

# Section 42A Officer's Report

**Stream #3:** Residential and Rural

**Subjects:** Residential Zones

Rezoning

Strategic Directions UDSD-03 to UDSD-07

**Prepared by:** Kate Pascall

Principal Planner, Boffa Miskell (for Hutt City Council)

**Reviewed by:** Nathan Geard

Policy Planning Manager

Hutt City Council

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## 2 Introduction

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- (1) This report is the Officers Report for the Residential topic of the Proposed Lower Hutt District Plan (the PDP) being considered in Hearing #3 Residential and Rural.
- (2) This report is prepared under section 42A of the Resource Management Act 1991 (the RMA) to:
  - a. Assist the Hearing Panel in making their recommendations on the submissions and further submissions on Residential Zone chapters of the PDP, and
  - b. Provide submitters with information on how their submissions/further submissions have been evaluated by the reporting officer(s) for this hearing stream, and their recommendations to the Hearing Panel.
- (3) This report responds to submission points on the:
  - Urban Development Strategic Directions UDSD-O3 to UDSD-O7
  - Medium Density Residential Zone provisions
  - High Density Residential Zone provisions
  - Large Lot Residential Zone provisions
  - Rezoning requests within these zones
- (4) This report also addresses submissions on definitions of the PDP that, while not solely associated with the Residential Zone parts of the PDP, are more closely associated with these zones than other parts of the PDP and are best addressed through this hearing.
- (5) The Hearing Panel may choose to accept or reject the conclusions and recommendations of this report, or may come to different conclusions and make different recommendations, based on the information provided to them, including evidence provided to them by submitters.

## 2.1 Author

- (6) My name is Kate Louise Pascall and I hold the position of Principal Planner at Boffa Miskell Limited. My qualifications and experience are set out in the Section 42A report for Hearing 1 at paragraphs (12)-(14)<sup>1</sup>.
- (7) Although this is a Council hearing, I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. I have complied with the Code of Conduct when preparing my written report and I agree to comply with it when I give any oral evidence.
- (8) Other than where I state that I am relying on the advice of another person, this evidence is within my areas of expertise. I have not omitted to consider material facts known to us that might alter or detract from the opinions that I express.
- (9) Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinion. Where I have set out opinions in my evidence, I have given reasons for those opinions.

## 2.2 Supporting evidence

- (10) The expert evidence, literature, or other material that I have used or relied upon for this report are:
- The section 32 evaluation report for the Residential Zones, and all legislation, technical, and expert reports listed in that evaluation report
  - Evidence from Ms Miriam Moore, Urban Designer at Boffa Miskell (Attachment 4)
  - Evidence from Mr Luke Benner, Traffic Engineer (Attachment 5)
  - Advice from Wellington Water and the HCC Waste and Transport teams

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- All submissions and further submissions to the PDP on the General Residential topic.

## 2.3 Glossary and abbreviations

- (11) This report uses a number of abbreviations of terms and submitter names which are set out in Table 1 below.

*Table 1 Abbreviations of terms and submitter names*

<b>Abbreviation</b>	<b>For</b>
Act	Resource Management Act 1991
FENZ	Fire and Emergency New Zealand
Kāinga Ora	Kāinga Ora – Homes and Communities
GWRC or WRC	Wellington Regional Council (Greater Wellington)
HCC	Hutt City Council
MoE	Ministry of Education - Te Tāhuhu o Te Mātauranga
NZTA	New Zealand Transport Agency (Waka Kotahi)
PC56	Plan Change 56 (Enabling Intensification in Residential and Commercial Areas)
PC58	Plan Change 58 (12 Shaftesbury Grove, Stokes Valley)
PDP	Proposed Lower Hutt District Plan
ODP	Operative District Plan
RMA	Resource Management Act 1991
RPS	Regional Policy Statement

RPS Change 1	Proposed Change 1 to the Regional Policy Statement for the Wellington Region
SASM	Sites and Areas of Significance to Māori
Summerset	Summerset Group Holdings Limited
The Fuel Companies	The Fuel Companies (BP, Mobil and Z Energy)
Urban Edge	Urban Edge Planning Ltd

## 2.4 Procedural

- (12) At the time of writing this report there have not been any pre-hearing conferences, clause 8AA meetings, or expert witness conferencing in relation to the topics in this report.

## 2.5 Relevance of PDP exemption for the Residential Zone chapters

- (13) I have reviewed the exemption application and Minister’s approval which fully encompasses the Residential Zone chapters. I have not identified any integration or other consequential amendments for these chapters arising from the exemption.

### 2.5.1 Integration with the Operative District Plan

- (14) The Medium Density Residential Zone (MRZ), High Density Residential Zone (HRZ) and Large Lot Residential Zone (LLRZ) will replace in full the Hill Residential, Landscape Protection, Medium Density Residential and High Density Residential chapters and related definitions. There are no significant cross-references to withdrawn chapters.

- (15) The ODP includes vegetation clearance zone rules in the Residential Zone chapters<sup>2</sup>. In the PDP, the equivalent rules were included in the Ecosystems and Indigenous Biodiversity chapter, which has now been withdrawn as it was not part of the exemption.
- (16) As a result, the vegetation clearance provisions of the ODP will be retained and will form part of the ODP that is ultimately integrated with the PDP.
- (17) The vegetation clearance rules of the ODP will need to be converted into the National Planning Standards format and added to the relevant parts of the Residential chapters of the PDP.

## **2.6 Cross-topic resource management issues**

- (18) Some issues cut across numerous provisions in the chapters for this topic in the plan, and submitters have presented either a package of requested changes or different submitters have raised the same issue in multiple contexts. I will consider some of these overall issues before trying to apply these submissions to individual provisions. Where these cross-topic issues arise, this is noted within the assessment of the relevant submissions.

## **2.7 Introduction to the Residential Topic**

- (19) The residential areas of Lower Hutt include areas in the Hutt Valley floor, the western hills of the Hutt Valley (with smaller residential areas in the eastern hills), Stokes Valley, Wainuiomata and the Eastern Bays. Residential Zones predominantly provide for residential activities with a mix of building types and other compatible activities, which are essential

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<sup>2</sup> These rules were added to the ODP in 2020 by an Environment Court decision on Council's Plan Change 36: Notable Trees. This decision solely added rules to the District Plan for relevant residential zones. It did not address any other zones of the Plan, and did not add any objectives or policies to the Plan.

for Lower Hutt residents to provide for their health, social, economic, and cultural wellbeing.

- (20) The PDP applies three residential zones from the National Planning Standards Zone Framework, as follows:
- (21) Large Lot Residential Zone (LLRZ) - Areas used predominantly for residential activities and buildings such as detached houses on lots larger than those of the Low density residential and General residential zones (the two alternative lower density zones provided for by the National Planning Standards), and where there are particular landscape characteristics, physical limitations or other constraints to more intensive development.
- (22) Medium Density Residential Zone (MRZ) - Areas used predominantly for residential activities with moderate concentration and bulk of buildings, such as detached, semi-detached and terraced housing, low-rise apartments, and other compatible activities.
- (23) High Density Residential Zone (HRZ) - Areas used predominantly for residential activities with high concentration and bulk of buildings, such as apartments, and other compatible activities.
- (24) The PDP recognises the need to provide for residential development to meet the demand for housing and population growth over the next 30 years. In doing so, the policy settings acknowledge that the urban environment will change over time. At the same time, the PDP seeks to achieve well-functioning urban environments and more intensive forms of development require good design to support positive residential character and amenity outcomes.
- (25) The Strategic Directions relating to the Urban Development topic are also relevant in how the Council has made decisions about the spatial application of the zones listed above and the outcomes that must be achieved.

## 2.7.1 The approach to urban design in the Residential Zones

- (26) The approach to urban design in the Medium Density and High Density Residential Zones forms the same structural approach as in the other urban zones with urban design objectives – an objective (MRZ-O4, HRZ-O4) that sets out the general planned character and urban built environment for the zone, and then a package of three policies (MRZ-P12/HRZ-P12, MRZ-P13/HRZ-P13, MRZ-P14/HRZ-P14) which set out, respectively:
- Outcomes that are met through the use of standards, with discretionary assessment only where the standards are not met,
  - Outcomes for non-residential activities and developments or more than 3 residential units, and
  - Matters which are excluded from consideration in the assessment of resource consents.
- (27) For the LLRZ, the policy approach differs from the MDRZ and HDRZ. While Objective LLRZ-O4 sets out the planned character and built form for zone, the policy direction relates more generally to residential character and amenity (Policy LLRZ-P4) rather than specifically to urban design outcomes. This reflects the different characteristics of the LLRZ which is lower density with larger sites and so the urban design issues that arise in higher density urban environments, or when transitioning to a higher density urban environment, are less apparent.
- (28) As set out in the Commercial and Mixed-Use Zones S42A Report (Hearing Stream 2), Council’s intent is to develop urban design guidance that sits outside the plan as an optional resource for applicants once decisions on the PDP have been issued. This guidance would be developed and updated over time in response to experience applying the plan and monitoring the plan’s outcomes.

## 2.8 Statutory and Policy Context

- (29) Section 4.6 of the Section 42A report for Hearing 1 (Opening Hearing) sets out in detail the statutory and policy context, including the ‘Plan Stop’

mechanism, the withdrawal of several chapters of the PDP, and the Minister's exemption to continue with the PDP hearings. To summarise:

- The Natural Environment Bill and the Planning Bill remain in the parliamentary process and have no legal effect on the PDP. The PDP must continue to be considered under the existing RMA legislation.
- The Resource Management (Consenting and Other System Changes) Amendment Act came into force after the notification of the PDP. This included the 'Plan Stop' mechanism which requires councils to stop processing most proposed plans and plan changes, unless an automatic exemption applies or an exemption is sought and obtained from the Minister for the Environment.

(30) The Council withdrew several chapters of the PDP alongside seeking an exemption from the Minister for RMA Reform to continue with the PDP process for those chapters that remain in the PDP. That exemption was granted in early 2026.

(31) I note that the section 32 report for the Residential Zones provides a detailed record of the relevant statutory considerations applicable to the Medium Density, High Density, and Large Lot Residential Zones.

## **2.8.1 Medium Density Residential Standards (MDRS)**

(32) The Medium Density Residential Standards (MDRS) are a set of requirements, conditions, and permissions set out under Schedule 3A to the RMA that must be applied to relevant residential zones, which include the High Density, Medium Density, Low Density, and General Residential Zones.

(33) The MDRS requires these zones to incorporate a set of objectives, policies, rules, and standards (including density, development, and performance standards) in the zones. The MDRS also includes requirements for subdivisions and notification of resource consent applications.

(34) Territorial authorities can modify the MDRS requirements to be more enabling of development by either omitting a standard or including more lenient rules that regulate the same effect as a standard.

- (35) Territorial authorities may make the MDRS less enabling of development in relation to an area within a relevant residential zone to address a 'qualifying matter' listed in the RMA, but only to the extent necessary to accommodate the qualifying matter.
- (36) The operative District Plan was amended through Plan Change 56 (PC56) in 2023 to incorporate the MDRS and give effect to Policies 3 and 4 of the NPS-UD. Further detail is provided on this in section 4 of the section 32 report for the Residential Zones<sup>3</sup>.
- (37) The Resource Management (Consenting and Other System Changes) Amendment Act was passed in August 2025. Although the Bill initially included provisions to enable councils to make the Medium Density Residential Standards optional, after the select committee process these were removed<sup>4</sup>. As such, the MDRS remain unchanged and are still mandatory for Hutt City Council as a Tier 1 council. Under section 77G of the RMA, every relevant residential zone of a specified territorial authority must have the MDRS incorporated into that zone. The relevant residential zones under the PDP to which this applies are the Medium and High-Density Residential Zones.

## 2.8.2 National Direction Instruments

- (38) The section 42A report for *Hearing 1: Opening Hearing*, sets out the relationship between the PDP, the RMA, and "higher order documents" i.e. national policy statements and national environmental standards (NES). Of particular relevance to the Residential zones is the new National Environmental Standard for Detached Minor Residential which came into effect since the PDP was publicly notified. The relevance and integration of the PDP with this NES is discussed against applicable submission points in this report.
- (39) Since the writing of Hearing 1 s42A report, further national direction amendments have been made and one new NES has been approved. The

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<sup>4</sup> The Act inserted a new schedule relevant to Auckland and Christchurch, however the MDRS remained unchanged for all other councils.

following amended and new national direction will come into force on 4 June 2026, as follows:

- Resource Management (National Environmental Standards for Electricity Network Activities and Electric Charging Infrastructure Activities) Amendment Regulations 2026
- Resource Management (Stock Exclusion) Amendment Regulations 2026

(40) Mr Stephen Quinn, Legal Counsel for the Council, provided advice to the Council about how new national direction should be considered in the PDP hearings process both prior to the commencement of the hearings, and subsequently following an information request by the Panel following Hearing 1. Mr Quinn's initial advice was provided in Minute 2 and his further advice has been provided as part of the Hearing 1 Reply documents.

# 3 Introduction to evaluation of submission points in this report

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## 3.1 Submissions and Further Submissions in the Residential Topic

- (41) A total of 75 original submissions, comprising 350 submission points were received on the Residential topic. Submissions were generally supportive of the provisions. Where amendments were sought, they were to support specific outcomes in the zone, provide for particular activities, or change permitted levels of activities or standards
- (42) A summary of decisions requested was then prepared and publicly notified in accordance with clause 7 of Schedule 1, initiating the further submission period. Council subsequently received 9 further submissions, comprising 63 submission points, supporting or opposing specific submission points within the Residential topic.
- (43) The key issues raised in submissions include:
- Strategic Directions
  - Objectives and Policies of the Residential Zones
  - Residential building and land use rules
  - Residential activity standards
  - Non-residential activities
  - Retirement Villages
  - Rezoning
  - Miscellaneous issues, including walkable catchment areas

# 4 Key resource management issues in contention

## 4.1 Provisions and other matters not in contention

- (44) Some provisions only received submissions in support. Submissions in support have been received for definitions which have also been included in this topic. These definitions, strategic directions, objectives, policies and submissions are summarised in Table 2.

*Table 2 Provisions only with submissions in support*

Definition	Submission in support
Child care services	MoE [399.8]
Non-residential activity	MoE [399.10]
Residential activity	FENZ [374.8]
Residential unit	FENZ [374.9]
Strategic Direction	Submission in support
UDSD-O6 (Housing Choice)	WRC [452.26] Te Rūnanganui o Te Āti Awa [503.23]
UDSD-O7 (Housing Quality)	WRC [452.27]
Objective	Submission in support
LLRZ-O1	MoE [399.52]
LLRZ-O2	FENZ [374.71] MoE [399.53]

LLRZ-O3	FENZ [374.72]
HRZ-O1	Summerset [326.1b] Kāinga Ora [386.33] MoE [399.64]
HRZ-O2	Summerset [326.2b] FENZ [374.86] Kāinga Ora [386.34] MoE [399.65]
HRZ-O3	Summerset [326.3b] Kāinga Ora [386.35]
MRZ-O1	Summerset [326.1a] Kāinga Ora [386.19] MoE [399.58]
MRZ-O2	MoE [399.59] Kāinga Ora [386.34 and 386.20] FENZ [374.78] Summerset [326.2a]
<b>Policies</b>	
LLRZ-P3, LLRZ-P4, LLRZ-P6, LLRZ-P7, LLRZ-P8, LLRZ-P9	No submissions received on these policies.
LLRZ-P1	MoE [399.54]
LLRZ-P2	FENZ [374.73] MoE [399.55]
LLRZ-P5	FENZ [374.74]

LLRZ-P10	MoE [399.57]
HRZ-P1	Kāinga Ora [386.37] MoE [399.66] Summerset [326.5a]
HRZ-P5	Kāinga Ora [386.27] Summerset [326.9a]
HRZ-P7	Summerset [326.11b]
HRZ-P11	Summerset [326.14b] Kāinga Ora [386.42]
MRZ-P1	Summerset [326.5b] Kāinga Ora [386.23] MoE [399.60]
MRZ-P5	Kāinga Ora [386.41] Summerset [326.9b]
MRZ-P7	Summerset [326.11a]
MRZ-P8	Summerset [326.12a, 326.12b]
MRZ-P11	Summerset [326.14a] Kāinga Ora [386.28]
<b>Rules</b>	
LLRZ-R1, LLRZ-R2, LRZ-R11, LRZ-R12, LLRZ-R13, LLRZ-R15, LLRZ-R16. LLRZ-R17, LLRZ-R18, LLRZ-R19  MRZ-R1, MRZ-R2, MRZ-R13, MRZ-R16, MRZ-R17, MRZ-R18, MRZ-R19	No submissions received on these rules.

HRZ-R1, HRZ-R2, HRZ-R14, HRZ-R15, HRZ-R16, HRZ-R17, HRZ-R18, HRZ-R19, HRZ-R20	
LLRZ-R10	MoE [399.57]
MRZ-R14	Te Rūnanganui o Te Āti Awa [503.50]
Standards	
MRZ-S6 HRZ-S6	No submissions received on these standards.

## 4.2 Strategic Directions

### 4.2.1 Matters raised

#### UDSD-O3 (Urban Form)

- (45) WRC [452.24] support in part UDSD-O3 and seek the following amendment:

*The city's urban form consolidates and intensifies the existing urban area, with greenfield development only taking place within ~~identified~~ sequenced and planned areas.*

- (46) WRC seek this amendment for consistency with Policy UD.4 of RPS Change 1 and consider the sequencing of greenfield development ensures infrastructure is effectively and efficiently used.
- (47) MoE [399.18] support objective UDSD-O3 and seek it is retained as notified.

#### UDSD-O5 (Development Capacity)

- (48) Policy Planning Team of the Hutt City Council [440.19] oppose in part UDSD-O5 and seek the amendment of the title as follows:

*UDSD-O5 Development Capacity – Housing Bottom Lines*

- (49) The submitter seeks this amendment to make it clear that this is the housing bottom lines provision required by the NPS-UD.

## 4.2.2 Assessment

### UDSD-O3 (Urban Form)

- (50) WRC seek amendments to UDSD-O3 to align with Policy UD.4 of RPS Change 1 and to ensure infrastructure is efficiently and effectively used. Policy UD.4<sup>5</sup> reads as follows:

*Policy UD.4 Achieving a compact regional form – district and regional plans*

*District and regional plans shall include objectives, policies, rules and/or other methods requiring that subdivision, use and development occurs in a way that supports compact growth by prioritising:*

- a) first, urban development (including unanticipated or out-of-sequence brownfield development) within existing urban zones, with a preference for higher densities in and adjacent to centres with a range of commercial activities and along existing or planned public transport corridors; then*
- b) second, sequenced and planned greenfield urban development beyond existing urban zones, consistent with Policies 55 and 56; then*
- c) third, unanticipated or out-of-sequence greenfield urban development that is well-connected along transport corridors, consistent with Policies 55 and 56, and adds significantly to development capacity consistent with Policy UD.3; then*
- d) fourth, residential or mixed use development in rural areas, consistent with Policy 56; and*

*District and regional plans shall apply this hierarchy to enable development capacity while:*

- (i) enabling Māori to express their culture and traditions, and*
- (ii) requiring all infrastructure necessary to support development to be provided in an integrated and efficient way which prioritises the*

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<sup>5</sup> RPS Appeals [Version](#) September 2025

*use or upgrading of existing infrastructure over the creation of new infrastructure; and*

*(iii) providing for a range of housing typologies and land uses, including mixed use development; and*

*(iv) for clauses (b) and (c), demonstrating that additional urban-zoned land is necessary and the most appropriate option to enable sufficient development capacity.*

(51) I agree with WRC that UDSD-O3 should be consistent with RPS Change 1. I note Policy UD.4 remains the subject of appeal at the current time, with some appellants seeking the deletion of the policy in its entirety. I also understand that consent order documents have been filed with the Environment Court for the urban development provisions of RPS Change 1. However, decisions have not yet been issued<sup>6</sup>.

