Existing or proposed internal boundaries within a site,</p> <p>c. Site boundaries where there is an existing common wall between 2 buildings on adjoining sites or where a common wall is proposed,</p> <p>d. Boundaries adjoining a Commercial and Mixed Use Zone or an Industrial Zone,</p> <p>e. Chimney structures not exceeding 1.1m in with on any elevation, provided these do not exceed the height in relation to boundary plane by more than 1m, and</p> <p>f. Antennas, aerials, satellite dishes (less than 1m in diameter), flues, architectural features (e.g. finials, spires), provided these do not exceed the height in relation to boundary plane by more than 3m measured vertically.</p> <p>Matters of discretion if the standard is breached:</p>	<p>Refer to paragraph 49</p> <p>Refer to my comments in Appendic B for HRZ—P13 and MRZ-P13</p> <p>Constricted roads are in the Transport Chapter to reduce intensification due to the reduced width of the road. I will discuss this more in Hearing 6.</p> <p>Refer to my recommendation to HRZ-P12</p> <p>1. Ensure privacy is not compromised above existing standards for residential activities ...</p> <p>2. Ensure daylight hours are not compromised above existing standards for adjacent sites.</p> <p>3. Ensure sunlight hours are not compromised above existing standards on adjacent sites</p>
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		<p>1. The planned character and planned urban built environment for the zone.</p> <p>2. Urban design outcomes 1, 2 and 3 in (HRZ-P12): Urban design outcomes by meeting standard or assessment.</p> <p>3. The matters in policy HRZ-P14: Urban design outcomes (exclusions).</p> <p>4. Whether topographical or other site constraints make compliance with the standard impractical.</p> <p>5. Any positive effects that cannot be achieved while meeting the standard</p>	<p>Refer to my recommendation to delete HRZ-P14 and move to the introduction</p> <p>A positive effect and a negative effect does not make this neutral</p>
HRZ-S5 MRZ-S5	Setbacks	<p>Add to end:</p> <p><u>Any building or structure (excluding fences) on a boundary must have a fire wall and meet the building code requirements</u></p>	To mitigate fire risk
HRZ-S6 MRZ-S6	Height in relation to boundary and setbacks for site boundaries adjoining the Marae Zone	Delete in full	There is no valid reason for having more sunlight on a marae zone than a residential zone. I consider the rules should be the same.
HRZ-S7 MRZ-S7 LLRZ-S6	Permeable surface	<p>1. The minimum permeable surface area of a site is 30%. <u>Side yards less than 1.5m between two adjacent buildings, including on an adjacent property, are excluded from this calculation</u></p> <p>Matters of discretion if the standard is breached:</p> <p>1. The effects on the stormwater system, <u>including private drains that run into existing kerb and channel.</u></p> <p>2. The potential for increased surface ponding and flooding.</p> <p>3. The mitigation of additional stormwater runoff through means such as onsite stormwater disposal or retention.</p> <p><u>4. Compliance with the Wellington Water Regional Standard for Water Services, December 2021, Version 3.0,</u></p>	Proximity to adjacent features will reduce the effectiveness of side yards for permeable surfaces.

		<p>4. Any positive effects that cannot be achieved while meeting the standard.</p>	<p>A positive effect and a negative effect does not make this neutral</p>
<p>HRZ-S8 MRZ-S8</p>	<p>Outdoor Living Space</p>	<p>1. A residential unit at ground floor level must have an outdoor living space that is at least 20 square metres and that comprises ground floor, balcony, patio, <u>and/or</u> roof terrace space that</p> <p>.....</p> <p>2. A residential unit located above ground floor level must have an outdoor living space in the form of a balcony, patio, <u>and/or</u> roof terrace that:</p> <p>a. Is at least 8 square metres and has a minimum dimension of 1.8 metres,</p> <p>b. Is accessible from the residential unit,</p> <p>c. May be:</p> <p>i. Grouped cumulatively by area in 1 communally accessible location, in which case it may be located at ground level, or</p> <p>ii. Located directly adjacent to the unit.</p>	<p>Communal outdoor spaces contradicts the policies, in particular privacy.</p>
<p>HRZ-S11 MRZ-S11</p>	<p>Landscaped area</p>	<p>1. A minimum of <u>30</u> 20% of a developed site shall be landscaped with grass or plants. The landscaped area can include tree canopies regardless of the ground treatment below them.</p> <p>2. The landscaped area may be located on any part of the development site and does not need to be associated with each residential unit.</p> <p>Matters of discretion if the standard is breached:</p> <p>1. The planned character and the planned urban built environment for the zone.</p> <p>2. Urban design outcome 6 HRZ-P12: Urban design outcomes by meeting standard or assessment.</p>	<p>All landscaping is permeable and this strengthens HRZ-S7 and MRZ-S7</p> <p>Refer to my recommendation to delete HRZ-P14 and move to the introduction</p>