(52) I also note the NPS-UD provides scope for local authorities to consider unanticipated or out-of-sequence developments. Policy 8 directs that local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is unanticipated by RMA planning documents or out-of-sequence with planned land release. Clause 3.8 of the NPS-UD also requires that the local authority must have regard to the development capacity provided by the plan change if that development capacity:

- would contribute to a well-functioning urban environment; and
- is well-connected along transport corridors; and
- meets the criteria set by the regional council in the RPS for determining what plan changes will be treated as adding significantly to development capacity.
- Policy UD.3 of the Wellington RPS sets out the criteria that must be met when considering a plan change for out-of-sequence urban development. This policy is subject to appeal and consent orders are pending. The criteria are as follows:

a) The plan change makes a significant contribution to meeting a need identified in the latest Housing and Business Development Capacity Assessment, or a

- (i) shortage identified through monitoring or otherwise for
  - (ii) a variety of housing that meets the regional, district, or local shortage of housing in relation to the particular type, size, or format, or
  - (iii) business space or land of a particular size or locational type, or
  - (iv) community, cultural, health, or educational facilities;
- and

b) a plan change will make a significant contribution to a matter in (a) if it:

- (i) is of high yield relative to either the forecast demand or the identified shortfall,
  - (ii) will be realised in a timely manner, and
  - (iii) responds to demonstrated demand for the land use types proposed, for the short-medium term in that location;
- and

c) where it provides for housing, the plan change will:

- (i) as part of a mix of housing typologies, provide for high density development or medium density development, and
- (ii) contribute to increasing housing affordability through a general increase in supply or through providing non-market housing; and

d) the required infrastructure can be provided effectively and efficiently for the proposal, and without material impact on the capacity provided by existing or committed infrastructure for other feasible, reasonably expected to be realised developments, in the short-medium term; and

e) the plan change justifies the need for additional urban-zoned land in that particular location to meet housing and

business demand, demonstrating consideration of existing feasible, reasonably expected to be realised development capacity within existing urban zones; and

f) the plan change can demonstrate it will mitigate any potential adverse effects on the ability of existing urban areas and rural areas to be well functioning, including by minimising potential reverse sensitivity effects and impacts on the feasibility, affordability, or deliverability of urban development anticipated by the district plan.

- (53) While the status of the RPS policies is not yet known, I have also reviewed the Wairarapa-Wellington-Horowhenua Future Development Strategy, which local authorities are required to develop under the NPS-UD, which sets the direction for where and how the region will grow over a 30-year period. The FDS sets out spatially the priority areas for development and provides direction about integrating development with infrastructure provision. Notably, there are no greenfield areas identified for the Hutt City area in the FDS. That direction is consistent with a 'sequenced and planned' approach, to direct urban development to the existing urban area.
- (54) Considering the FDS alongside the proposed RPS direction, I consider it is appropriate to provide clearer direction in UDSD-O3 as sought by WRC. Any proposal for out-of-sequence greenfield development can still be considered, applying the NPS-UD and RPS policy direction (once those policies are settled). Accordingly, I recommend accepting the relief sought and amending Objective UDSD-O3.

### **UDSD-O5 (Development Capacity)**

- (55) I agree with the relief sought by Policy Planning Team of Hutt City Council to amend the title of UDSD-O5 to refer to housing bottom lines. The NPS-UD requires the Council to include an objective that sets out the housing bottom lines for the district. The amendment to the title provides clarity to plan users that this is the required objective. I recommend accepting the relief sought by the Policy Planning Team.

### 4.2.3 Recommendations

- (56) I recommend accepting the relief sought by WRC [452.24] and accepting in part the relief sought by MoE [399.18], and amending Objective UDSD-O3 as follows:

*The city's urban form consolidates and intensifies the existing urban area, with greenfield development only taking place within ~~identified~~ sequenced and planned areas.*

- (57) I recommend accepting the relief sought by Policy Planning Team of Hutt City Council [440.19], and amending the title of Objective UDSD-O5 as follows:

*UDSD-O5 Development Capacity – Housing Bottom Lines*

### 4.2.4 Section 32AA Evaluation

- (58) The recommended amendments are the most appropriate way to achieve the purpose of the RMA for the following reasons:
- (59) Objective UDSD-O5 – referring to ‘planned and sequenced’ greenfield development as opposed to ‘identified’ is the most appropriate way to achieve the purpose of the RMA because it aligns with the regional approach to managing growth and development as set out in the FDS, a statutory spatial plan prepared under the NPS-UD. It also provides a signal to plan users that future greenfield development in the district must not only be ‘identified’ in a plan but it also needs to be integrated with infrastructure upgrades and coordinated with other growth priorities for the district.
- (60) Objective UDSD-O5 – the addition of ‘housing bottom lines’ makes it clear to plan users that this objective is where the Council is setting out the housing bottom lines for the district, as required by the NPS-UD.

## 4.3 Objectives

### 4.3.1 Matters raised

#### **MRZ-O3/HRZ-O3 (Provision of housing)**

- (61) Summerset [326.3a and 326.3b], and Kāinga Ora [386.21, 386.36 and 386.35] sought these objectives be retained as notified on the basis the objectives recognise a range of housing types, needs and demands.
- (62) Malcom Ross [477.2 and 477.3a] opposes MRZ-O3. This submitter seeks that the objectives are amended to delete any reference to allowing for building heights greater than two floors, or not to increase building heights higher than existing property if demolished, and that any objective that allows for loss of natural light is also amended or removed (inferred from original submission). This submitter also seeks that clause 7 of MRZ-O4 is retained as notified, noting that 'increased loading in the infrastructure will adversely affect those living below the development'.

#### **Objective MRZ-O4/HRZ-O4 (Planned character and planned urban built environment of the Medium Density Residential Zone)**

- (63) FENZ [374.79 and 374.87], Fiona Christeller [375.1 and 375.2], Summerset [326.4b and 326.4a] and Kāinga Ora [386.36] support objectives MRZ-O4/HRZ-O4 and seek they are retained as notified. These submitters consider the objectives appropriately describe outcomes for each zone and the importance of infrastructure being in place prior to intensification. Ben Rumsey [283.1a] opposes Objective HRZ-O4 and seeks that the wording reflects a limit of three stories for building height (inferred from original submission). The reasons for this submission include shading, wind management, privacy and the existing character of the HRZ, as well as the alluvial soil and aquifer in the valley.
- (64) In a separate submission point, Ben Rumsey [283.1b] seeks an amendment to restrict the building height in the HRZ to three storeys. Kāinga Ora [F26.4 and F26.5] opposes this relief sought by Ben Rumsey.
- (65) Enviro NZ [323.049] support HRZ-O4 in part, and seek the following amendment:

...

*7. Is integrated with existing and planned infrastructure including waste storage and collection*

(66) Kāinga Ora [386.22] seek that HRZ-O4 is retained as notified. In regard to MRZ-O4, this submitter seeks an amendment as follows:

*"...1. Comprises buildings and spaces surrounding buildings, sites, streets and neighbourhoods that are designed to achieve the desired ~~urban design~~ outcomes for the zone, ..."*

(67) This change is requested to reflect there are outcomes of the zone which are not solely limited to urban design.

(68) WRC [452.190a] seeks an amendment to HRZ-O4 as follows:

*"...9. Supports an effective and efficient public transport network"*

(69) This submitter supports the general extent and location of this zone and notes that high density development also supports the ability to provide effective, efficient (and affordable) public transport networks and services.

(70) Malcolm Ross [477.4, 477.2, and 477.3b] opposes Objective MRZ-O4 and seeks the following relief:

- Deletion of the objective, or amendments to remove any part of the objective which allows for loss of natural light.
- As for MRZ-O3 above, the deletion of any reference to allowing for building heights greater than two floors or not to increase building heights higher than existing property.
- The retention of clause 7 of the objective as notified, on the basis increases in height and density has a high chance of adversely affecting neighbouring properties, should intensity increase. The submitter is also concerned increased loading on infrastructure will adversely affect those living below the development.

## **New Objectives sought**

(71) WRC [452.189a] seeks new objectives, policies, rules and standards, or addition of these to each zone tailored to the context of the specific zone,

and/or include these in a different section of the DP as appropriate, to the following effect:

*Objective XX: Building and infrastructure is designed so that they are able to withstand predicted future higher temperatures, intensity and duration of rainfall and wind over the anticipated life span and to mitigate these effects on people, communities and the natural environment.*

- (72) This relief is supported by Natural Hazards Commission Toka Tu Ake [F15.86]) and opposed by Michael Rachlin [F04.12].
- (73) The submitter seeks this amendment on the basis there is a gap in the PDP to provide for RPS Policy CC.4 clause (a) in relation to urban heat (and stormwater flows if these are not appropriately managed by the Three Waters provisions).
- (74) For the same reasons, WRC [452.189b] also seeks to add new objectives, policies, rules and standards, or addition of these to each zone tailored to the context of the specific zone, and/or include these in a different section of the DP as appropriate, in relation to provision of tree canopy cover in residential environments. The submitter has provided drafting as follows:

*Objective XX: Tree canopy cover in areas of residential activities is enhanced through maintaining existing trees and/or planting new trees as part of new residential development to sequester carbon from emissions, reduce stormwater runoff, mitigate heat island effects, and improve the city's biodiversity and amenity. Appropriate indigenous species are utilised as far as practicable.*

- (75) To support the objectives sought in their submission, WRC also seeks [452.189c] a new policy specifying the amount of tree canopy cover to be achieved in new residential subdivision and development, as follows:

*Policy XX: Ensure that subdivision and/or development achieves the following tree canopy cover levels at maturity:*

- i. For residential subdivision and/or development: 20% of the net site area;*

*ii. For residential greenfield and brownfield subdivision and/or development – as for (i), and an additional 15% of the future road area to be vested in Council.*

- (76) WRC [452.189d and 452.189f] (supported by Natural Hazards Commission Toka Tu Ake [F15.87]) also seeks to add a new policy to all residential zones to address the cost of providing tree canopy cover as per below example:

*“Policy – The cost of providing tree canopy cover and financial contributions*

*a. Ensure the cost of providing new trees to achieve the tree canopy cover required for the site or the road corridor, preparing appropriate tree pits, providing the necessary land for planting, and initial tree maintenance is met by those carrying out the subdivision and/or development;*

*b. Require payment of financial contributions that are fair and proportional in lieu of providing the required on-site and/or on-road tree canopy cover to enable off-site tree planting by the Council, as close to the development site as practicable;*

*c. No financial contribution shall be required where sufficient existing trees, able to achieve the required tree canopy cover at maturity, are retained on the development site or new trees are planted on the development site by the developer or the site owner to achieve the required tree canopy cover.”*

- (77) WRC [452.189e] seeks a new policy relating to tree health and infrastructure, as follows:

*Policy – Tree health and infrastructure*

*a. Ensure that trees on the development site are planted in a position appropriate to the tree type and in sufficient soil volume, width and depth to maximise the tree’s healthy growth.*

*b. Where subdivision consents associated with the development of new residential units are granted, consent notices will be issued and registered against the relevant titles*

*requiring that the tree canopy cover levels required are achieved and maintained.*

*c. Ensure the planting of trees in the future roads of greenfield subdivisions is carried out in accordance with:*

*i. the tree pit requirements of the Council's Infrastructure Design Standard to provide sufficient soil volume and avoid damage to the surrounding infrastructure; and*

*ii. the needs and requirements of the Council, as the future road owner/manager, including approval of the tree species by the Council arborist.*

- (78) WRC [452.189g] also seeks a new rule(s) and standard(s) to appropriate zone chapters to give effect to the Tree Canopy Cover and Financial Contributions policies outlined above.

## **4.3.2 Assessment**

### **MRZ-O3 and MRZ-O4**

- (79) The submissions from Summerset and Kāinga Ora in support of Objectives MRZ-O3 and MRZ-O4 and seeking they be retained as notified are noted.
- (80) Malcom Ross [477.2 and 477.3a] seeks amendments to Objectives MRZ-O3 and MRZ-O4 to delete reference to allowing for building heights greater than two floors or not to increase building heights higher than the existing property if demolished. As set out in section 2.8.1 of this report, the Council is required to implement the MDRS, including objectives and policies, which are set out in Clause 6 of Schedule 3A of the RMA. This specifically includes providing for buildings of at least 3 storeys in the District Plan. Objective MRZ-O3 is from the MDRS and must be included in District Plans of Tier 1 local authorities without change. Accordingly, the amendments sought by the submitter cannot be made and I recommend rejecting the relief sought.
- (81) The submitter has also requested that any objective that allows for loss of natural light is amended or removed. I consider that such an amendment would risk the PDP not fully implementing the MDRS and would hinder the Council's ability to fully give effect to the NPS-UD (specifically Policy 2 and

Policy 3(d)) and provide sufficient development capacity to meet housing demand in Lower Hutt. The permitted baseline of the zone will mean that a loss of natural light may occur, however this can be assessed if developments do not meet the relevant permitted activity standard (e.g. height in relation to boundary or building height). On this basis I recommend rejecting the relief sought by the submitter.

## **MRZ-O4/HRZ-O4**

- (82) The submissions from FENZ [374.79 and 374.87], Fiona Christeller [375.1 and 375.2], Summerset [326.4b and 326.4a] and Kāinga Ora [386.36] in support of Objectives MRZ-O4 and HRZ-O4 and seeking they be retained as notified are noted.
- (83) Ben Rumsey [283.1a] seeks amendments to Objective HRZ-O4 so that the wording reflects a limit of three storeys. The submitter also generally seeks that building heights in the HRZ are limited to three storeys [283.1b]. Similarly, Malcolm Ross [477.2] seeks to limit building heights to two storeys in the HRZ. Similar to the building height minimums required in the MRZ, which are required by the MDRS, in the HRZ the Council is required to provide for building heights of at least six storeys within at least a walkable catchment of existing and planned rapid transit stops, the edge of city centre zones, and the edge of metropolitan centre zones. This is a requirement of Policy 3(c) of the NPS-UD which the Council must give effect to. I acknowledge the submitter's concerns including shading, wind management, neighbourhood privacy, however I consider the building bulk and location standards, alongside the forthcoming design guidance, and the district wide provisions of the PDP will assist with managing such effects. Accordingly, no amendments are recommended as a result of this submission. I therefore recommend accepting the further submission from Kāinga Ora [F26.4 and F26.5].
- (84) Malcolm Ross [477.3b] also seeks the deletion of any part of the objective which allows for loss of natural light. This is the same relief the submitter sought for MRZ-O3 and MRZ-O4, which I addressed at paragraph (62). For the same reasons outlined in response to that submission point, I do not recommend any amendments to Objective HRZ-O4 in response to the issue of natural light.

- (85) In addition, Malcolm Ross [477.4] seeks the retention of clause 7 of HRZ-O4, which I agree with. I recommend accepting this part of Mr Ross' submission.
- (86) In regard to the submission point by Enviro NZ [323.049] seeking to include waste storage and collection in HRZ-O4 clause 7, I consider this change is unnecessary on the basis the Objective already refers to achieving the desired urban design outcomes for the zone, which is then elaborated on in Policy HRZ-P12 and Policy HRZ-P13. Specifically, clause 4 of Policy HRZ-P13 (which applies to developments of more than 3 units) requires activities to have storage and servicing areas that are of a functional size and integrated into the site design to ensure they are conveniently located and accessible. In my opinion, this is an appropriate location for this level of detail, rather than at the objective level.
- (87) I disagree with the relief sought by Kāinga Ora to delete reference to 'urban design' in clause 1 of Objective HRZ-O4. I agree with the submitter that there are a range of outcomes sought for the HRZ, however those outcomes are expressed in the other objectives for the zone, and in other clauses within HRZ-O4. The objective, and this particular clause, also links to Policy HRZ-P12 and HRZ-P13 which direct the urban design matters that must be considered and assessed as part of achieving the planned character and built form outcomes for the HRZ (which is the topic of HRZ-O4). Accordingly, I recommend rejecting this submission point.
- (88) I acknowledge the submission from WRC [452.190a] seeking the addition of a clause to HRZ-O4 which 'supports an effective and efficient public transport network.' While I agree with the submitter that high density development supports the ability to provide effective, efficient and affordable public transport, public transport is addressed in this objective through clause 6 and 7 which states "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" and clause 7 "Is integrated with existing and planned infrastructure". I also consider the relief sought is provided for through Objective HRZ-O1 which seeks the HRZ contributes to a well-functioning urban environment, as defined in the PDP. I also note that Strategic Directions INFSD-O5 (Accessibility) and UDSD-O2 (Outcomes for Well-functioning urban

environments) cover the issue of land use and transport integration. I consider this matter is comprehensively covered across the plan and therefore the amendment sought is unnecessary.

## **New Objectives Sought**

(89) WRC also seek a suite of objectives, policies and rules to implement Policy CC.4 of the RPS, specifically in relation to providing tree canopy cover and managing the effects of urban heat in future urban development and infrastructure. Policy CC.4 is not subject to appeal, but is not yet operative.

(90) Policy CC.4 of the RPS<sup>7</sup> is directive to district plans, as follows:

*Policy CC.4: Climate responsive development – district plans*

*District plans shall include objectives, policies, rules and/or non-regulatory methods to require development and infrastructure to be located, designed, and constructed in ways that provide for climate change mitigation, climate change adaptation and climate resilience, prioritising the use of nature-based solutions and informed by mātauranga Māori.*

*This includes, as appropriate to the scale and context of the activity:*

- a) *requiring provision of urban green space, particularly canopy trees, to reduce urban heat and reduce stormwater flowrates:
  - (i) *prioritising the use of appropriate indigenous species, and*
  - (ii) *contributing to achieving a wider target of 10 percent tree canopy cover at a suburb-scale by 2030, and 30 percent cover by 2050; and**
- b) *requiring methods to increase water resilience, including harvesting of water at a domestic and/or community-scale for non-potable uses (for example by requiring rain tanks, rainwater reuse tanks, and setting targets for urban roof area rainwater collection); and*
- c) *requiring that significant adverse effects on the climate change mitigation, climate change adaptation and climate-resilience*

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<sup>7</sup> [RPS Appeals Version, September 2025](#)

*functions and values of an ecosystem shall be avoided, and other adverse effects on these functions and values shall be avoided, minimised, or remedied; and*

*d) promoting efficient use of water and energy in buildings and infrastructure; and*

*e) promoting appropriate design of buildings and infrastructure so they are able to withstand the predicted future higher temperatures, intensity and duration of rainfall and wind over their anticipated life span.*

(91) In relation to the proposed objective on climate resilience (452.189a and F15.86), I consider the PDP already appropriately contains provisions relating to natural hazards and climate change (CCSD-O2, UDSD-O2, NH-O1 – NH-O5), stormwater management (INFSD-O6) and infrastructure planning and subdivision design (INFSD-O1, INFSD-O2, INF-P3 and INF-P5). These provisions collectively manage risks associated with increased rainfall intensity, wind, and temperature effects. I do not consider the requested objective is appropriate it is overly broad and partly outside the scope of district plan regulation, particularly in relation to building performance which is managed under the Building Act.

(92) The proposed tree canopy objective (452.189b) seeks to promote a range of environmental and amenity benefits. While I acknowledge these potential benefits, I am uncertain about the appropriateness of such an objective applying to Lower Hutt's residential areas. I am also uncertain whether the benefits of this objective outweigh the potential economic and development impacts. In particular, I am unsure whether the requested objective sufficiently accounts for the specific spatial, climatic, and development characteristics of Lower Hutt. Accordingly, I do not support the addition of this objective.

(93) It is noted that the issue of urban heat and tree canopies is addressed in a few provisions of the PDP, including Policy HRZ-P13(3)(d) and Standard HRZ HRZ-S11 Landscaped area. I also consider guidance on tree canopy cover could be considered for inclusion in the forthcoming non-statutory design guidance that the Council is preparing. This is a matter the Council and WRC could collaborate on to ensure effective and achievable design guidelines are provided.

- (94) Finally, I do not support the proposed policy relating to the cost of providing tree canopy cover and financial contributions. As noted above, the PDP includes requirements for on-site landscaping, both in the standards and through policy which includes tree canopies and the management of urban heat, the cost of which would be met by the developer. The PDP also includes a Financial Contributions chapter which provides the Council with the ability to require a financial contribution for providing and/or upgrading services and infrastructure and ensuring positive effects on the environment to offset or compensate any adverse effects that cannot otherwise be avoided, remedied or mitigated<sup>8</sup>. In my opinion, this could include the planting of trees either in reserves or road corridors where this is not provided on site.
- (95) I also note financial contributions are typically applied through resource consent conditions and should be limited to offsetting the impacts of the development. Imposing a broad requirement for financial contributions could result in a developer incurring costs even where the development does not contribute to the issue of concern.
- (96) I also question whether the objective could be reasonably achieved given the MDRS standards. For example, the MDRS requires the Council to implement a 50% building coverage standard in the HRZ and MRZ and cannot be more restrictive than this and the Landscaped Area standard requires a 20% area of landscaping with flexibility around the type of landscaping applied in a development. There are also site-specific factors that require consideration such as topography, access, and manoeuvring which may limit the ability to provide tree canopy cover.
- (97) Based on the above analysis, I recommend rejecting the relief sought.

### **4.3.3 Recommendations**

- (98) Accept the submissions by Summerset [326.3a and 326.3b] and Kāinga Ora [386.21, 386.36 and 386.35] supporting objective MRZ-O3/HRZ – O3.

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<sup>8</sup> Standard FC-S1

- (99) Accept the further submissions from Micheal Rachlin [F04.12 and F04.13]
- (100) I recommended rejecting the submission points from Malcom Ross [477.4, 477.2, 477.3b and 477.3a], Ben Rumsey [283.1a and 283.1b], Enviro NZ [323.049], WRC [452.190a] and Kāinga Ora [386.22] which opposed or requested amendments to objectives.
- (101) I recommend accepting further submissions from Kāinga Ora [F26.4 and F26.5]
- (102) I recommend accepting the relief sought by Malcom Ross [477.3a] to retain clause 7 of objective MRZ-O4.
- (103) I recommend accepting the submissions by FENZ [374.79 and 374.87], Fiona Christeller [375.1 and 375.2] and Summerset [326.4b] supporting objective HRZ-O4.
- (104) I recommend rejecting the submissions points from WRC [452.189a, 452.189b, 452.189c, 452.189d, 452.189f, 452.189e and 452.189g] and further submission from Natural Hazards Commission Toka Tu Ake [F15.86 and F15.87] requesting new objectives.

### **4.3.4 Section 32AA Assessment**

- (105) As I am not recommending any amendments to the Objectives, a section 32AA assessment is not required.

## **4.4 Policies**

### **4.4.1 Matters raised**

#### **MRZ-P2/HRZ-P2 (Non-residential activities)**

- (106) Three submitters FENZ [374.80a and 374.88a], Kāinga Ora [386.24 and 386.38], and MoE [399.61 and 399.67] seek that policies MRZ-P2/HRZ-P2 are retained as notified. The submitters' reasons for this support include the critical part that non-residential activities play in contributing to wellbeing, and that these policies provide for non-residential activities that have an operational or functional need to locate within the zone and serve the community.

- (107) Summerset [326.6a] supports MRZ-P2/HRZ-P2 in part, subject to relief sought in their submission seeking amendments to the matters of discretion in Rule HRZ-R13.
- (108) Malcolm Ross [477.1] seeks that MRZ-P2 is deleted or amended on the basis that non-residential activities are not provided for in the MRZ (inferred from original submission). The submitter is concerned the character of the environment would change and would increase load on the existing infrastructure without significant investment.

### **MRZ-P3/HRZ-P3 (Other activities)**

- (109) FENZ [374.80b and 374.88b] and Kāinga Ora [386.25 and 386.39] support Policy MRZ-P3/HRZ-P3 and seek the policies to be retained as notified.
- (110) Summerset [326.6b] supports MRZ-P3/HRZ-P3 in part, subject to relief sought in their submission seeking amendments to the matters of discretion in Rule HRZ-R13.

### **MRZ-P4/HRZ-P4 (Provision of Housing)**

- (111) Summerset [326.8a and 326.8b] supports policy MRZ-P4 and HRZ-P4 (Provision of housing) and seeks the policy is retained as notified.
- (112) Kāinga Ora [386.26] supports policy MRZ-P4 (Provision of housing) and seeks the policy is retained as notified.
- (113) Kāinga Ora [386.40] supports in part Policy HRZ-P4 and seeks the following amendment:

*Enable a variety of housing types with a mix of densities within the zone, including three-storey attached and detached dwellings, and low mid-rise apartments.*

- (114) This relief is sought to recognise the greater height and intensity enabled in the HRZ.

### **MRZ-P6/HRZ-P6 (Streets and open spaces)**

- (115) Summerset [326.10a and 326.10b] supports policy MRZ-P6 and HRZ-P6 (Streets and open spaces) and seeks the policy is retained as notified.
- (116) Ron Beernink and Glenda McCallum [303.14 and 303.16] oppose in part policies MRZ-P6/HRZ-P6 (Streets and open spaces) and seeks that the policies are amended or replaced with a policy or policies which are more

directive towards development contributing to attractive and safe streets and public open spaces. Appendix B of the submission includes a suite of recommended objectives, policies and rules which are not repeated here for brevity.

### **HRZ-P7 (Housing needs)**

- (117) Ron Beernink and Glenda McCallum [303.17] oppose in part HRZ-P7 (Housing needs) and seek that this policy is amended at a minimum to address the needs of disabled people (inferred as relating to HRZ-P7 - refer to original submission). Reasons include that the policy statement reads like a vague objective and it is not clear what the intent is.

### **HRZ-P8 (High quality development)**

- (118) Ron Beernink and Glenda McCallum [303.18] oppose Policy HRZ-P8 and seek that this policy is amended with reference to what is deemed high-quality. Reasons include that it is unclear why developments would be provided for that don't meet the permitted activity status and what is high-quality.

### **HRZ-P9 (Specific Height Control Overlay)**

- (119) Ron Beernink and Glenda McCallum [303.18 and 303.19] support in part Policy HRZ-P9 and seek that the policy is more specific about what areas around the Lower Hutt City Centre greater height allowances apply to. The submitter is concerned that this may be misinterpreted as suburbs around the city centre.

### **Request for new policies**

- (120) Ron Beernink and Glenda McCallum [303.13 and 303.20b] seek new policies in the MRZ and HRZ that medium and high-density development shall not take place in areas where there is no existing and funded plan to address issues with poor water, wastewater or stormwater services. Kāinga Ora [F26.7] oppose the submission.

### **Design Guidance**

- (121) Fiona Christeller [375.3 and 375.4] seeks a combined medium and high-density residential design guide that is a statutory part of the District Plan, rather than an optional extra and require compliance with the design

guide for all projects that require resource consent. Ms Christeller also seeks the adoption of the Wellington City Council Design Guides suite, to simplify compliance across Territorial Authority boundaries. Finally, Ms Christeller requests an active publicity campaign to inform and encourage all developers and designers to use the design guide as an aide memoir to create adaptable and liveable housing groups. Ms Christeller considers this is the most effective way to achieve a positive urban environment.

## **Waste management**

(122) Enviro NZ [323.043, 323.044, 323.50 and 323.051] and seeks amendments to the urban design policies in the MRZ and HRZ as follows:

- Add a new clause to Policies MRZ-P12 and HRZ-P12 (Urban design outcomes by meeting standard or assessment):

*7. incorporates adequate space for waste storage and collection*

- Amend clause 4 of MRZ-P13 and HRZ-P13 (Urban design outcomes for non-residential activities and developments of more than 3 residential units) as follows:

*4.Ensure that activities have storage and servicing areas  
(including waste) that:*

....

(123) This submitter considers these amendments would ensure good outcomes in terms of good design of waste storage, and ensuring this is not forgotten.

## **Policies MRZ-P12/HRZ-P12 and MRZ-P13/HRZ-P13**

(124) Ian Peter Cassidy [207.4] supports MRZ-P12 (Urban design outcomes by meeting standard or assessment) and seeks that this is retained as notified. Reasons include that this provides access to sunlight and outdoor living spaces.

(125) Summerset [326.15a and 326.15b] support Policy MRZ-P12/HRZ-P12 and seeks the retention of these policies as notified. However, the submitter notes that, if necessary, these policies would be better substituted in Rules

MRZ-R12 and HRZ-R13 as a matter of discretion rather than Policies MRZ-P13 and HRZ-P13.

(126) Several submissions sought specific changes to the urban design policies MRZ-P12/HRZ-P12 and MRZ-P13/HRZ-P13.

(127) Enviro NZ [323.043, 323.044, 323.050 and 323.051] seeks that waste storage and collection are better reflected in these policies and seek the following amendments:

- In regard to MRZ-P12/HRZ-P12, the submitter seeks an additional point is added as follows:

*"7. Incorporates adequate space for waste storage and collection" .*

- In regard to MRZ-P13/HRZ-P13, the submitter seeks the following amendment:

*"4. Ensure that activities have storage and servicing areas (including waste) that..."*

(128) Kāinga Ora [386.30] seeks an amendment to Policy HRZ-P13 as follows:

...

*1. The extent to which the proposal creates ~~Create~~ a safe and legible residential environment by:*

*a. ~~providing easily visible, and accessible, and sheltered~~ main entrances to buildings (other than accessory buildings),*

*b. enabling passive surveillance over public and communal spaces,*

*c. appropriately designing, demarcating, and lighting public, communal, and private spaces,*

*~~d. avoiding wasted space or space of unclear function, and~~*

*e. integrating other CPTED measures at a scale appropriate for the site.*

*2. ~~Avoid~~ Minimises having carparking areas, loading areas, manoeuvring areas, and garages visually or physically dominate public and communal spaces or the streetscape.*

...

(129) Malcolm Ross [477.6] seeks an amendment to Policy MRZ-P12 as follows:

*“...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 that do not adversely affect neighbouring property unless the affected residents, upon review of the proposal, their expressed permission to proceed.”*

- (130) Summerset [326.16a and 326.16b] oppose in part policies MRZ-P13 and HRZ-P13, seeking they are retained as notified subject to their relief sought in another submission point (326.19a) being granted. The submitter is opposed to the inclusion of these policies as matters of discretion in Rules MRZ-R12 and HRZ-R13 as they pertain to non-residential activities and considers Policies MRZ-P10 and HRZ-P10, which relate to retirement villages, should be a ‘one stop shop’ for retirement village specific outcomes.
- (131) Kāinga Ora [386.29 and 386.43] seek the deletion of Policy MRZ-P12 and Policy HRZ-P12. The submitter seeks that the wording of these policies is provided for as concise and relevant matters of discretion under each rule or standard. The submitter considers that the policy reads as matters of discretion.
- (132) Kāinga Ora [386.30] also seek the deletion of MRZ-P13 and that the wording of the policy is amended for use as assessment criteria under relevant rules and/or standards on the basis the specific urban design outcomes are better included as matters of discretion under each relevant rule or standard, and that ‘avoid’ should only be included as a failsafe where no other options are considered viable. The submitter seeks specific amendments as follows:

.....

*1. The extent to which the proposal creates ~~Create~~ a safe and legible residential environment by:*

*a. providing easily visible, and accessible, ~~and sheltered~~ main entrances to buildings (other than accessory buildings),*

....

*d. avoiding wasted space or space of unclear function, and*

....

*2. Avoid Minimises having carparking areas, loading areas, manoeuvring areas, and garages visually or physically dominate public and communal spaces or the streetscape.*

.....

- (133) Urban Edge [449.3 and 449.4] seek amendments to the title of MRZ-P12 and HRZ-P12, as follows:

*~~Urban design outcomes~~ Built form outcomes by meeting standard or assessment*

*or*

*~~Urban design outcomes~~ Character and amenity by meeting standard or assessment*

- (134) The submitter considers that while the matters listed in the policy are urban design matters, non-compliance with one or more buildings standards can typically be addressed through the assessment of environmental effects and an urban design report is not required.
- (135) Urban Edge [449.1 and 449.2] seek the deletion of matter 2 of MRZ-P12/HRZ-P12, relating to adequate daylight for residential activities, on the basis that the policy is ambiguous and would be difficult to demonstrate in an assessment.
- (136) Urban Edge [449.5 and 449.6] seeks an amendment to Policy MRZ-P12 and Policy HRZ-P12 to add a matter of discretion to assess streetscape and visual amenity effects as well as building bulk and dominance effects for development that does not comply with MRZ-S2, MRZ-S3, MRZ-S4, and MRZ-S5. The submitter considers these matters are key urban design considerations that minimise the effects of buildings both when standards are not met and for the integration of development into the urban environment in a considered and respectful way.
- (137) Urban Edge [449.7 and 449.8] seek amendments to Policy MRZ-P13 and HRZ-P13 to require a design statement against the relevant matters in MRZ-P12/HRZ-P12 for residential activities comprising 4 or more units. The submitter considers this amendment will ensure development with a greater impact on the streetscape, townscape and neighbouring

properties, as well as its positive contribution to the planned urban built form is designed comprehensively for high quality design outcomes.

- (138) FENZ [374.81 and 374.89] seeks that an additional matter is included in MRZ-P13/HRZ-P13 as follows:

*"1. Create a safe and legible residential environment by:*

*...*

*x. enabling emergency services personnel and equipment to safely and efficiently access all units within the site.*

- (139) The submitter is concerned about the creation of long, narrow sites and pedestrian accessways and the implications of this in an emergency response situation.

- (140) Laura Skilton [314.32a] opposes HRZ/MRZ-P12 (Urban design outcomes by meeting standard or assessment) and seeks the following amendments to this policy:

*"... 2. ~~Ensure adequate~~ Provide minimum access to daylight for residential activities on the site and on adjacent sites.*

*3. ~~Ensure adequate~~ Provide minimum access to sunlight for existing outdoor living spaces on adjacent sites, and public open space.*

*...*

*7. Ensure the outlook requirements at existing adjacent dwellings are not impeded."*

- (141) The submitter seeks this change on the basis that effects on adjacent sites are not adequately catered for.

## **Policy MRZ-P14 and Policy HRZ-P14**

- (142) Summerset [326.17a and 326.17b] support Policies MRZ-P14 and HRZ-P14 and seek they are retained as notified. The submitter considers the policies provide useful clarification.

- (143) Kāinga Ora [386.31 and 386.45] seek the deletion of Policy MRZ-P14/HRZ-P14 and the content of the policy be included in the background section. The submitter considers the policy reads as a note rather than a policy of which proposals can be assessed against.

- (144) In separate submission points, Urban Edge seek amendments to Policy MRZ-P14 and Policy HRZ-P14 as follows:
- [449.9 and 449.10] Deletion of Policy MRZ-P14 and HRZ-P14 on the basis that matters 5 and 6 of the policy could create conflict between policies and the ability to recommend or consider building typologies, scale, modulation, articulation is removed.
  - [449.11 and 449.12] Include matters 1-3 in Policy MRZ-P14 and Policy HRZ-P14 as a note under Policies MRZ-P12/HRZ-P12 and MRZ-P13/HRZ-P13 on the basis it is excessive having a policy direction that relates to exclusions.
  - [449.13 and 449.14] Amendments to allow assessment against matters 5 and 6 of MRZ-P14 and HRZ-P14 regardless of whether neighbour approval is received under Policies MRZ-P12/HRZ-P12 and MRZ-P13/HRZ-P13. The submitter considers written approval should not be a s104 matter or negate urban design outcomes.

## 4.4.2 Assessment

### MRZ-P2/HRZ-P2 (Non-Residential Activities)

- (145) The submissions from FENZ [374.80a and 374.88a], Kāinga Ora [386.24 and 386.38], Malcolm Ross [477.5] and MoE [399.61 and 399.67] in support of policies MRZ-P2/HRZ-P2 and seeking the policies be retained as notified are noted.
- (146) I note the submission from Summerset [326.6a] in support of MRZ-P2/HRZ-P2, subject to their relief sought in relation to the matters of discretion in Rule HRZ-R13 being accepted. I am recommending accepting in part the relief sought in relation to Rule MRZ-R13 (addressed at paragraphs (405) to (415)). On this basis I recommend accepting in part the relief sought in relation to Policy MRZ-P2/HRZ-P2.
- (147) I acknowledge the submission from Malcolm Ross [477.1] seeking the deletion of Policy MRZ-P2 or amendments to the policy so that non-residential activities are not provided for in the MRZ. In my opinion, non-residential activities are part of a well-functioning urban environment, and in the context of a residential zone are appropriate provided suitable standards to manage their effects in the context of a residential

environment are set. Under the NPS-UD Policy 1, well-functioning urban environments “have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport”. Objective MRZ-O2 sets out the expectations for the type of non-residential activities for the zone, being those that:

- Are compatible with the purpose and the planned character and planned urban built environment of the zone,
- Are compatible with the amenity associated with medium density residential development anticipated by the zone, and
- Support the health and wellbeing of people and communities in the surrounding area

(148) The MRZ achieves this in part through permitting a range of small-scale non-residential activities that will enable people to provide for their economic, social and cultural wellbeing. On this basis, I do not support the relief sought by the submitter and I do not recommend any amendments to Policy MRZ-P2 as a result of this submission.

### **MRZ-P3/HRZ-P3 (Other activities)**

(149) The submissions from FENZ [374.80b and 374.88b] and Kāinga Ora [386.25 and 386.39] in support of Policy MRZ-P3/HRZ-P3 and seeking the policies be retained as notified are noted.

(150) I also note the submission from Summerset in support of MRZ-P3/HRZ-P3, subject to their relief sought to amend the matters of discretion in Rule HRZ-R13 being accepted. I am recommending accepting in part the relief sought in relation to Rule MRZ-R13 (addressed at paragraphs (405) to (415)). On this basis I recommend accepting in part the relief sought in relation to Policy MRZ-P3/HRZ-P3.

### **MRZ-P4/HRZ-P4 (Provision of housing)**

(151) The submission from Summerset [326.8a and 326.8b] and Kāinga Ora [386.26] in support of Policy MRZ-P4 and seeking the policy is retained as notified is noted.

(152) In relation to the relief sought by Kāinga Ora [386.40] to amend Policy HRZ-P4 to refer to mid-rise apartments, rather than low-rise apartments, I

note the policy comes directly from the MDRS, which the Council is required to implement without change. On this basis, I recommend rejecting the relief sought and do not recommend amending the policy.

### **MRZ-P6/HRZ-P6 (Streets and open spaces)**

- (153) I acknowledge the submission from Ron Beernik and Glenda McCallum seeking amendments to MRZ-P6/HRZ-P6 to be more directive to development contributing to attractive and safe streets and public open spaces. The policy wording comes from the MDRS and is required to be implemented by the Council without change.
- (154) I note other policies within the MRZ and HRZ chapters work alongside Policy MRZ-P6/HRZ-P6, such as Policy MRZ-P12/HRZ-P12 and Policy MRZ-P13/HRZ-P13, to direct the achievement of good quality design that contributes to the amenity of the surrounding environment, including streetscape amenity. I consider the issue of how development might achieve attractive and safe streets and public open spaces is a matter that can be further improved and developed through the forthcoming design guidance. Accordingly, I do not recommend any changes to Policy MRZ-P6/HRZ-P6.

### **HRZ-P7 (Housing needs)**

- (155) I note the submission from Ron Beernik and Glenda McCallum, seeking amendments to Policy HRZ-P7 to address the needs of disabled people. While I generally agree the design of new housing should consider the matter of accessibility for disabled people, Policy HRZ-P7 is directly from the MDRS and must be implemented in the PDP without change to the wording. I also note that accessibility in building design is a matter that is addressed in the Building Code, rather than being an RMA matter. However, I consider this is a matter the Council could consider including in the non-statutory design guidance that is expected to be available following the PDP hearings and appeals process. This is an approach that has been taken in the Wellington City Residential Design Guide<sup>9</sup>:

G.44 Consider opportunities to incorporate accessible residential units into housing developments.

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<sup>9</sup> Wellington City Council – Design Guide Residential, [20250321\\_ResidentialDesignGuide\\_Update.pdf](#)

Consider future proofing of some units within development, by considering the type and width of access to the unit, sizing of spaces within the unit to facilitate future retrofit for accessibility.

Note that this guidance point does not require development to provide accessible residential units.

(156) Accordingly, I recommend rejecting the relief sought.

### **HRZ-P8 (High quality development)**

(157) Ron Beernik and Glenda McCallum also seek amendments to Policy HRZ-P8 to specify what is deemed 'high-quality'. This policy is also taken directly from the MDRS and the Council cannot amend the wording. However, I consider other policies, such as Policy HRZ-P12 and Policy HRZ-P13 provide a comprehensive list of matters that must be considered and incorporated into development at the design stage to achieve a range of urban design outcomes. Again, I consider the forthcoming design guidance provides a further opportunity to support the achievement of this policy in the local context. On this basis, I recommend rejecting the relief sought.

### **HRZ-P9 (Specific Height Control Overlay)**

(158) I note the submission from Ron Beernik and Glenda McCallum seeking greater specificity in Policy HRZ-P9 about which areas around the Lower Hutt City Centre are subject to greater height allowances. These areas are mapped on the PDP ePlan via the Specific Height Control Overlay which applies to residential areas immediately adjoining the Lower Hutt City Centre to the north, south and east. The policy is intended to provide for this height overlay and the increased heights provided for within it. However, I consider while the policy title includes reference to the overlay, the policy itself does not reference the overlay, and it is unclear that this is a mapped layer in the PDP. I therefore recommend an amendment to the policy to include reference to the overlay, as follows:

HR-P9 Specific Height Control Overlay

Enable buildings of at least six storeys, with greater heights of up to 36m above ground level enabled ~~in areas~~ within the Specific Height Control Overlay around the Lower Hutt City Centre, which

are well-served by existing or planned commercial activities and community services.

- (159) I recommend accepting in part the relief sought by Ron Beernik and Glenda McCallum.

### **New Policies Sought**

- (160) Ron Beernink and Glenda McCallum [303.13 and 303.20b] seek a new policy in the MRZ and HRZ directing that medium density residential development shall not take place in areas where there is no existing and funded plan to address issues with poor water, wastewater or stormwater services. The PDP addresses this issue through the Three Waters chapter, which requires future use and development to be supported by existing or planned three waters infrastructure capacity (Objective THW-01). To achieve this objective, the PDP includes a permitted activity rule where connections to the reticulated network comply with relevant Wellington Water standards. Where this compliance cannot be achieved, resource consent is required as a restricted discretionary activity and the proposal is assessed on its merits. The PDP provides scope for alternative servicing methods where connection to reticulated networks is unavailable, but this is determined on a case-by-case basis. In my opinion, the PDP sufficiently deals with the concerns raised by the submitter in the Three Waters chapter and I do not consider a new policy in the residential chapters is required for this issue. I recommend rejecting the relief sought.
- (161) I therefore recommended accepting Kāinga Ora [F26.7].