		<p>3. The matters in policy HRZ-P14: Urban design outcomes (exclusions).</p> <p>4. Whether topographical or other site constraints make compliance with the standard impractical.</p> <p>5. Any positive effects that cannot be achieved while meeting the standard</p>	<p>A positive effect and a negative effect does not make this neutral</p>
Note	Other Standards	<p>Other standards that refer to HRZ-P14 or MRZ-P14 will need this to be removed if the Commissioners agree that this is an advice note, not a policy,</p>	

Appendix D – Drains used for mitigation against flooding



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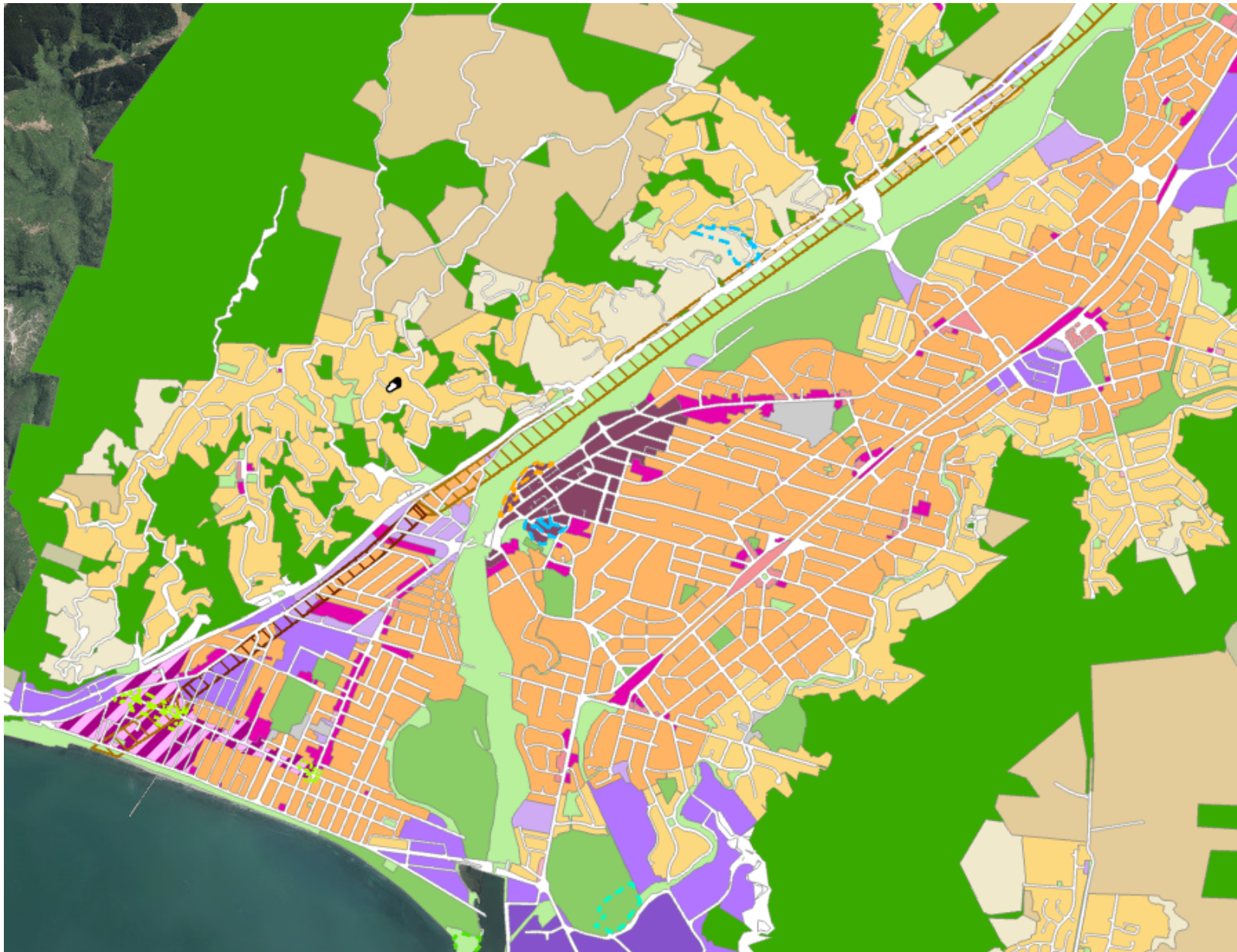


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Legend

Zones

- Large Lot Residential Zone
- Medium Density Residential
- High Density Residential Zor
- Rural Lifestyle Zone
- General Rural Zone
- Light Industrial Zone
- General Industrial Zone
- Heavy Industrial Zone
- Hospital Zone
- Marae Zone
- Quarry zone
- Seaview Marina Zone
- Tertiary Education Zone
- Local Centre Zone
- Neighbourhood Centre Zone
- City Centre Zone
- Metropolitan Centre Zone
- Mixed Use Zone
- Open Space Zone
- Sport and Active Recreation
- Natural Open Space Zone