### **Design guidance**

- (162) I acknowledge the submission from Fiona Christeller [375.3 and 375.4], seeking a combined medium and high-density residential design guide that is a statutory part of the District Plan. The ODP has a mixed approach to design guides with some key chapters including a design guide as an appendix (e.g. the Central Commercial Activity Area) alongside performance standards and discretionary consent assessments, while others rely on discretionary design assessments alongside a non-statutory design guide (e.g the Medium Density and High Density Residential areas). In developing the PDP, the Council considered several approaches to managing urban design matters, including the role of

design guides and whether such guidance should be part of the District Plan or not. Ultimately, the Council determined that a mix of performance standards and discretionary design assessments and non-statutory guidance was preferred. The discretionary assessment will occur in the following situations:

- For all development in the City Centre and Petone Metropolitan Centre (including Jackson Street Heritage Precinct),
- For larger developments in local centre and mixed-use zones,
- For medium and large developments in residential zones (i.e. those larger than the MDRS provides for either in height or number of units), and
- For developments in any zone that do not meet the performance standards (e.g. recession planes, minimum landscaping etc).

(163) The Council has sought to strike a balance between requiring assessment for large-scale or higher risk developments and limiting cost and uncertainty for lower risk and routine developments. By structuring the zone chapters with objectives and policies that set out the outcome to be achieved and prescribing how those outcomes can be achieved, relative to the scale of activity, the PDP provides appropriate triggers for urban design assessment. Applicants can then use the non-statutory guidance to determine how the objectives and policies can be achieved in the context of their project. In my opinion, this approach provides certainty for resource consent applicants about when a design assessment is required while also providing a level of flexibility for building technologies and design to evolve.

(164) A further benefit of guidance sitting outside the plan is that there is flexibility in when and how the guidance can be updated as development trends change over time. Having guidance within the PDP does not provide this flexibility as a plan change would be required each time the guidance needs to be updated. Given the time and cost associated with plan changes this is inefficient and risks some undesirable design outcomes while the plan 'catches up'.

(165) On this basis, I do not agree with Ms Christeller's request to include statutory design guidance in the District Plan.

- (166) In relation to Ms Christeller’s request to adopt the Wellington City Council Design Guides suite, I generally agree that there should be consistency across territorial authority boundaries on matters that are similar across those boundaries. While I do not support the inclusion of statutory design guidance in the PDP, I consider there is merit in the Council considering the Wellington City Council District Plan design guides as part of the development of the non-statutory design guidance.
- (167) Ms Christeller has also requested an active publicly campaign to inform and encourage all developers and designers to use the design guide to create adaptable and liveable housing groups. I consider this is a matter that sits outside the PDP and is a consideration for the Council as it develops the design guides.
- (168) On this basis, I recommend rejecting the relief sought by Ms Christeller.

## **Waste management**

- (169) Enviro NZ have sought a number of changes to the urban design policies in the MDRZ and HDRZ chapters in relation to waste management and storage. While waste storage and collection are not specifically dealt with in the Medium and High Density Residential Zones, this is addressed in other parts of the PDP. The Transport Chapter includes policy direction and a standard (TR-S10), which requires refuse storage and collection areas for residential developments of 10 or more units.
- (170) Policy MRZ-P13/HRZ-P13, which applies to non-residential activities and developments of more than 3 units, also refers to ‘servicing areas’, which is defined in the PDP as follows:
- means deliveries to and collections from a site, including of products, supplies, raw materials, refuse, mail, and packages, and includes any movements of heavy motor vehicles.
- (171) In addition to the policy direction and standards of the PDP noted above, the Council’s Solid Waste Bylaw also requires multi-unit developments to make adequate provision for the management of waste, recycling and organic material generated on site including the storage and collection of discarded material. A multi-unit development is defined in the Bylaw as:
- a multiple tenancy property comprising of 10 or more separately occupied residential units, whether in the same*

*building or in separate buildings, and held either in common ownership or in separate ownership. This includes a unit title development, a mixed-use premise with business activities, and any development with controlled or restricted access, such as a gated community.*

- (172) Proposals for multi-unit developments are required to submit a waste management and minimisation plan prior to construction commencing.
- (173) In my opinion, the requirements of the PDP as notified alongside the HCC Solid Waste Bylaw already address the matters raised by Enviro NZ and I do not recommend any amendments.

### **Policy MRZ-P12/HRZ-P12 and Policy MRZ-P12/HRZ-P13**

- (174) The submissions from Summerset in support of Policy MRZ-P12/HRZ P12 and from Ian Peter Cassidy in support of Policy MRZ-P12 are noted. I recommend accepting these submissions in part as I am recommending amendments to these policies in response to other submissions, as addressed below.
- (175) I disagree with the relief sought by Malcolm Ross [477.6] to amend Policy MRZ-P12 to include wording that directs development on sites with existing constraints to not adversely affect neighbouring property unless the affected residents have provided their permission to proceed. The assessment of whether adjoining properties are affected is an established process under the RMA, including:
  - (176) Section 87BA of the Act provides for boundary activities approved by neighbours on infringed boundaries as permitted activities.
  - (177) Section 95E requires the consent authority to determine if the adverse effects of an activity on a person (e.g. a neighbouring property) are minor or more than minor (but not less than minor). Where that person has provided their written approval for the proposed activity, or it is deemed by the consent authority unreasonable in the circumstances to obtain their written approval, the consent authority cannot consider those effects. Similarly, there may be adverse effects that must be disregarded if a rule or a NES permits an activity with that effect or where the effect does not relate to a matter for which a rule or NES reserves control or restricts discretion.

- (178) Accordingly, I consider the additional wording sought by Malcolm Ross is unnecessary as it duplicates the requirements of the RMA relating to the processing of resource consents and when written approval of affected parties should be sought. I recommend rejecting the relief sought.
- (179) Summerset seek Policies MRZ-P13 and HRZ-P13 are retained as notified, however this is contingent on their relief sought in relation to Rules MRZ-R12 and HRZ-R13 being granted. I address that relief in paragraphs (413) and (415) where I recommend accepting in part the relief sought in relation to Rules MRZ-R12 and HRZ-R13. Accordingly I recommend accepting in part the relief sought by Summerset in relation to MRZ-P13 and HRZ-P13.
- (180) I disagree with the relief sought by Kāinga Ora [386.29 and 386.43] seeking the deletion of Policy MRZ-P12/HRZ-P12 and to instead provide the content of the policy as concise and relevant matters of discretion under each rule or standard. In my opinion, the content of the policy is appropriate to include as a policy, providing a clear signal to plan users about the urban design expectations for the zone. The policy underpins the bulk and location settings for the zone and sets an expectation of the urban design matters that need to be considered where those settings are not met by a proposal. While this information could be included as matters of discretion, I note that in some cases there would be multiple outcomes from single standards. For example, Standard HRZ-S3 (building height) relates to urban design outcomes 1, 2, and 3 in Policy HRZ-P12. This is stated in the list of matters of discretion within the standard, with the ePlan format enabling the use of a hyperlink back to the policy for ease of reference. The outcomes are appropriately located in a single location, a one-stop-shop of sorts, rather than requiring repetition throughout the standards. I recommend rejecting the relief sought by Kāinga Ora.
- (181) For the same reasons, I do not support the relief sought by Kāinga Ora [386.30 and 386.44] to delete Policy MRZ-P13/HRZ-P13 and move the matters in the policy to matters of discretion under the relevant rules or standards. In terms of the specific wording amendments sought to individual clauses of the policy, I address these in turn in the following paragraphs.

- (182) Matter 1 – I consider the proposed wording ‘the extent to which...’ would be appropriate in the context of a matter of discretion or as assessment criteria (which the submitter has requested in their related relief to delete the policy), however the wording is inappropriate for a policy which must provide clear direction to plan users. I do not recommend any changes to the wording of Matter 1 as sought by the submitter.
- (183) Matter 1(a) – the submitter seeks the deletion of ‘and sheltered’ from this matter. The submitter has not provided a reason for the deletion of this text and so I am unclear on the basis for this relief. Ms Moore advises at paragraph 4.31 of her evidence that sheltered entrances provide shelter from the weather and support legible building entrances, improving legibility of address.. Ms Moore provides the example of a situation where there might be two doors facing the front of the street (e.g. a sliding door and the main front door) where use of shelter helps to reinforce the front door as the primary entrance. I also note the National Medium Density Design Guide, developed by MfE, includes guidance about entrances, stating ‘...When designing the front entrance, consider providing a porch with protection from the sun, wind, and rain’<sup>10</sup>. The Wellington City Residential Design Guide also suggests shelter could be provided via a canopy or verandah over the entrance or by recessing the entrance into the façade of the building. Accordingly, I recommend retaining the wording in Matter 1(a).
- (184) Matter 1(d) – the submitter has sought deletion of this matter but has not provided any reasoning for this relief, however the submitter generally notes their opposition to the use of ‘avoid’. The intent of this matter is to require consideration of the location of buildings so that unusable space is not ‘leftover’. Ms Moore addresses this further at paragraph 4.34 where she considers the policy seeks to provide meaningful open spaces between and around buildings. In Ms Moore’s opinion there is merit in including policy that requires a considered approach to designing site layout so that it ensures private and communal outdoor living spaces are appropriately co-located with the dwellings they serve, utilities and

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<sup>10</sup> National Medium Density Guide, Ministry for the Environment, [national-medium-density-guide.pdf](#), page 9.

services are conveniently and accessibly integrated into the layout and that planting meaningfully contributes to the proposal in a way that is maintainable. Ms Moore considers this could be further addressed in the forthcoming design guidance, which I agree with. On this basis, I consider the policy should retain direction on this issue, however I consider the use of avoid in this context is unnecessary and too absolute for the context of the provision. The intent of the clause can be retained through reframing to 'locating buildings so that spaces between them are purposeful and contribute positively to the site layout.' Further guidance should be provided through the non-statutory design guides being prepared by the Council.

- (185) Matter 2 – the submitter seeks the word 'avoid' is replaced with 'minimises', on the basis the word 'avoid' should only be included where there are no other options considered viable. Ms Moore has addressed this issue at paragraph 4.36 of her evidence noting her support for the use of 'avoid' in this context and explains the outcome that is sought by this clause is to encourage a site layout that contributes to an active, interesting and safe street interface, with building entrances and glazing prioritised to the front of the site. Ms Moore considers 'minimise' may have unintended consequences where optimised layouts that internalise carparking for best street outcomes are not considered. I agree with Ms Moore's conclusions and I support the use of 'avoid' in this context. This clearly signals to plan users that the location of these elements of a development are important aspects for residential amenity. For example, the MfE National Medium Density Guide provides the following guidance in relation to carparking and garages:

*If car parking is provided on-site, consider locating it away from the front yard, while still providing good access to the street. When necessary in the front, separate the driveway from pedestrian paths and locate any garages back from the main building edge to minimise the dominance of large doors. The distance between the building and the street boundary or accessway will need to be*

*narrow enough to discourage vehicle parking across accessways or wide enough to fully accommodate a parked vehicle.<sup>11</sup>*

(186) Similarly, the WCC Residential Design Guide notes:

*'Façades with doors and windows should be the defining feature of a building's street frontage. Where vehicle access from the rear is not possible, consider locating garages to the side of the building, or recessed behind the front building façade. Where a garage door comprises the majority of the width of the ground floor frontage of a multi-storey building, consider recessing the garage beneath the building line of upper levels<sup>12</sup>.*

(187) In my opinion, where a proposal demonstrates appropriate treatment and consideration of the location of these elements, as the examples above suggest, the visual and physical dominance can be avoided. The chapeau of the policy provides for circumstances where the outcomes cannot be achieved due to site constraints or other factors that may be specific to the development, which provides scope for situations where complete avoidance cannot be achieved.

(188) Given the above, I recommend accepting in part the relief sought by Kāinga Ora and amending clause 1(d) of MRZ-P13/HRZ-P13.

(189) Urban Edge [449.5 and 449.6] have sought amendments to the title of Policy MRZ-P12/HRZ-P12 to remove reference to 'urban design' on the basis non-compliance with the building standards does not necessitate an urban design report. I agree with the submitter that non-compliance with a building standard does not always require an assessment by an urban design expert. However, I do not consider the policy title or the policy itself implies that an urban design assessment or report will always be required. The title is generally referring to a set out outcomes that are by their nature urban design related. The policy title is consistent with the equivalent policies in other zone chapters, such as Policy CCZ-P9 in the City Centre Zone, which I consider is appropriate for plan consistency and useability. Ultimately, the decision to seek specialist urban design advice

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<sup>11</sup> National Medium Density Guide, Ministry for the Environment, [national-medium-density-guide.pdf](#), page 9

<sup>12</sup> Wellington City Council Residential Design Guide [20250321\\_ResidentialDesignGuide\\_Update.pdf](#), page 11.

will be one that is determined by the Council during the processing of a resource consent application on a case-by-case basis. On this basis, I recommend rejecting the relief sought by Urban Edge.

(190) In relation to Urban Edge's [449.1 and 449.2] relief sought to delete clause 2 of Policy MRZ-P12/HRZ-P12, I refer to the evidence of Ms Moore (Appendix 5). Ms Moore agrees with the concerns of Urban Edge, stating that daylight is a matter for the Building Code and not easily assessable by an urban designer or planner and supports the deletion of the clause provided policy direction in relation to sunlight is retained. The matter of sunlight is something urban design professionals are familiar with assessing and there is supporting guidance within the profession around how this should be measured. I note clause 3 of Policy MRZ-P12/HRZ-P12 relates to sunlight for existing outdoor living spaces on adjacent sites, and public open spaces and does not address sunlight within dwellings. This is a matter that the Council could consider for inclusion in the forthcoming design guides. Accordingly, I agree with the relief sought by Urban Edge and recommend deleting matter 2 of MRZ-P12/HRZ-P12 relating to daylight.

(191) In terms of adding a matter of discretion to assess streetscape and visual amenity effects as well as building bulk and dominance effects, Ms Moore has provided a comprehensive assessment of how the MRZ and HRZ address effects on streetscape amenity at paragraphs 4.8-4.24, advising that in her opinion while the provisions provide a general approach to built form that provides positive outcomes for streetscape amenity, there is a gap in the matters of discretion meaning streetscape outcomes beyond passive surveillance are not assessed where there is non-compliance with the standards. Ms Moore advises that Policy MRZ-P13/HRZ-P13 could be strengthened by referencing landscaping as an integration and mitigation tool for managing effects on the streetscape. I agree with this approach, and recommend the following matter is added to clause 3 of Policy MRZ-P13/HRZ-P13:

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

*Built development for non-residential activities, or for more than 3 residential units per site, is managed to achieve the following outcomes.*

....

*3. Ensure on-site landscaping, where it is required by a standard or proposed as a mitigation of other effects:*

*a. Retains healthy and mature vegetation,*

*b. Uses planting that is appropriate for the climate and environment within the site,*

*c. Improves outlooks from dwellings and softens hard built surfaces, and*

*d. Provides one or more of aesthetic, stormwater management, ecological, or urban heat mitigation benefits*

*e. Contributes positively to streetscape amenity*

(192) Urban Edge [449.7 and 449.8] have also sought the addition in Policy MRZ-P13/HRZ-P13 of a requirement for a design statement against the relevant matters in Policy MRZ-P12 for residential activities comprising 4 or more units. Ms Moore addresses the matter of design statements at paragraphs 4.25-4.29 of her evidence, concluding that while the PDP does not require a design statement, a proposal will have to demonstrate how the matters set out in Policy MRZ-P13/HRZ-P13 will be achieved in any case and where the applicant does not provide this in the application, the Council can request the information. I agree with Ms Moore's conclusions and on this basis I recommend rejecting the relief sought by Urban Edge.

(193) I acknowledge the submission from FENZ [374.81 and 374.89] seeking an additional matter for Policy MRZ-P13/HRZ-P13 relating to access for emergency services personnel and equipment to each unit within a site. However, I consider this matter is more appropriately addressed in the Transport chapter of the PDP. I note the Transport chapter includes consideration of the safe and efficient access for emergency service vehicles as a matter of discretion in Rule TR-R3(2) which is the restricted discretionary activity rule for Trip Generation. Similarly, standard TR-S7 which sets out the requirements for the design of driveways, includes a matter of discretion relating to safe and effective access for firefighting purposes. As such, I consider the additional matter sought by FENZ is unnecessary and I recommend rejecting the relief sought.

- (194) Laura Skilton [314.32a] seeks amendments to clause 2 of Policy MRZ-P12/HRZ-P12 to require minimum access to daylight, rather than adequate access to daylight. As set out in paragraph (190), I am recommending the deletion of this clause in response to another submission. Accordingly, I recommend rejecting the relief sought by Laura Skilton.

### **Policy MRZ-P14 and Policy HRZ-P14 – Urban Design Exclusions**

- (195) The submission from Summerset [326.17a and 326.17b] in support of Policies MRZ-P14 and HRZ-P14 is noted.
- (196) I generally agree with the submissions from Kāinga Ora [386.31 and 386.45] and Urban Edge [449.11, 449.12, 449.13 and 449.14], seeking the removal of the exclusions in these policies. In my experience, this type of information is included as guidance/information within plans, if it is included at all. Policies MRZ-P12/HRZ-P12 and MRZ-P13/HRZ-P13 include a comprehensive list of matters that are to be considered in assessing urban design outcomes. In my opinion, there is nothing in those policies that suggests matters 1-4 of Policy MRZ-P14/HRZ-P14 could be considered i.e. the policies are clear about what can be assessed and there are suitable cross-references from the rules and standards about when these matters apply. A decision-maker is therefore constrained by the matters listed in any case. In my opinion Matters 1-4 of Policy MRZ-P14/HRZ-P14 should be deleted.
- (197) I also agree with the concerns raised by Urban Edge relating to matters 5 and 6 and consider there should be discretion for the Council to consider these matters in a consent process. Excluding them in a directive policy removes this level of discretion. I understand the intent of excluding consideration of the matters listed in clause 5 was to ensure developments that achieve the intended height, scale, and density anticipated by the zone are not required to be reduced through the consenting process due to urban design concerns. The concern being that the anticipated and planned character and urban form set out in Objective MRZ-O4/HRZ-O4 may not be achieved. I consider an alternative approach to this is including a reference to supporting the achievement of the planned character and planned urban built environment in Policy MRZ-P12/HRZ-P12 and MRZ-P13/HRZ-P13, as follows:

**MRZ-P12/HRZ-P12 Urban design outcomes by meeting standard or assessment**

*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.*

....

*7. Supports the achievement of the planned character and planned urban built environment for the zone*

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

*Built development for non-residential activities, or for more than 3 residential units per site, is managed to achieve the following outcomes.*

...

*5. Supports the achievement of the planned character and planned urban built environment for the zone*

- (198) Regarding Matter 6, Ms Moore, addresses the matter of modulation and variation at paragraphs 4.18–4.24 of her evidence (Attachment 4 to this report), where she highlights that use of building modulation assists in achieving a high-quality built environment and the wider PDP goals such as ‘healthy, safe, attractive and accessible’. Ms Moore notes that the benefit of requiring assessment of design treatments such as modulation and variation is that it seeks to enhance the urban environment and ultimately improves the amenity of the public realm or streetscape, particularly in the case of large proposals of four or more residential units. However, the policies as drafted do not include scope for such an assessment
- (199) Based on Ms Moore’s evidence, I consider the PDP should allow scope for the assessment of how building dominance at the interface with the street is addressed. I note Ms Moore has acknowledged that it is challenging to strike an appropriate regulatory balance that encourages good building modulation and articulation which can be clearly and consistently applied

and assessed. Paragraphs 4.21-4.23 of Ms Moore's evidence provide useful examples of the methods that can be used to achieve modulation and articulation. I consider these methods should be considered by the Council in developing the forthcoming design guidance to achieve a consistent approach to the application of the clauses I have recommended above, and to guide plan users/urban design practitioners in achieving those outcomes.

- (200) Accordingly, I consider Matter 6 should be deleted from MRZ-P14/HRZ-P14, and a new matter added to MRZ-P13/HRZ-P13, as follows:

**MRZ-P13/HRZ-P13**

....

*1. Create a safe and legible residential environment by*

...

*f. Ensuring visually prominent buildings contribute positively to the streetscape and public realm.*

- (201) Given the above analysis, I recommend deleting Policy MRZ-P14/HRZ-P14 and amending Policy MRZ-P12/HRZ-P12 and Policy MRZ-P13/HRZ-P13 as set out in paragraphs (197) and (198).

### 4.4.3 Recommendations

- (202) I recommend accepting the relief sought by Urban Edge Planning Ltd [449.9 and 449.10] and Kāinga Ora [386.31 and 386.45] and deleting policy MRZ-P14/HRZ-P14.
- (203) I recommend accepting the submissions from FENZ [374.80b, 374.88b 374.80a and 374.88a], Kāinga Ora [386.24, 386.38, 386.25, 386.26, 386.27, 386.39, 386.41], Malcolm Ross [477.5], Summerset [326.8a, 326.8b, 326.9a and 326.9b], Ron Beernink and Glenda McCallum [303.18] and MoE [399.61 and 399.67] Urban Edge's [449.1 and 449.2]
- (204) I recommend acceptin in part the relief sought by Urban Edge [449.5 and 449.6]
- (205) I recommend rejecting the submission from Malcolm Ross [477.1 and 477.6], Kāinga Ora [386.40, 386.29, 386.44 and 386.43], Ron Beernink and Glenda McCallum [303.14, 303.16, 303.17, 303.13 and 303.20b], Fiona

Christeller [375.3 and 375.4], Enviro NZ [323.043 and 323.044], Urban Edge [449.3, 449.4, 449.9 and 449.1], FENZ [374.81 and 374.89], Laura Skilton [314.32a], Urban Edge [449.7, 449.8, 449.11, 449.12, 449.13 and 449.14] and further submission Kāinga Ora [F26.7].

- (206) I recommend accepting in part, the submissions from Summerset [326.6a,326.6b, 326.17a, 326.17b, 326.16a and 326.16b] and Kāinga Ora [386.30]
- (207) I make no recommendation on the relief sought by FENZ [374.81 and 374.89] which will be addressed in the Transport Hearing.
- (208) I recommend amending Policy MRZ-P12/HRZ-P12 as follows:

***MRZ-P12/HRZ-P12 Urban Design outcomes by meeting standard or assessment***

*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*

~~.....2.Ensure adequate access to daylight for residential activities on the site and on adjacent sites.~~

....

*7. Supports the achievement of the planned character and planned urban built environment for the zone*

- (209) I recommend amending Policy MRZ-P13/HRZ-P13 as follows:

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

*Create a safe and legible residential environment by*

...

~~d. avoiding wasted space or space of unclear function, and~~  
*Locating buildings so that spaces between them are purposeful and contribute positively to the site layout, and.*

*e. Integrating other CPTED measures at a scale appropriate for the site, and*

*f. Ensuring visually prominent buildings contribute positively to the streetscape and public realm.*

....

*3. Ensure on-site landscaping, where it is required by a standard or proposed as a mitigation of other effects:*

*a. Retains healthy and mature vegetation,*

*b. Uses planting that is appropriate for the climate and environment within the site,*

*c. Improves outlooks from dwellings and softens hard built surfaces, and*

*d. Provides one or more of aesthetic, stormwater management, ecological, or urban heat mitigation benefits*

*e. Contributes positively to streetscape amenity*

....

*5. Supports the achievement of the planned character and planned urban built environment for the zone*

#### **4.4.4 Section 32AA Assessment**

(210) The recommended amendment to Policy HR-P9 (Specific Height Control Overlay) is the most appropriate way to achieve the objectives of the PDP because it provides clarity to plan users about where greater heights are enabled, by referring to the mapped Specific Height Control Overlay.

(211) The recommended amendment to Matter 1(d) of Policy MRZ-P13/HRZ-P13 is considered the most appropriate way to achieve the objectives of the PDP because it provides greater flexibility to assess a development on a case-by-case basis and provides clarity that the outcome sought is to achieve a good urban design outcome, being purposeful spaces between buildings and a logical building layout.

(212) The recommended amendment to delete clause 3 of Policy MRZ-P12/HRZ-P12 relating to daylight is considered the most appropriate way to achieve

the objectives of the PDP because it removes unnecessary duplication with the Building Act and focuses the policy on matters that can be assessed by an Urban Design expert. This reduces unnecessary time and costs in a resource consent process.

- (213) The recommendation to add an additional matter under clause 3 of MRZ-P13/HRZ-P13 relating to landscaping contributing positively to streetscape amenity is considered the most appropriate way to achieve the objectives of the PDP because it ensures landscaping not only achieves on-site amenity outcomes, but also achieves wider PDP goals of supporting high-quality streetscape amenity. While there may be some additional cost to address streetscape landscaping, I consider this cost is likely to be minimal in the context of overall site development.
- (214) The recommendation to delete Policy MRZ-P14/HRZ-P14 is the most appropriate way to achieve the objectives of the PDP, having regard to efficiency and effectiveness. A policy regarding exclusions is unnecessary given the comprehensive framework provided by the accompanying urban design policies. Relocating and amending matters 5 and 6 to Policy MRZ-P12/HRZ-P12 and MRZ-P13/HRZ-P13 as recommended ensures there is sufficient scope for decision-makers to consider these elements of urban development which contribute to achieving broader PDP goals relating to high-quality urban environments. I do not consider there are any additional costs associated with these amendments.

## **4.5 Residential building and land use rules**

### **4.5.1 Matters raised**

#### **General Submissions**

- (215) Ian Peter Cassidy [207.5] opposes in part the MRZ rules and seeks that any redevelopment of an adjoining property that involves an increase in intensification, dwelling size or height would need to be notified to the adjoining owners.

## **Construction of new buildings and structures and alterations and additions to existing buildings and structures (Rules LLRZ-R3, MRZ-R3 and HRZ-R3)**

- (216) Summerset [326.18a and 326.18b] support MRZ-R3 and HRZ-R3 as notified.
- (217) Loren Brown [500.1] seeks an amendment to rule LLRZ-R3 so it does not apply when there is an existing home and the standards cannot already be met. The submitter seeks the MRZ rules apply instead in these situations. The submitter states that the street is already densely urban and does not meet the outcomes of the proposed Large Lot Residential zoning.
- (218) Laura Skilton [314.34a and 314.34b] opposes HRZ-R3 and MRZ-R3 and seeks that where, compliance is not achieved then the activity is Prohibited, instead of Restricted Discretionary. The reason for this is that the submitter considers that effects on adjacent sites are already adverse with existing rules, so these should never be breached.
- (219) Laura Skilton [314.33a and 314.33b] has also requested amendments to Clause 1 of HRZ-R3 and MRZ-R3, as follows:
- "1. Activity status: Permitted*
- Where:*
- ...
- b. Outlook space of an existing adjacent dwelling is not in accordance with [HRZ-S9 or MRZ\_R3] for the adjacent site"*
- (220) Enviro NZ [323.45 and 52] seek an amendment to HRZ-R3 and MRZ-R3 to insert 'HRZ-S12 Waste Management' to the list of standards with which compliance needs to be achieved to be a permitted activity. The relief sought is based on the submitter's request in a separate submission point to include a new standard relating to waste management.
- (221) The submitter considers that new buildings and alterations can increase the need for waste storage and collection.

## **Residential activities (LLRZ-R4, MRZ-R4 and HRZ-R4)**

- (222) John Wadham [122.2] seeks clarification that LLRZ-R4 does not conflict with NES-MRU. The NES-MRU provides permitted standards for new minor residential units (previously referred to by the Government as 'Granny Flats').
- (223) Laura Skilton [314.35a and 314.35b] seeks amendments to HRZ-R4 and MRZ-R4 (Residential activities) so that a Prohibited activity status applies if the permitted activity standards are not complied with, rather than restricted discretionary on the basis of effects on adjoining properties are not adequately provided for.
- (224) Enviro NZ supports MRZ-R4 [323.046] and HRZ-R4 [343.053] in part. The submitter seeks an amendment to the matters of discretion, to include MRZ-S12 and HRZ-S12, Waste Management. They request on-site rubbish storage and collection standards should apply, as each dwelling needs to have either individual or communal rubbish storage area. Without requiring it at the start of the development process can impact on the quality and functionality of residential developments and lead to unsafe street environments when pedestrians and cyclists cannot navigate around bins.

## **4.5.2 Assessment**

### **General Submissions**

- (225) I disagree with the relief sought by Ian Peter Cassidy [207.5] seeking any redevelopment of an adjoining property involving an increase in intensity, dwelling size or height to be notified to the adjoining owners. Imposing this notification requirement conflicts with the Council's obligations to give effect to the NPS-UD which requires the Council to enable a variety of homes in urban environments and to provide sufficient development capacity to meet expected demand for housing over the short, medium, and long term. The MDRS precludes public notification of an application that relates to the construction and use of up to three residential units that do not comply with one or more of the density standards. Public and limited notification is precluded for applications for four or more residential units that comply with the density standards. These preclusions

have been incorporated into the PDP. On this basis, I recommend rejecting the relief sought.

### **Construction of new buildings and structures and alterations and additions to existing buildings and structures (Rules LLRZ-R3, MRZ-R3 and HRZ-R3)**

- (226) The support from Summerset [326.18a and 326.18b] is noted. I recommend accepting the relief sought.
- (227) I disagree with the relief sought by Loren Brown [500.1] seeking the MRZ rules apply to sites where there is an existing house and there is already a non-compliance with the LLRZ. The submitter has also sought the rezoning of a number of properties on Russo Terrace from LLRZ to MRZ, which I have addressed at paragraph **Error! Reference source not found.** Given the broader submission, I understand the submitter's request in relation to LLRZ-R3 is based on the existing site size which may be less than the anticipated 1000m<sup>2</sup> or more for the LLRZ, along with the scale of the existing building(s) on the site which mean the bulk and location standards listed in the rule could not be met even under the current state. While I acknowledge the concern raised by the submitter, I do not support the application of the MRZ standards in these situations. That approach would compromise the intended outcomes for the LLRZ which is to retain a lower density of development than in the MRZ and HRZ, and also in recognition of particular constraints that are present in the zone such as access for vehicles and pedestrians. Consistent with my recommendation to retain the LLRZ for the sites identified in the submission, I recommend retaining the LLRZ standards for sites where there is an existing non-compliance and rejecting the relief sought by the submitter.
- (228) I note the relief sought by Laura Skilton [314.34a and 34b], seeking a prohibited activity status if the permitted activity standards are not complied with for Rules HRZ-R3 and MRZ-R3. While this rule covers more than residential units, in my opinion a prohibited activity status is inappropriate where the relevant standards are breached as this does not provide for an effects-based assessment of a proposal. The standards set the parameters for development, but an individual proposal may provide suitable outcomes consistent with the objectives and policies of the zone.

The ability for this to be assessed through the consent process is appropriate, noting the Council can impose conditions or decline the consent if the effects are unacceptable. I consider the PDP provides an efficient and effective mechanism for assessing proposals on their merits. Accordingly, I recommend rejecting the relief sought.

(229) In regard to this submitter's points 314.33a and 314.33b, to amend rules HRZ-R3 and MRZ-R3 to include an additional standard relating to outlook space, I understand the intent of this relief is to address situations where development on an adjacent property blocks existing outlook space. The example provided in the submission is where an existing building has an outlook space of 4 metres, but another building on an adjacent property is built within that 4 metre outlook space. Rules MRZ-R3 and HRZ-R3 require the outlook standard to be complied with (along with the other listed standards) in order for a proposal to be permitted. Where the standard is not met, consent will be required as a restricted discretionary activity with the matters of discretion for non-compliance with the standard being:

- The planned character and planned urban built environment for the zone.
- The matters in policies:
  - Urban design outcomes 1 and 2 in MRZ-P12: Urban design outcomes by meeting standard or assessment, and
  - MRZ-P14: Urban design outcomes (exclusions).
- Any mitigation factors such as view or landscaping that compensates for a reduced outlook.
- Whether topographical or other site constraints make compliance with the standard impractical.
- Any positive effects that cannot be achieved while meeting the standard.

The Outlook Space standard is directly from the MDRS and cannot be amended to be more restrictive. In my opinion, the matters of discretion provide for a comprehensive assessment of non-compliance with the outlook standards on an adjacent site, including the effects on neighbouring properties. A proposal

would need to demonstrate how it is mitigating those effects for consent to be granted. Accordingly, I recommend rejecting the relief sought.

- (230) I acknowledge Enviro NZ submissions [323.45 and 52] which seek an amendment to HRZ-R3 and MRZ-R3 to insert 'HRZ-S12 Waste Management'. This relates to the submitters request to insert a new standard relating to waste management. I have addressed this issue at paragraphs (169) to (173) and for the same reasons I recommend rejecting the relief sought.

### **Residential activities (LLRZ-R4, MRZ-R4 and HRZ-R4)**

- (231) In response to John Wadham [122.2], I confirm that LLRZ-R4 does not conflict with the NES-DMRU. Clause 9 of the NES-DMRU provides that district plan rules and standards may be more lenient than the NES. More generally, national environmental standards prevail over conflicting district plan provisions unless the standard expressly allows for stricter or more lenient local rules. Accordingly, the NES-DMRU would override more restrictive district plan rules. I accept Mr Wadham's submission in part, as this outcome is provided for through the legislative framework.
- (232) Laura Skilton [314.35a and 35b] requests that the activity status is amended from restricted discretionary to prohibited where an activity does not meet the permitted activity standards. I acknowledge the submitters concerns in relation to standards being breached and the potential to cause effects on adjoining neighbours. However, I disagree that a breach of standard would always cause an adverse effect. Effects arising from a breach of standard are typically site specific and are influenced by scale, design, orientation and site context. The potential for adverse effects can be appropriately avoided, remedied or mitigated. I also note the Council has the ability to impose conditions on the consent or to decline the consent due to the adverse effects of the proposal. The Council is also required under the NPS-UD to enable sufficient development capacity to meet demand. Imposing a prohibited activity status where developments breach a standard would risk the Council not meeting this requirement. I consider a prohibited activity status is unreasonable and is neither efficient nor effective within a residential zone. I recommend rejecting the relief sought.

- (233) With regard to the relief sought by Enviro NZ [323.046 and 343.053] I have addressed this issue at paragraphs (157) to (161) and for the same reasons I recommend rejecting the relief sought.

### **4.5.3 Recommendations**

- (234) I recommend retaining LLRZ-R3, MRZ-R3, HRZ-R3, LLRZ-R4, MRZ-R4 and HRZ-R4 as notified.
- (235) I recommend accepting the relief sought by Summerset [326.18a and 326.18b].
- (236) I recommend rejecting the relief sought by Laura Skilton [314.33b, 314.33a, 214.34a, 314.34b, 314.35a and 35b], Enviro NZ [323.046, 343.053, 323.045 and 323.052], Loren Brown [500.1], Ian Peter Cassidy [207.5]
- (237) I recommend accepting in part the relief sought by John Wadham [122.2].

### **4.5.4 Section 32AA Assessment**

- (238) As I am not recommending any amendments to the residential building and land use rules addressed in this section of the report, a section 32AA assessment is not required.

## **4.6 Residential Activity Standards**

### **4.6.1 Matters raised**

#### **Number of residential units per site (MRZ-S1, HRZ-S1 and LLRZ-S1)**

- (239) FENZ [374.83 and 374.91] support MRZ-S1 and HRZ-S1 and seek that these standards are retained as notified. I note that the submitter supports this subject to relief requested in submission point 374.69 which seeks a new firefighting water supply standards set out at paragraph (285).
- (240) Go Architecture Ltd [331.20] seek that HRZ-S1 (Number of residential units per site) is amended to allow for more than three residential units per site. The submitter considers that this zone should allow for more units than the MRZ to be able to make use of the more lenient bulk provisions.

- (241) Ron Beernink and Glenda McCallum [303.20a] seek that the matter of discretion for HRZ-S1 is more directive that development cannot occur where three waters infrastructure capacity is not available (inferred from original submission).
- (242) Rowan Swain & Kim Weber-Swain [317.2a], Andrew Robinson and Robyn Robinson [380.2a] (and further submission from Kris Philip Connell [F03.1] in support) and Sensible Solutions for Eastbourne [383.2a] seeks to amend LLRZ-S2 clause (1) and (2) from 1,000m<sup>2</sup> to 600m<sup>2</sup>
- (243) Further to these submissions on LLRZ-S2 Rowan Swain & Kim Weber-Swain [317.3], Andrew Robinson and Robyn Robinson [380.3] and Sensible Solutions for Eastbourne [383.3] seek that, if the submission points seeking 600m<sup>2</sup> are not accepted, then HCC provide 100% enduring rates relief for the area above 1,000 m<sup>2</sup> or purchase that area, at the current market value, above 1,000m<sup>2</sup>.
- (244) Go Architecture Ltd [331.14] seeks to amend LLRZ-S1 to increase the gross floor area for minor residential units under this standard from 60m<sup>2</sup> to 70m<sup>2</sup>.

### **Building coverage standards (HRZ-S2, MRZ-S2 and LLRZ-S2)**

- (245) Summerset [326.20a and 326.20b] and FENZ [374.84a and 374.92a] support MRZ-S2 and HRZ-S2 and seek that these standards are retained as notified. FENZ relief sought is subject to their requested amendments relating to the erection of installation of emergency service tower or communication poles in the MRZ, HRZ, and LLRZ [374.70a, 374.70b, and 374.70c] being accepted (set out at paragraph (285)).
- (246) FENZ [374.76a] support LLRZ-S2 and seek it is retained as notified.
- (247) Laura Skilton [314.48a and 314.48b] opposes HRZ-S2 and MRZ-S2 (Building coverage) and requests the following amendment to this standard:
2. Does not apply to:
    - a. ~~Decks less than 500mm in height,~~
    - b. ~~All structures less than 1.2 metres in height, and~~
    - c. Any scaffolding or falsework erected temporarily for construction or maintenance purposes.

- (248) Reasons for this change include that decks should be included as they are often covered at a later date and this effectively increases roof area.
- (249) Go Architecture Ltd supports MRZ-S2 [331.17], HRZ-S2 [331.17] and LLRZ-S2 [331.15] in part. The submitter seeks that the standards are amended as follows:
- 2. 1 does not apply to*
- a. Decks less than 500mm 1m in height,..."*
- or**
- 2. 1 does not apply to*
- a. Decks less than 500mm 600mm in height,..."*
- (250) The reasons for this change include that this standard should not include decks less than 1m in height, and if this is not palatable then it should not be less than 600mm which would suit standard timber constructed houses.
- (251) Rowan Swain & Kim Weber-Swain [317.2b], Andrew Robinson and Robyn Robinson [380.2] and Sensible Solutions for Eastbourne [383.2a] seek to amend clause (1) of LLRZ-S2 to increase building and structure coverage to 50%.

### **Building height standards (HRZ-S3, MRZ-S3 and LLRZ-S3)**

- (252) FENZ [374.84b and 374.92b] support MRZ-S3 and HRZ-S3, subject to relief requested in submission 374.70, which seeks amendments to rules to allow emergency structures as a permitted activity (set out at paragraphs (285)).
- (253) FENZ [374.76b] support LLRZ-S3 and seek that it is retained as notified.
- (254) Summerset [326.20a and 326.20b] support MRZ/HRZ-S2, S3 and seek that these standards are retained as notified.
- (255) Ben Rumsey [283.1b and 283.3] seeks that in regard to the HRZ-S3, building heights are limited to three stories. Reasons include amenity and other effects of 6 storey height, majority of HRZ is single story and not compatible with the alluvial soil/aquifer in the valley.
- (256) Rowan Swain & Kim Weber-Swain [317.2c], Andrew Robinson and Robyn Robinson [380.2c] (and further submission from Kris Philip Connell [F03.4])

in support) and Sensible Solutions for Eastbourne [383.2c] seek to increase the height limit to 12m.

## **Height in relation to boundary standards (HRZ-S4, MRZ-S4 and LLRZ-S4)**

(257) Ben Rumsey [283.2] opposes HRZ-S4 (Height in relation to boundary) and seeks that this is amended to reduce the height of the recession plane at the boundary to 2.5m from 4.0m. Reasons for this amendment include that the submitter considers the proposed standard will impact neighbours excessively through denial of sunlight and will impose costs due to reduced thermal heating.

(258) Laura Skilton [314.49a and 49b] opposes HRZ/MRZ-S4, and seeks the following amendment:

*~~"1. Where up to 3 residential units occupy the site:~~*

*~~1. 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).~~*

*~~2. Where 4 or more residential units occupy the site:~~*

*~~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 metres vertically above ground level (as shown in the diagram HRZ-Figure 2), and b. For all other boundaries and the remainder of the side boundary, buildings and structures must not project beyond a 60° recession plane measured from a point 4 metres vertically above ground level (as shown in the diagram HRZ-Figure 2).~~*

*~~..."~~*

(259) The submitter considers the standard as drafted conflicts with HRZ-S1 and MRZ-S1 and the effects on adjacent sites are already adverse within the existing rules without increasing them for 4 or more units.

(260) This submitter also requests the following amendment [314.50a and 314.50b] to these standards:

*Amend clause (4) of the standard as follows:*

*"4. 1, 2 and 3 do not apply to:*

*a. A boundary with a road if the road reserve is more than 12m wide,  
..."*

(261) Reasons for this include that sunlight planes will affect houses on the opposite side of the road if the road reserve is narrow.

(262) Kāinga Ora [386.46] supports HRZ-S4 in part, and seeks the following amendments:

*Amend policy as follows:*

*"1. Where up to 3 residential units occupy the site:*

*~~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 HRZFigure 2).~~*

*Where residential units occupy the site:*

*a. For the first 22m of a site side boundary as measured from the road frontage, buildings must not project beyond a 60° recession plane measured from a point 19m vertically above the ground level; and*

*b. For all other boundaries and the remainder of the side boundary, buildings and structures must not project beyond a 60° recession plane measured from a point 8 metres vertically above ground level.*

*~~2. Where 4 or more residential units occupy the site:~~*

*~~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 metres vertically above ground level (as shown in the diagram HRZ-Figure 2), and~~*

*~~b. For all other boundaries and the remainder of the side boundary, buildings and structures must not project beyond a 60° recession plane measured from a point 4 metres vertically above ground level (as shown in the diagram HRZ-Figure 2).~~*

Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the height in relation to boundary applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way.

3. Despite 2 above..."

(263) Rowan Swain & Kim Weber-Swain [317.2d], Andrew Robinson and Robyn Robinson [380.2d] and Sensible Solutions for Eastbourne [383.2d] seek to replace the LLRZ-S4 with the equivalent requirement in the Operative District Plan.

(264) The Policy Planning Team of the Hutt City Council [440.65a and 440.66a] seek minor amendments to LLRZ-S4(2) and LLRZ-S4(3)(e) to fix typographical errors, as follows:

(2) Where the boundary forms part of ~~part~~ of a legal right of way...

(3)(e) Chimney Structures not exceeding 1.1m in ~~with~~ width on any elevation...

(265) Policy Planning Team of the Hutt City Council [440.66b] seek minor amendments to HRZ- to fix typographical errors, as follows:

(3) (e) Chimney Structures not exceeding 1.1m in ~~with~~ width on any elevation

### **Setback standards (MRZ-S5, HRZ-S5 and LLRZ-S5)**

(266) Go Architecture Ltd [331.18 and 331.16] supports LLRZ-S5, MRZ-S5 and HRZ-S5 in part, and seeks that the standard is amended as follows:

4. *This standard does not apply to*

...

b. *decks less than ~~500mm~~ 1m in height,...*

**or**

"4. *This standard does not apply to*

...

b. *decks less than ~~500mm~~ 600mm in height,...*

(267) FENZ [374.77, 374.85 and 374.93] support LLRZ-S5, MRZ-S5 and HRZ-S5 in part and seek the addition of a new matter of discretion as follows:

*x. The ability for emergency services to safely and efficiently access the site.*

(268) Kāinga Ora [386.47] support HRZ-S5 as it relates to side and rear yards, however seeks amendments to the front yard setback on the basis the HRZ has a more urbanised character. The following amendment is sought:

*1. Buildings and structures shall be setback from the relevant boundary by the minimum depth listed below:*

*a. ~~Front yard: 1.5m~~*

*b. Side yard: 1m*

*c. Rear yard: 1m...*

(269) Lisa Caddis [252.1] seeks to delete LLRZ-S5.2 or amend the wording to allow accessory buildings to be built up to the front boundary within the LLRZ. The submitter considers that this additional setback for garages will result in unnecessary delays and costs to landowners, particularly for any replacements of existing structures or accessory buildings within front yards.

(270) Rowan Swain & Kim Weber-Swain [317.2d], Andrew Robinson and Robyn Robinson [380.2d] and Sensible Solutions for Eastbourne [383.2d] seek to replace the LLRZ-S5 with the equivalent setback requirement in the Operative District Plan.

### **Landscaped Area (LLRZ-S7)**

(271) Rowan Swain & Kim Weber-Swain [317.2d], Andrew Robinson and Robyn Robinson [380.2d] and Sensible Solutions for Eastbourne [383.2d] seek to replace the LLRZ-S7 with the equivalent landscaped area requirements in the Operative District Plan.

### **Permeable surface (MRZ-S7, HRZ-S7 and LLRZ-S6)**

(272) Ron Beernink and Glenda McCallum [303.21] seek that clause 1 of HRZ-S7 is amended to increase the minimum threshold for taller buildings, e.g 10%

increase per level (over two levels). Reasons for this change include that the minimum permeable surface area of a site should not just reflect the ground size but also the height of the development.

- (273) Laura Skilton [314.51a and 51b] opposes HRZ/MRZ-S7 (Permeable surface) and requests the following amendment:

*Amend standard as follows:*

*"1.The minimum permeable surface area of a site is 30%. Side yards between two adjacent buildings are excluded from this calculation.*

*Matters of discretion if the standard is breached:*

*...*

*~~4.Any positive effects that cannot be achieved while meeting the standard.~~*

*4. The height and proximity of other buildings, and the effect these have on rain direction with wind."*

- (274) This change is sought on the basis the proximity to adjacent features will reduce the effectiveness of side yards for permeable surfaces.
- (275) The submitter [314.52a and 314.52b] also seeks that the standards be amended to delete matters of discretion, and if the standard is breached it is a Prohibited activity. Reasons for this change include the effects on the stormwater system in a large rain event.
- (276) Kāinga Ora [386.32 and 386.48] opposes MRZ/HRZ-S7 and seeks that this standard is deleted. Reasons for this include that the landscaped area rule (as required by the MDRS) provides adequate control).

## **Outdoor living space (MRZ-S8 and HRZ-S8)**

- (277) Laura Skilton [314.53a and 53b] opposes HRZ-S8 (Outdoor living space) and requests the following amendments:

*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, and/or roof terrace space that*

*.....*

*2.A residential unit located above ground floor level must have an outdoor living space in the form of a balcony, patio, and/or roof terrace that:*

*a. Is at least 8 square metres and has a minimum dimension*

of 1.8 metres,

b. Is accessible from the residential unit,

~~c. May be:~~

~~i. Grouped cumulatively by area in 1 communally accessible location, in which case it may be located at ground level, or~~

~~ii. Located directly adjacent to the unit.~~

(278) The submitter considers the standard implies that a unit above ground level can have no balcony, patio or roof terrace.

(279) Go Architecture Ltd [331.23] support HRZ-S8 in part, and seek the following amendment:

"1. ...

~~a. Where located at ground level, has no dimension less than 3 metres, can contain a circle with a diameter of at least 3m.~~

**or**

"...can contain two circles with a diameter of at least 3m and that do not overlap."

(280) The submitter considers the HRZ should have more lenient rules and measuring with a circle enables good quality outdoor living, but provides some flexibility in design.

## **Outlook space (MRZ-9, HRZ-S9)**

(281) Laura Skilton [314.54a and 314.54b] opposes HRZ-S9 and MRZ-S9. This submitter seeks that the standard is amended to add a new clause as follows:

"Outlook space for residential units on adjacent sites must be maintained to provide the minimum depth as shown in the diagram HRZ-Figure 3 for all windows on the adjacent site."

(282) This submitter [314.55a and 314.55b] also opposes and seeks the following amendments to MRZ-S9 and HRZ-S9:

*Amend clause (2a) of the standard as follows:*

*b. All other habitable rooms must have an outlook space with a minimum dimension of ~~1m~~ 2m deep and 1m wide."*

## Windows to street (MRZ-S10 and HRZ-S10)

- (283) Go Architecture [331.24 and 314.19], seeks that HRZ-S10 and MRZ-S10 are amended as follows:
- Limit the standard to apply to facades within 10m of the road boundary and visible due to the topography (or potentially visible) from the roadway.
  - Reduce the glazing requirement to 10% or 15% on south-facing facades, or within 45 degrees of south.
  - Include exclusions for alterations to existing buildings which already have less than 20% glazing facing the road.
  - Allow for existing buildings to have the same percentage as the existing glazing percentage.
- (284) The submitter considers the standards do not make sense when applied to many situations that are not new townhouses. Examples include if a house is 20m away from the boundary, up a cliff, or south facing. This submitter notes that the standard limits housing design and inhibits ensuring healthy homes designed to suit the sun.

## New standards sought

### Fire Fighting Water Supply Standards

- (285) FENZ have sought the insertion of new firefighting water supply standards in the MRZ, HRZ and LLRZ chapters [374.69a, 374.69.b and 374.69c]. FENZ want the PDP to allow FENZ to operate effectively and efficiently to save lives and property in the event of a fire, with this being achieved through compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ 4509:2008.
- (286) The standards are proposed to read as follows:
- LLRZ-SX/MRZ-SX/HRZ-SX Firefighting water supply*
- Activity status: Permitted*
- a) Where a connection to a publicly owned reticulated water supply systems is available, all new allotments must:*

*i. Be provided with a water supply connection at the allotment boundary, that meets the requirements of the Wellington Water Regional Standard for Water Services December 2021 (Chapter 6, Tables 6.1 and 6.2), and*

*ii. Comply with water supply requirements in the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.*

*b) Where a connection to a publicly owned reticulated water supply systems is not available, all allotments must:*

*i. Be provided with access to a self-sufficient ii. potable water supply with a minimum volume of 10,000L, and*

*ii. Comply with the water supply requirements of the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.*

*Matters of discretion:*

- 1. The extent to which the proposed water supply is sufficient for the development or activity it serves.*
- 2. The suitability of the proposed water supply for fire-fighting purposes. including effects on people's health and safety, and on property.*
- 3. Where a publicly owned reticulated system is not immediately available, but is likely to be in the near future, the appropriateness of temporary systems.*
- 4. Whether any site constraints make compliance impracticable.*
- 5. Any resulting changes to the level of service provided to other properties in that part of the network.*

(287) FENZ [374.70a, 374.70b and 374.70c] seeks the insertion of an exemption from the building height, height in relation to boundary and setback standards for all zones, to provide for the erection of an emergency service tower or communication pole up to 15m in height on sites occupied by emergency services facility. This report addresses this submission insofar as it relates to the residential zones.

(288) The exemption wording is proposed to read as follows:

*Exemption from the Building height (XXXZ-SX), Height in relation to boundary (XXXZ-SX) and Setbacks (XXXZ-SX) standards: The erection or installation of an emergency service tower or communication pole, up to a height of no more than 15m, associated with an emergency services facility.*

### Waste management

- (289) Enviro NZ [323.048, 323.055 and 323.052] has requested a new standard to be inserted as MRZ-S12 Waste Management and HRZ-S12 Waste Management. The proposed wording is as follows:

#### *MRZ-S12/HRZ-S12 Waste Management*

*1. Each independent dwelling unit shall provide a waste management area with a minimum area of 1.5m<sup>2</sup> and a minimum dimension of 1 metre in any direction, except:*

*a) Where a communal waste management area is provided to accommodate bulk collection from within the site;*

*2. Waste management areas must be screened so they are not visible from a legal road, ground floor of adjoining residential sites, and open space zones;*

*3. Waste management areas must not encroach onto driveways, manoeuvring areas, parking, and outdoor living areas and be accessible for residents to get to the kerb without stairs or steep gradients.*

*4. A kerbside space of 1m per dwelling is available without impeding the footpath*

- (290) The submitter seeks the inclusion of waste standards in the medium and high-density residential zones, which allow for 3 dwellings as a permitted activity. A standard is required to ensure higher density residential development provides adequate waste and recycling bin storage. The submitter notes that bin storage is often overlooked due to tight building envelopes, leading to negative impacts on amenity and health, and safety. A standard would ensure bin areas are adequately sized, screened from roads and entrances, safely accessible without steep slopes or stairs, and positioned so bins do not block driveways or footpaths.

- (291) In addition to this, Enviro NZ request consequential amendments to Rule HRZ-R4 [323.053] and MRZ-R3 [323.045] to include the following wording to the list of standards that compliance must be achieved to be a permitted activity

## 4.6.2 Assessment

### Number of residential activities (MRZ-S1, HRZ-S1 and LLRZ-S1)

- (292) I disagree with the submissions from Rowan Swain & Kim Weber-Swain [317.2a], Andrew Robinson and Robyn Robinson [380.2a] (and further submission from Kris Philip Connell [F03.2] in support) and Sensible Solutions for Eastbourne [383.2a] seeking to amend LLRZ-S2 (1) and (2) from 1,000m<sup>2</sup> to 600m<sup>2</sup>. The proposed number of residential units per site being 1 per 1000m<sup>2</sup> has been carried over from the equivalent ODP zoning. I acknowledge there were exemptions to this rule under the ODP for site specific lots (600m<sup>2</sup>, 2,000m<sup>2</sup> and 543m<sup>2</sup>). I have reviewed the specific sites and confirm that these were specific exemption to two lots. This does not set a precedent for smaller lots in the LLRZ.
- (293) The LLRZ provides for a lower level of development than the other residential zones, in order to respond to the development constraints within the zone and to contribute to a more compact urban form.
- (294) I have reviewed a sample of subdivision consents in the Hill Residential Activity Area of the ODP for the last 10 years which demonstrated that while there are instances of subdivision in these zones with lot sizes less than 1000m<sup>2</sup>, these are limited. The majority of subdivision consents yield lots over 1000m<sup>2</sup> in approximately 65% of the consents reviewed. A further 10% were between 600-1000m<sup>2</sup>. The remainder were lots under 600m<sup>2</sup>. This analysis suggests that the lot size for the LLRZ is working well, and consents are still granted in some instances for smaller lot sizes. It should be noted I have not reviewed the detail of these consents to understand what factors supported a smaller lot size.
- (295) I have also reviewed other District Plans that have applied the LLRZ to compare the HCC PDP minimum lot size approach with that of comparable district plans, as shown in Table 3. This review suggests that the minimum lot size in the LLRZ in the HCC PDP is more permissive

compared with most of these plans where a lower density is anticipated than in Hutt City.

*Table 3 Examples of Large Lot Residential Zone minimum lot sizes in comparable District Plans*

District Plan	Large Lot Residential Zone min. allotment size
Wellington City District Plan 2024	3,500m <sup>2</sup>
Horowhenua District Plan 2015	2000-4000m <sup>2</sup> (allotment size varies within the zone depending on location and servicing status)
Proposed Napier City District Plan (Appeals Version 2026)	1000m <sup>2</sup> net site area, with a minimum average net site area of 3000m <sup>2</sup>
Proposed Waikato District Plan	2,500m <sup>2</sup> minimum net site area

- (296) Based on this assessment, I do not recommend any amendments to the minimum lot size/density standards for the LLRZ and I recommend rejecting the submission points from Rowan Swain & Kim Weber-Swain [317.2a], Andrew Robinson and Robyn Robinson [380.2a] (and further submission from Kris Philip Connell [F03.1] in support) and Sensible Solutions for Eastbourne [383.2a]
- (297) Go Architecture Ltd [331.14] seeks to amend LLRZ-S1 (3) to increase the gross floor area for minor residential units from 60m<sup>2</sup> to 70m<sup>2</sup>. I have reviewed the National Environmental Standards for Detached Minor Residential Units (NES-DMRU) which provides a floor area of 70sqm as a permitted standard. As such, I agree with the submitter and recommend amending LLRZ-S1(3) for a minor residential unit to have a gross floor area of 70sqm or less. I disagree with the relief sought by Ron Beernink and Glenda McCallum [303.20b] that the matter of discretion for HRZ-S1 should be more directive that development cannot occur where three waters infrastructure capacity is not available. Consideration of infrastructure capacity is addressed during the consenting stages. This allows an assessment on a case-by-case basis, noting that site-specific solutions

can be applied to address servicing constraints. As such, I recommend rejecting the submission.

- (298) I disagree with the relief sought by Go Architecture Ltd [331.20] to allow for more than three residential units per site. This standard is directly from the MDRS, and while the Council can be more lenient than the MDRS, I consider it is appropriate that the permitted baseline provides for up to 3 residential units, and that additional units are assessed on their merits in the context of the site to ensure appropriate consideration of effects of residential amenity and other matters. . As such, I recommend rejecting the relief sought.

### **Building coverage (LLRZ-S2, MRZ-S2 and HRZ-S2)**

- (299) The submission from FENZ [374.76a] in support of LLRZ-S2 is noted. In the evaluation below on other submissions on these standards I am recommending changes to these provisions therefore these submissions are recommended to be accepted in part.
- (300) The proposed standards for building coverage is a roll over from the ODP. The 50% building coverage standard is also from the MDRS. The exemptions contained within the rule are derived from the definition of 'Building' in the ODP.
- (301) The building coverage standards are primarily addressing residential amenity effects, such as bulk, dominance, shading and privacy, and meets the outcomes listed in policies (LRZ-P4, MRZ-P12 and HRZ-P12).
- (302) The submissions from FENZ [374.84a and 374.92a] and Summerset [326.20a and 326.20b] supporting MRZ-S2 and HRZ-S2 and seeking they are retained as notified is noted. I recommend accepting in part these submissions as I am recommending amendments to these standards in response to other submissions.
- (303) In regard to Laura Skilton's submission points [314.48a and 314.48b], requesting that smaller scale structures and decks are not excluded from this rule, it is considered appropriate for smaller-scale (in height) structures to be excluded from this standard given the limited effects they have in this regard. Other standards contained in the residential chapters such as permeable surface and landscaping standards also apply and would address both amenity and stormwater effects from any excluded

decks or structures. Therefore I recommend rejecting the relief sought by the submitter.

- (304) I agree with the relief sought by Go Architecture [331.21, 331.17 and 331.15] to increase the height of decks that are exempt from the standard to those less than 1 metre in height. I consider this height to be reasonable as the effects of these small-scale and lower height decks are unlikely to result in effects that detract from the amenity of the site and surrounding environment. I have also reviewed the WCC District Plan and Porirua District Plan and this amendment is consistent with those plans. As such, I recommended amending the wording to a. Decks less than ~~500mm~~ 1m in height".
- (305) I disagree with the relief sought by Rowan Swain & Kim Weber-Swain [317.2b], Andrew Robinson and Robyn Robinson [380.2b] (and further submission from Kris Philip Connell [F03.3] in support) and Sensible Solutions for Eastbourne [383.2b], seeking to increase building coverage from 35% to 50%. For the LLRZ, a building coverage standard of 35% is appropriate given the intent of the LLRZ to be a lower density and building form compared to the MRZ and HRZ. The LLRZ reflects that there may be constraints to development on these sites, and a lower density of development is more appropriate than in other areas. This effectively continues the existing site coverage standard of the ODP for the most equivalent PDP zone. I recommend rejecting the submission point as it does not align with the policy direction of the LLRZ.

### **Building height (LLRZ-S3, MRZ-S3 and HRZ-S3)**

- (306) The submissions from Summerset [326.20a and 326.20b] and FENZ [374.76b, 374.84b and 374.92b] in support of LLRZ-S3, MRZ-S3 and HRZ-S3 are noted. In the evaluation below on other submissions on these standards I am recommending no change to these provisions therefore these submissions are recommended to be accepted.
- (307) In regard to Ben Rumsey's submission point [283.1b] requesting that heights in the HRZ are limited to three storeys, as set out in paragraphs (80) and (81), the Council is required to implement the MDRS and the NPS-UD. The building height standard of 11 metres for the MRZ is directly from the MDRS, which the Council is required to apply in the PDP without change. The building height standard for the HRZ (in simple terms, 22m

with a couple of exceptions) is 22m in response to the requirement of Policy 3 of the NPS-UD to enable building heights of at least 6 storeys within at least a walkable catchment of existing and planned rapid transit stops, the edge of city centre zones and the edge of metropolitan centre zones. As such, I recommend rejecting the relief sought.

- (308) In regard to Rowan Swain & Kim Weber-Swain [317.2c], Andrew Robinson and Robyn Robinson [380.2c] (and Kris Philip Connell [F03.1]) and Sensible Solutions for Eastbourne [383.2c] a building height of 8 metres is considered appropriate given the intent of LLRZ. This zone anticipates a lower density of development on sites that have development constraints and a lower building height than other areas is appropriate. I recommend rejecting the relief sought.

### **Height in relation to boundary (LLRZ-S4, MRZ/HRZ-S4)**

- (309) I acknowledge the concerns raised by Ben Rumsey [283.2] in relation to HRZ-S4. However, under the MDRS, Council is required to include this standard without change, unless a qualifying matter applies as set out in section 2.8.1 of this report.
- (310) In terms of the relief sought by Laura Skilton [314.49a and 49b], I am unclear what specific amendments are sought to MRZ-S4 as the drafting changes provided by the submitter only relate to HRZ-S4, which differs from MRZ-S4. Accordingly, I can only comment on the changes sought to HRZ-S4. In any case, the MRZ-S4/ HRZ-S4 is directly from the MDRS, which the Council must apply in the PDP. The PDP cannot be more restricted than the MDRS, unless a qualifying matter applies. Accordingly, I recommend rejecting the relief sought.
- (311) I disagree with the amendments to HRZ-S4 sought by Kāinga Ora [386.46]. In my opinion the notified standard strikes the right balance between providing for additional height as anticipated within the zone, while supporting good design and amenity outcomes in the HRZ. On this basis, I recommend rejecting the relief sought.
- (312) I note the request by Rowan Swain & Kim Weber-Swain [317.2d], Andrew Robinson and Robyn Robinson [380.2d] and Sensible Solutions for Eastbourne [383.2d] to replace LLRZ-S4 with the equivalent requirement in the ODP. Both the Hill Residential Activity Area and Landscape Protection

Area of the ODP apply a recession plane standard (4D2.1.1.c and 4E2.1.1.d respectively) as follows:

*For all buildings and structures, and from all site boundaries:*

*2.5m + 45°*

- (313) LLRZ-S4 applies the same metrics, albeit with additional clauses to clarify how the standard applies (or not) in certain circumstances which I consider is necessary to provide clarity to plan users. Accordingly, I recommend accepting in part the relief sought by Rowan Swain & Kim Weber-Swain, Andrew Robinson and Robyn Robinson, and Sensible Solutions for Eastbourne [383.2d] these submitters.
- (314) I agree with the relief sought by the Policy Planning Team of Hutt City Council [440.65a and 440.66a]. The amendments to clauses 2 and 3 of LLRZ-S4 will provide drafting clarity. I recommend accepting the relief sought.

### **Setbacks (LLRZ-R5, MRZ-S5 and HRZ-S5)**

- (315) I agree with the alternative relief sought by Go Architecture Ltd [331.18 and 331.16] to amend LLRZ-S5, MRZ-S5 and HRZ-S5 to increase the height of decks that are excluded from the setback requirements to 600mm. The purpose of the setback standards is to ensure a level of privacy for adjoining properties and a 1 metre high deck within the required setbacks could compromise this intent. In situations where the deck is more than 600mm I consider it is appropriate to assess the effects of the additional height. I note I have addressed similar relief from this submitter in relation to the building coverage standard at paragraph (304) where I recommended increasing the exemption for decks from 500mm to 1 metre. The context for that standard differs, where the focus is on managing building bulk on-site amenity effects. I recommend accepting in part the relief sought.
- (316) In regard to the relief sought by FENZ [374.77, 374.85 and 374.93], I have addressed this matter in relation to Policy MRZ-P13/HRZ-P13 at paragraph (193) and I consider the same comments apply. For the same reasons, I recommend rejecting the relief sought.
- (317) I disagree with the relief sought by Kāinga Ora [386.47] seeking the removal of the front yard setback in the HRZ. A front setback is required to

ensure the building maintains the streetscape and visual amenity effects (dominance, privacy and shading effects on adjoining sites) of the zone. For these reasons I recommend rejecting the submission point.

- (318) I acknowledge the submission from Lisa Caddis [252.1] seeking the deletion of LLRZ-S5 or amendments to the wording to allow accessory buildings to be built up to the front boundary. The proposed setback provision for garages or carports aligns with the core characteristics and amenity values of the LLRZ. This standard supports the policy direction which seeks to achieve low building density and generous spaces surrounding buildings. Removing this additional setback for garages and carports would allow a higher density of development, which conflicts with the purpose of this zone. I recommend rejecting the submission point as it does not align with the policy direction of the LLRZ.
- (319) Rowan Swain & Kim Weber-Swain [317.2d], Andrew Robinson and Robyn Robinson [380.2d] and Sensible Solutions for Eastbourne [383.2d] seek the replacement of LLRZ-S5 with the equivalent standard in the ODP. The Hill Residential Activity Area and the Landscape Protection Activity Area of the ODP both apply the same setbacks as the LLRZ in the PDP. As such no change is required to the standard and I recommend accepting the relief sought.

### **Landscaped area (LLRZ-S7)**

- (320) Rowan Swain & Kim Weber-Swain [317.2d], Andrew Robinson and Robyn Robinson [380.2d] and Sensible Solutions for Eastbourne [383.2d] seek the replacement of LLRZ-S7 with the equivalent ODP standards. Neither the Hill Residential Activity Area or the Landscape Protection Activity Area of the ODP include a standard requiring an area of landscaping on a site. However, I consider this standard is appropriate to apply in the LLRZ as it is consistent with the planned character and amenity for the zone. I recommend rejecting the relief sought.

### **Permeable surface (MRZ-S7 and HRZ-S7)**

- (321) In regard to Rod Beernink and Glenda McCallum's relief sought [303.21] to increase the minimum permeable threshold for taller buildings, I understand the submitter considers that permeability should take into account both footprint and the height of a building.

- (322) Permeable surface standards address stormwater control only and the height of a building does not impact this calculation rather it is the footprint of the surfaces on the site that is the focus. Therefore, I recommended rejecting the relief sought.
- (323) In regard to Laura Skilton's submission points [314.51a and 314.51b] to exclude side yards from permeable surface calculation, I disagree with this viewpoint as there is no evidence to support this. The permeable surfaces calculation is over an entire site, and there is no benefit to include or exclude certain yard areas when the calculations consider the entire site.
- (324) Furthermore, I disagree with the request to delete the matter of discretion 4 and replace it with 'The height and proximity of other buildings, and the effect these have on rain direction with wind'. The height and proximity of surrounding buildings, and the effect these have on rain direction in combination with wind, are not directly relevant to the performance of permeable surfaces. I assume the submitter is concerned with the potential for taller buildings to influence wind patterns and redirect rainfall; however, the effectiveness of permeable surfaces is determined by ground-level and roof level conditions and the capacity for water to infiltrate to ground or be captured to be discharged into reticulated services, rather than the height or scale of surrounding buildings. As such, including building height as a consideration in this context is unnecessary.
- (325) In regard to the other points raised by Laura Skilton [314.52a and 314.52b], which request a non-compliance with this standard to be a prohibited activity, this is not considered appropriate. The permeable surfaces standard works in conjunction with other standards in the PDP, primarily in the Three Water's Chapter to control stormwater effects from new development. There may be instances where stormwater effects are adequately mitigated through other means, therefore making a non-compliance with the permeable standard acceptable. It is considered appropriate that the effects resulting from a non-compliance with the permeable standard can be adequately assessed through a resource consent process and a prohibited activity status is unreasonable. Accordingly, I recommend rejecting the relief sought.

(326) In regard to Kāinga Ora's submission points [386.32 and 386.48], seeking the permeable surfaces standard to be deleted, I do not consider this to be appropriate. The submitter refers to the landscape area rule as sufficiently covering the permeable surface area. However, the landscaping standard does not provide sufficient control over stormwater effects. For example, the landscaping standard can include tree canopies regardless of the ground treatment below and its impact on permeability. The landscaping standard is focussed more on amenity, and as such it is considered appropriate to retain the permeable surfaces standard in conjunction with the landscaping standard. This ensures that development in the residential zones adequately considers the effects on stormwater and surface flooding.

### **Outdoor living space (MRZ-S8 and HRZ-S8)**

(327) The outdoor living space standards are a required density standard from the MDRS which was implemented under PC56. The MDRS must be implemented in the PDP without change, unless the PDP standard is more lenient than the MDRS or a qualifying matter applies. On this basis, the changes sought to MRZ-S8 and HRZ-S8 by Laura Skilton [314.53a and 314.53b] cannot be made and I recommend rejecting the relief sought.

(328) In relation to the relief sought by Go Architecture Ltd [331.23] to amend HRZ-S8 to be more lenient, Ms Moore has provided an assessment at paragraphs 4.37 to 4.43 of her evidence, comparing the relative benefits and trade-offs between the notified standard, requiring that no dimension is less than 3 metres, and that suggested by the submitter being a circle with a diameter of at least 3 metres. I consider there is merit in the submission. While the notified standard comes directly from the MDRS, the change sought by the submitter would make the standard more lenient, which is provided for by the MDRS. Accordingly, I recommending accepting the relief sought, and amending HRZ-S8 as follows:

"1. ...a. Where located at ground level, ~~has no dimension less than 3 metres,~~ can contain a circle with a diameter of at least 3 metres.

## **Outlook space (MR-S9 and HRZ-S9)**

- (329) The outlook space standards are required density standards from the MDRS which was addressed under PC56. For the same reasons outlined in paragraph (327), I recommend rejecting the relief sought by Laura Skilton [314.54a, 314.54b, 314 55a and 314.55b].

## **Windows to street (MRZ-S10 and HRZ-S10)**

- (330) I acknowledge the submission by Go Architecture [331.24 and 331.19] raising concern that the windows to street standard could be overly restrictive in circumstances where achieving the outcomes would be excessive or unnecessary. The submission raises potential merit in seeking greater flexibility in the application of the glazing standards in HRZ-S10 and MRZ-S10, particularly in response to site-specific factors such as orientation, topography, setback, and existing building form. However, the extent of relief sought is not considered appropriate as a blanket amendment to the standards, as it may undermine the consistency and certainty of achieving active street frontage outcomes across the zones.
- (331) While the concerns identified are valid in some circumstances, these are more appropriately addressed on a case-by-case basis, where site constraints and design responses can be fully evaluated. A resource consent pathway provides an efficient and effective mechanism to assess whether reduced glazing or exemptions are justified in specific situations, while still enabling the intent of the standard to be achieved where appropriate. Accordingly, the relief is recommended to be accepted in part, with reliance on discretionary assessment rather than broad rule amendments.

## **New standards sought**

- (332) FENZ [374.69a, 374.69.b and 374.69c] seek a new standard in the three residential chapters relating to firefighting water supply. I consider this submission point is more appropriately considered as part of the Three Waters chapter, where FENZ has made similar submission points, and will be addressed in the Officer's report for that topic scheduled for later in 2026. On this basis I make no recommendation on these submission points.

(333) FENZ [374.70a, 374.70b and 374.70c] also seek an exemption from the building height, height in relation to boundary, and setback standards for emergency service towers and communication poles up to 15 metres in height on sites occupied by emergency services facilities. I note these structures would be permitted in the HRZ where a 23m height limit applies. In the LLRZ and MRZ the height restriction is 8 metres or 11 metres respectively. Anything greater than this height requires resource consent as a restricted discretionary activity. In my opinion, it is appropriate to exempt these structures where they are ancillary to an emergency service facility on the same site and requiring resource consent for these critical facilities is inefficient. I recommend accepting the relief sought and adding the following text to MRZ-S3/LLRZ-S3, MRZ-S4/LLRZ-S4, and MRZ-S5/LLRZ-S5:

*This standard does not apply to:*

*1. The erection or installation of an emergency service tower or communication pole, up to a height of 15 metres, associated with an emergency services facility on the same site.*

(334) Enviro NZ [323.048, 323.055 and 323.052] has requested a new waste management standard to ensure that developments are provided with adequate waste and recycling.

(335) The ODP and PDP address waste management for residential development of 10 or more units. The submitter is seeking a standard for waste for all residential activities. I have addressed similar submission points from Waste Management NZ at paragraphs (169) to (173). For the same reasons I do not support the relief sought.

(336) Accordingly, I do not support the amendments sought by Enviro NZ to include MRZ-S12 Waste Management as a standard to be complied with.

### **4.6.3 Recommendations**

(337) I recommend accepting the relief sought by Go Architecture Ltd [331.14] and amending LLRZ-S1 as follows:

LLRZ-S1 Number of residential units per site

...

3. For the purpose of this standard, a minor residential unit is a residential unit with a gross floor area of ~~60~~70m<sup>2</sup> or less.

...

(338) I recommend accepting the relief sought by FENZ [374.70a, 374.70b and 374.70c] and amending MRZ-S3/LLRZ-S3, MRZ-S4/LLRZ-S4, and MRZ-S5/LLRZ-S5 to exempt emergency structures where they are ancillary to an emergency service facility on the same site.

(339) I recommend accepting in part the relief sought by Go Architecture [331.15, 331.17, and 331.21]

(340) I recommend accepting in part the relief sought by Go Architecture [331.16, 331.18, and 331.22]

(341) I recommend accepting in part the relief sought by Go Architecture [331.23] and amending HRZ-S8 (Outdoor living space) as follows:

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, or roof terrace space that:

....

- a. Where located at ground level, ~~has no dimension less than 3 metres,~~ can contain a circle with a diameter of at least 3 metres.

(342) I recommend accepting the relief sought by Policy Planning Team of Hutt City Council [440.65a and 440.66a] and amending Clause 2 and 3 of LLRZ-S4:

2. Where the boundary forms part of ~~part of~~ a legal right of way...

3. Chimney Structures not exceeding 1.1m in ~~with~~ width on any elevation...

(343) I recommend accepting the relief sought by Policy Planning Team of Hutt City Council [440.66c] and amending Clause 4(e) of HRZ-S4:

4(e) Chimney Structures not exceeding 1.1m in ~~with~~ width on any elevation...

- (344) I recommend accepting in part the relief sought by Rowan Swain & Kim Weber-Swain [317.2d], Andrew Robinson and Robyn Robinson [380.2d] (and further submission from Kris Philip Connell [F03.5]) and Sensible Solutions for Eastbourne [383.2d].
- (345) I recommend rejecting submission points from:
- Rowan Swain & Kim Weber-Swain [317.2a, 317.2a, 317.2b317.2c]
  - Andrew Robinson and Robyn Robinson [380.2a, 380.2b, 380.2c] and further submissions Kris Philip Connell [F03.2, F03.3 and F03.4]
  - Sensible Solutions for Eastbourne [383.2a, 383.2b, 283.1b, 383.2c]
  - FENZ [374.85, 374.93,
  - Kāinga Ora [386.47, 386.32 and 386.48], Lisa Caddis [252.1],
  - Rod Beernink and Glenda McCallum [303.21]
  - Laura Skiltons's [314.52a, 314.52b, 314.53a, 314.53b, 314.54a, 314.54b, 314.55a and 314.55b],
  - Ben Rumsey [282.1b, 283.2 and 283.3]
  - Go Architecture [331.20 and 331.23] and
  - Enviro NZ [323.048, 323.046,323.052, 323.053, 323.055 and 323.045]
- (346) I recommend accepting submission points from Summerset [326.20a and 326.20b].
- (347) I recommend accepting in part submission points from FENZ [374.84a and 374.92a] and Go Architect [331.24 and 331.19]
- (348) I make no recommendation on the following FENZ submission points [374.69a, 374.69b and 374.69c].

#### **4.6.4 Section 32AA Assessment**

- (349) The recommendation to amend Standard LLRZ-S1 is considered the most appropriate way to achieve the objectives of PDP because it aligns with new national direction, being the NES-DMRU, and clarifies the permitted size of minor residential units in the LLRZ. Aligning with the NES-DMRU in

this way improves the efficiency and effectiveness of the PDP by reducing unnecessary regulation and the associated time and costs.

- (350) The recommended amendment to exempt emergency service towers or communication poles, up to 15m from the building height, setback and height in relation to boundary standards, where they are ancillary to an emergency service facility on the same site is the most appropriate way to achieve the objectives of the PDP because it recognises the critical importance of these ancillary activities for the functioning of the emergency service facility. While there may be some cost in terms of loss of residential amenity for adjoining sites, I consider these are limited in terms of scale as emergency service facilities are typically strategically located for access on large sites where these effects can be absorbed more readily.
- (351) I consider the recommended amendments to increase the height of decks exempt from the building coverage and setback standards are the most appropriate way to achieve the objectives of the PDP because these decks are low-scale and unlikely to create adverse effects for adjoining properties. The lower height exemption for the setback standard also reflects there is a greater need to manage privacy along site boundaries. The amendments are efficient and effective as they will reduce the time and costs associated with unnecessary resource consent applications.
- (352) The recommended amendment to HRZ-S8 (Outdoor living space) is considered appropriate as it provides greater flexibility to achieve outdoor living space requirements for high density developments, while still achieving a good standard of residential amenity. No additional costs have been identified as a result of this change.
- (353) The amendments to LLRZ-S4 and HRZ-S4 are considered appropriate as they fix typographical errors and provide drafting clarity.

## 4.7 Non-residential activity rules

### 4.7.1 Matters raised

#### Home Businesses (MRZ-R6 and HRZ-R6)

- (354) Laura Skilton [314.38a and 314.38b], seeks the following amendment to Rules MRZ-R6 and HRZ-R6:

*"1. Activity status: Permitted*

*Where:*

*...*

*b. No more than ~~two~~ four people may work onsite at the home business at any one time.*

*c. Retail activities are not undertaken on site, including online retail limited to:*

*~~i. Goods produced on the site, or~~*

*~~ii. Goods retailed online and not resulting in customer visits to the site, or~~*

*~~iii. Goods ancillary to a service provided by the home business.~~*

*....*

*2. Activity status: ~~Restricted~~ Discretionary"*

- (355) The submitter considers that the rules are not strict enough and conflict with the transport chapter policies.

#### Visitor accommodation (MRZ-R7/HRZ-R7)

- (356) Laura Skilton [314.39a and 314.39.b] seeks amendments to Rules HRZ-R7/MRZ-R7 to be a discretionary activity if the permitted standards are not complied with, and the permitted activity occupancy is limited to five persons.

### **Child care services (MRZ-R8/HRZ-R8/LLRZ-R8)**

- (357) Laura Skilton [314.40a and 314.40b] seeks that MRZ/HRZ-R8 (Child care services) is amended so that the activity is discretionary where permitted activity standards are not complied with.
- (358) MoE [399.63, 399.68, and 399.56] seek that MRZ-R8/HRZ-R8/LLRZ-R8 are amended so that fifteen children are permitted, rather than five as proposed. The submitter considers this threshold better aligns with the typical sizes of pre-school facilities in residential zones, and with the Ministry's pre-school license requirements.

### **Supported residential care facility (MRZ-R9/HRZ-R9)**

- (359) Laura Skilton [314.40a and 314.40b] seeks that HRZ/MRZ-R9 (Supported residential care facility) is amended so that the maximum number of people accommodated does not exceed five, and that the activity is discretionary if permitted activity standards are not complied with. The submitter considers the rules are not strict enough and conflict with the Transport policies.

### **Commercial activities not otherwise provided for (HRZ-R10)**

- (360) Laura Skilton [314.42a and 314.43a] opposes Rule HRZ-R10 and seeks an amendment so that the rule has an outright discretionary activity status (inferred, refer to original submission). If that relief is not accepted, the submitter seeks the following amendments to the rule:

*Activity status: Restricted discretionary*

*Where:*

*a. The total gross floor area of the commercial activities does not exceed 100 200m<sup>2</sup> per site.*

*...*

*d. The hours of operation are not outside:*

*i. ~~7.00am to 9.00pm~~ 8.00am to 7.00pm Monday to Friday, and*

*ii. ~~8.00am to 7.00pm~~ 9.00am to 6.00pm Saturday, Sunday, and public holidays.*

*iii. Closed public holidays*

*e. No more than four staff may work on the premises at any one time.*

- (361) The submitter considers the rule is not strict enough and conflicts with the transport policies and the amendments will minimise adverse effects on residential activities.

### **Health care activities (MRZ-R10)**

- (362) Laura Skilton [314.42b] opposes Rule MRZ-R10 and seeks that this rule is amended so that it has an outright discretionary activity status (inferred from original submission).

### **Educational facilities (excluding child care services) (MRZ-R11/HRZ-R12/LLRZ-R10)**

- (363) MoE [399.62, 399.69, and 399.57] supports Rules MRZ-R11/HRZ-R12/LLRZ-R10 and seeks that they are retained as notified, as these rules provide opportunities for educational facilities to be located in these zones.
- (364) Laura Skilton [314.45a and 45b] seeks that the activity status for Rules MRZ-R11/HRZ-R12 is changed to Prohibited. The submitter considers that effects on adjacent sites are not adequately catered for under the rule as notified.

### **Emergency service facilities (MRZ-R15/HRZ-R16/LLRZ-R14)**

- (365) FENZ [374.68a, 374.68b, 374.68c, 374.82, 374.90, and 374.75] seek that Rules MRZ-R15/HRZ-R16/LLRZ-R14 are amended in each residential zone chapter so that the rules have a permitted activity status with no conditions. The submitter considers this amendment is necessary to recognise the critical importance of emergency services to communities.
- (366) Laura Skilton [314.46a and 46b] opposes Rules MRZ-R15 and MRZ-R16 and seeks to amend the matters of discretion to ensure that effects on adjacent sites are provided for. Ms Skilton requests the following amendments to MRZ-R15 and MRZ-R16:
1. The effects on the residential amenity of the surrounding area, including noise from sirens from emergency vehicles during the night.

- (367) Reasons for this change include that effects on adjacent sites are not adequately catered for.

### **Outdoor storage and work areas (HRZ-R21/MRZ-R20)**

- (368) Laura Skilton [314.47a and 47b] seeks that Rule HRZ-R21/MRZ-R20 is amended as follows:

1. Activity status: Permitted

Where:

...

c. storage/work does not require truck movements

2. Activity status: *Restricted Discretionary*

### **Servicing (MRZ-R21/HRZ-R22/LLRZ-R20)**

- (369) Enviro NZ [323.042, 323.047, and 323.054], request amendment to Rules MRZ-R21/Rule HRZ-R22/LLRZ-R20 so the start time for servicing hours be for Monday to Friday between 7am to 7pm, rather than 8am to 7pm. The submitter considers that servicing for refuse pick-ups needs more flexibility in order to accommodate efficient collection. The submitter also questions the night-time hours where a 7am finish is considered standard.

## **4.7.2 Assessment**

### **Relief sought by Laura Skilton**

- (370) Laura Skilton has sought amendments to a number of the non-residential activity rules in the MRZ and HRZ chapters [314.44a, 314.42a, 314.43a, 314.42b, 314.43b, 314.44b, 314.41a, 314.41a, 314.38b, 314.38a, 314.39b and 314.39a], being: MRZ-R6/RZ-R6 (Home Businesses), MRZ-R7/HRZ-R7 (Visitor accommodation), MRZ-R9/HRZ-R9 (Supported residential care facility), HRZ-R10 (Commercial activities not otherwise provided for), and MRZ-R10 (Health care activities).
- (371) As the relief sought is similar and Ms Skilton is the only submitter on these points, I have addressed them together in this sub-section.

- (372) I note that these rules generally roll over the approach of the ODP and allow for people to run businesses of a limited scale in residential environments or provide a service within a residential community. It is common practice for district plans to allow these activities at a small scale as a permitted activity. The district-wide activity rules such as noise also apply to these activities, as do the high-trip generation rules of the Transport chapter. For example, visitor accommodation that exceeds 30 units is subject to assessment under the transport provisions. This includes an assessment of the extent to which active and public transport modes are provided for and the effects of the activity on the transport network under Rule TR-R3(2).
- (373) The submitter is concerned that the provision for these activities in residential zones conflicts with the transport provisions which encourage the use of public transport and active modes and less reliance on private vehicles. In my opinion, the provision for these activities within residential environments can work in parallel with the outcomes sought for transport, by providing for services within neighbourhoods (e.g. a hairdresser) which can reduce the need to travel long distances. Most suburbs within Lower Hutt are served by public transport, either bus and/or train, with stops at various locations on each route, not just direct to commercial areas. I note the MRZ and HRZ zones are located in areas that are walkable and in close proximity to public transport, as this is required by the NPS-UD.
- (374) In terms of Rule HRZ-R10 (Commercial activities not otherwise provided for), in my opinion it is appropriate to provide this 'catch-all' rule in the HRZ, recognising that this zone is located adjacent to commercial centres and commercial activities on adjoining residential sites may complement the commercial zone activities and serve the residents of the HRZ. The rule controls the scale, duration, and the type of activities that may occur in order to manage the effects on the residential environment. The matters of discretion reference the relevant policies including HRZ-P2 (Non-residential activities) which is directive about the circumstances in which a non-residential activity is appropriate in the HRZ, including compatibility with the zone purpose, adverse effects on adjoining sites, and on the transport network. In my opinion, the effects of commercial activities at this scale in a residential zone are well understood and can be managed through the restricted discretionary rule.

- (375) In terms of the alternative relief sought by the submitter for Rule HRZ-R10, I do not support the amendments sought. I have addressed concerns relating to conflicts with the Transport policies in response to the submitter's relief sought on other rules at paragraphs (372) and (374). I consider the rule also sufficiently provides for consideration of effects on residential amenity through the matters of discretion, which refer back to the relevant policies as noted above. Issues relating to noise will also be managed through the provisions in the Noise chapter which sets noise limits for activities within the residential zone.
- (376) In my opinion, the effects of these activities are well understood and it is appropriate to retain the restricted discretionary activity status rather than a discretionary activity. Accordingly, I recommend rejecting the relief sought.

### **Child care services (MRZ-R8/HRZ-R8/LLRZ-R8)**

- (377) With regard to the rules for child care services, the maximum of 5 children at any one time being the permitted standard, is a roll over from the ODP approach. MoE seeks this number is increased to align with their pre-school licensing numbers. While I understand the logic behind the increased number of children, I disagree that the LLRZ is appropriate for providing pre-school as a permitted activity for up to 15 children.
- (378) I have reviewed the WCC district plan and the Auckland Unitary Plan which both have a permitted activity threshold of a maximum of 10 children in residential zones for child care services. Within the Wellington Region, there is a mix of approaches across the district plans, with the Porirua District Plan providing for childcare centres of up to four children as a permitted activity, while the Upper Hutt City District Plan requires consent as a restricted discretionary activity for early childhood centres and no threshold is provided. The Kāpiti Coast District Plan does not specifically provide for child care centres, but these would be assessed as a non-residential activity in terms of their compatibility within the zone and effects on residential amenity.
- (379) I note that the PDP Transport Chapter would consider a pre-school to be a high trip generator for more than 20 children. As such, traffic impacts are only assessed where the high trip generator threshold is breached, and the focus of the residential rules is the effects on residential amenity

(noting that the matters of discretion for rules MRZ-R8, HRZ-R8 and LLRZ-R8 more narrowly allow Council to have discretion specifically on the effects on pedestrian safety and the safe and efficient movement of vehicles and other road users these where consent is required under these rules). In my opinion, the scale of childcare services within a residential zone does need to be carefully managed given the predominant residential land uses relative to the noise and visual amenity effects that can arise with childcare centres. While a centre may be licensed for 15 children, this does not consider the environmental effects of the activity on the surrounding environment. I consider a threshold of five children is appropriate as a permitted activity, allowing proposals above this threshold to be assessed on a case-by-case basis in terms of their effects on residential amenity. I recommend rejecting the relief sought by MoE.

### **Educational facilities (excluding child care services) (MRZ-R11/HRZ-R12/LLRZ-R10)**

- (380) The submission from MoE [399.57, 399.62 and 399.69] in support of Rules MRZ-R11/HRZ-R12/LLRZ-R10 and seeking the rules are retained as notified is noted.
- (381) In terms of the submission from Laura Skilton [314.45b and 314.45a] seeking a prohibited activity status for educational facilities, I consider it is appropriate to provide for these activities in residential zones and for the activity to be assessed on a case-by-case basis. Imposing a prohibited activity rule precludes the consideration of any educational facility which are part of a well-functioning urban environment. Locating schools within residential environments supports the social and cultural wellbeing of that community, and can also support reduced vehicle trips by locating within the community the activity serves.
- (382) While there is no restriction on the number of children at an educational facility in this rule, any effects arising from a large school would be assessed through the restricted discretionary matters in the rule, including effects on residential amenity, pedestrian safety and safe and efficient movement of vehicles and pedestrians, as well as matters set out in policies. Any new educational facility would also need to comply, or be assessed against other chapters of the plan including noise and transport including high trip generating activities. The Transport chapter includes

thresholds for different types of activities which will trigger when resource consent and an Integrated Transport Assessment prepared by a suitably qualified person is required.

(383) On this basis, I recommend rejecting the relief sought.

### **Emergency service facilities (MRZ-R15/HRZ-R16/LLRZ-R14)**

(384) I acknowledge the submission from FENZ, seeking a permitted activity status for emergency service facilities with no standards. Emergency service facilities are provided for as a restricted discretionary activity in rules MRZ-R15, HRZ-R16, and LLRZ-R14. While I agree emergency service facilities are a critical service, I consider the effects of these facilities on residential amenity and traffic safety should still be assessed, while providing for the activity as anticipated by the zone where appropriate. I also note this approach is consistent with both the Wellington and Porirua District Plans. Accordingly, I recommend rejecting the relief sought by FENZ.

(385) In regard to Laura Skilton's submission to add consideration of noise from sirens during the night to matter of discretion 1 of MRZ-R15 and MRZ-R16. While noise is managed through the noise chapter, it is important to note that the noise rules do not apply to a warning device or siren used by emergency services for civil defence or emergency purposes, including testing and routine maintenance conducted between 7:00am and 7:00pm. Vehicles driven on a road are also exempt from the noise rules. I consider the PDP approach to managing noise from emergency services is reasonable, given the critical importance of these activities for the community. Accordingly, I recommend rejecting the relief sought.

### **Outdoor storage and work areas (HRZ-R21/MRZ-R20)**

(386) I disagree with the relief sought by Laura Skilton [314.47b and 314.47a], seeking the addition of a requirement that outdoor storage and work areas do not include truck movements. The Transport chapter includes rules and standards about vehicle movements, including the high trip generation rule TR-R3 and associated high trip generating thresholds in Table 8 of the Transport chapter. Where those thresholds are expected to be breached, consent is required and an integrated transport assessment would be required to determine the effects on the surrounding

environment of those vehicle movements. I also consider restricting truck movements in the manner suggested by the submitter is unreasonable as it does not allow for truck movements that may be required for construction activity, deliveries and other similar activities.

(387) I also do not support the request to change the activity status for breaches of the permitted activity rule from restricted discretionary to discretionary. I consider the effects of outdoor storage and work areas are generally well understood and can be assessed in a restricted discretionary consent. The list of matters of discretion provides scope for consideration of effects on residential amenity values which I consider is the key effect to be managed for this activity.

(388) Accordingly, I do not consider the amendment is necessary nor reasonable and I recommend rejecting the relief sought.

### **Servicing (MRZ-R21/HRZ-R22/LLRZ-R20)**

(389) In regard to Enviro NZ submissions on servicing hours in rules MRZ-R21, HRZ-R22, and LLRZ-R20, I have consulted with the Council's waste management team who have confirmed that waste pickup starts at 7am within residential zones. A 7am start is required to ensure waste is collected within a workday and prevent conflicts with increased traffic and limited parking.

(390) I agree with the submitter on the basis that the Hutt City Council operates its waste management services from 7am Monday to Friday. I recommend accepting the relief sought and amending Rule MRZ-R21, HRZ-R22 and LLRZ-R20 as sought by Enviro NZ.

## **4.7.3 Recommendations**

(391) I recommend accepting the submissions from Enviro NZ [323.042, 323.047, and 323.054] and amending Rule MRZ-R21, HRZ-R22 and LLRZ-R20 as follows:

### **MRZ-R21/HRZ-R22/LLRZ-R20 Servicing**

1. Activity status: Permitted

Where:

- a. Servicing occurs only between:

- i. 8:00am to 7:00pm Monday to Friday, and
- ii. 9:00am to 6:00pm Saturday, Sunday, and public holidays.

(392) I recommend accepting in part the relief sought by Go Architecture Ltd [331.23] and amending HRZ-S8 (Outdoor living space) as follows:

**HRZ-S8 Outdoor living space**

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, or roof terrace space that:

- a. Where located at ground level, ~~has no dimension less than 3 metres,~~ can contain a circle with a diameter of at least 3m

....

(393) I recommend rejecting the relief sought from:

- Laura Skilton [314.36b, 314.36a, 314.37b, 314.37a, 314.47b, 314.47a, 314.44a, 314.42a, 314.43a, 314.42b, 314.43b, 314.44b, 314.41a, 314.38b, 314.38a, 314.45b, 314.45a 314.39b 314.46a, 314.46b and 314.39a],
- FENZ [374.68a, 374.75, 374.68b, 374.82, 374.68c and 374.90],
- MOE [399.56, 399.63 and 399.68]

## **Section 32AA Assessment**

(394) The recommended amendments to MRZ-R21/HRZ-R22/LLRZ-R20 (Servicing) are considered to be the most appropriate way to achieve the objectives of the PDP because they align with the times of the day when refuse pick-up actually occurs and provides flexibility for operators carrying out this activity. The amendments are efficient and effective as they reduce unnecessary regulation within the PDP including the time and costs associated with non-compliance with the standard.

## **4.8 Provisions for retirement villages**

### **4.8.1 Matters raised**

(395) Summerset [326] have made a number of submission points relating to provisions in the residential zones for retirement villages.

(396) Submission points [326.13a and 326.13b], seek the following or equivalent changes to Policy MRZ-P10 and Policy HRZ-P10:

*"Enable retirement villages in the Medium Density Residential Zone to:*

*1. Provide for a greater density than other forms of residential developments in the zone and enable shared spaces, services, amenities and facilities, and affordability and the efficient provision of assisted living and care services while managing the effects of ~~non-residential activities~~ in retirement villages on the surrounding environment,*

*2. Provide good quality on-site amenity, recognising the day-to-day needs of residents as they age, and*

*3. Encourage the scale and design of the retirement village to:*

*a. Be of a high quality and align with the planned character and planned urban built environment, and*

*b. Where interfacing with a public street, Achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.*

(397) The submitter [326.19a and 326.19b] opposes the matters of discretion listed in rules MRZ-R12 and HRZ-R13 and seeks amendments to delete the matters of discretion within the Retirement Village rules which relate to residential activities. The submitter considers Policies MRZ-P10 and HRZ-P9, which are specific to retirement villages, should act as a 'one stop shop' for retirement village specific outcomes. The amendments sought are shown in Table 4.

Table 4: Amendments sought by Summerset Holdings for MRZ-R12 and HRZ-R13

<b>MRZ-R12</b>	<b>Retirement villages</b>
	<p>...5. The matters in policy <u>MRZ-P10</u>ies:</p> <p><del>a. MRZ-P2: Non-residential activities,</del></p>

<p><del>b. MRZ-P3: Other activities;</del></p> <p><del>e. MRZ-P10: Retirement villages;</del></p> <p><del>d. MRZ-P13: Urban design outcomes for non-residential activities and developments of more than 3 residential units, and</del></p> <p><del>e. MRZ-P14: Urban design outcomes (exclusions);</del></p>	
<b>HRZ-R13</b>	<b>Retirement villages</b>
<p>...5. The matters in policy <u>HRZ-P9</u>ies:</p> <p><del>a. HRZ-P2: Non-residential activities;</del></p> <p><del>b. HRZ-P3: Other activities;</del></p> <p><del>c. HRZ-P9: Retirement villages;</del></p> <p><del>d. HRZ-P13: Urban design outcomes for non-residential activities and developments of more than 3 residential units, and</del></p> <p><del>e. HRZ-P14: Urban design outcomes (exclusions);</del></p>	

(398) The submitter has also supported in part the following polices, subject to the relief sought in Table 4:

- MRZ-P2 (Non-residential activities) [326.6a],
- HRZ-P2 (Non-residential activities) [326.6b],
- MRZ-P3 (Other activities) [326.7a],
- HRZ-P3 (Other activities) [326.7b],
- MRZ-P13 (Urban design outcomes for non-residential activities and developments of more than 3 units)[326.16a], and
- HRZ-P13 (Urban design outcomes for non-residential activities and developments of more than 3 units) [326.16b]

- (399) Summerset [326.21a, 326.21b, 326.22a and 326.22b] also seeks that retirement villages are exempt from the following standards:
- Outdoor living space standards MRZ-S8 and HRZ-S8
  - Outlook space standards MRZ-S9 and HRZ-S9
  - Windows to street standards MRZ-S10 and HRZ-S10
- (400) The submitter seeks this exemption because retirement villages have shared outdoor living space along with indoor amenities and the standards have not been designed with retirement villages in mind. Furthermore, the submitter seeks clarity that the windows to street policy applies only to public streets and not private roads (specifically private internal roads to a retirement village) [326.23a and 23b].

## 4.8.2 Assessment

- (401) I disagree with the amendments sought by Summerset to Policy MRZ-P10 and HRZ-P10 to delete reference to 'non-residential activities'. I note the submitter's comments in the covering section of their submission that they are concerned the PDP seeks to assess retirement villages against provisions applicable to non-residential activities, and that retirement villages are 'fundamentally a residential activity'. However, the PDP applies the National Planning Standards definition of retirement villages, which includes non-residential activities as follows:

*means a managed comprehensive residential complex or facilities used to provide residential accommodation for people who are retired and any spouses or partners of such people. It may also include any of the following for residents within the complex: recreation, leisure, supported residential care, welfare and medical facilities (inclusive of hospital care) and other non-residential activities.*

- (402) In my opinion, the policy should include reference to non-residential activities as these are typically part and parcel of a retirement village. Some of those non-residential activities may have effects within the site or beyond the site boundary that need to be managed in the same manner as any other non-residential activity.

(403) I also disagree with the relief sought to amend clause 3(b) so that it only applies where the retirement village interfaces with a public street. My understanding is that, depending on the scale of the village, there may be internal 'streets' and the safety and attractiveness of those streets for amenity within the site is as relevant as those external to the site.

(404) On this basis I do not recommend any amendments to Policy MRZ-P10 or Policy HRZ-P10 on the basis of these submissions and I recommend rejecting the relief sought.

#### Rules MRZ-R12 and HRZ-R13

(405) I generally agree with Summerset that amendments are required to the matters of discretion listed in Rules MRZ-R12 and HRZ-R13. I consider there is overlap between matters 1-3 and the matters that are included in Policy MRZ-P10/Policy HRZ-P10 (which are listed in Matter 5) and also between Policy MRZ-P10/Policy HRZ-P10 and the other policies listed in Matter 5. For example:

- Clause 1 of Policy MRZ-P10/HRZ-P10 (Retirement Villages) includes a requirement to manage the effects of non-residential activities in retirement villages on the surrounding environment
- Clause 3 of Policy MRZ-P2/HRZ-P2 (Non-residential activities) requires non-residential activities to be of an intensity, scale and design that is consistent with the planned character and planned urban built environment for the zone
- Clause 3(a) of Policy MRZ-P10/HRZ-P10 (Retirement Villages) encourages the scale and design of the retirement village (which includes non-residential activities by definition) to be of a high quality and align with the planned character and planned urban built environment for the zone.

(406) In my opinion, the matters of discretion in Rules MRZ-R12 and HRZ-R13 should be simplified to achieve more efficiency in the assessment of retirement village proposals.

(407) I agree in part with the submitter that the retirement village policies should be a 'one-stop-shop' for this activity as far as practicable. However, as currently drafted I do not consider the policy fully covers the

matters that should be considered in assessing a retirement village application. I also consider the urban design policies remain relevant to retirement villages and should continue to apply as matters of discretion.

- (408) I also consider the policy could be more succinct by splitting clause 1 into two – one clause covering greater density than other forms of development in the zone, and a separate clause addressing non-residential activities within the village. The latter should be treated separately to Policy MRZ-P2/HRZ-P2 because I consider the ‘only allow’ language of that policy is unsuitable in the context of a retirement village, where those activities are anticipated. I also consider Policy MRZ-P2/HRZ-P2 contains a broad range of matters to be considered which are likely not relevant to a retirement village, such as functional and operational need.
- (409) In terms of Policy MRZ-P3/HRZ-P3 (other activities) I do not consider this is applicable to retirement villages, given the definition of retirement villages refers to ‘non-residential activities’. I consider the reference in the retirement village policies (MRZ-P10/HRZ-P10) to managing effects of non-residential activities is sufficient to cover ‘other activities’.
- (410) There are also grammatical issues with the drafting of Policy MRZ-P10/HRZ-P10, particularly between the chapeau and the clauses which should be fixed to improve the readability of the policy.
- (411) On this basis, I recommend amending Policy MRZ-P10 and HRZ-P10 to:
- Amend the chapeau to provide a clearer connection with the clauses of the policy and so the chapeau is more directive about retirement villages being enabled where they meet the criteria in the clauses below
  - Replace ‘enable’ with ‘provide’ in clause 2
  - Splitting clause 1 into three separate clauses, for readability
  - Amending new clause 4 (relating to managing effects) by creating sub-clauses for readability
  - Adding matters of discretion 1 and 2 from Rules MRZ-R12 and HRZ-R13 into new clause 4
  - Deleting the chapeau of clause 3 (relating to attractive and safe streets and open spaces), creating a standalone clause for sub-clause 3a (relating to planned character and planned urban environment), and

deleting subclause 3b, as this is covered in urban design policy MRZ-P13/HRZ-P13.

(412) The amended policy based on these recommended amendments is as follows:

***MRZ-P10/HRZ-P10 Retirement villages***

*Enable retirement villages in the Medium Density Residential Zone ~~to~~ where they:*

- 1. Provide for a greater density than other forms of residential developments in the zone, ~~and~~*
- 2. ~~Provide enable~~ shared spaces, services, amenities and facilities, ~~and~~*
- 3. ~~Provide~~ affordability and the efficient provision of assisted living and care services,*
- 4. ~~while m~~ Managing the effects on the residential amenity of the surrounding environment, including:
  - a. the effects of non-residential activities within the retirement villages ~~on the surrounding environment,~~*
  - b. effects on pedestrian safety and the safe and efficient movement of vehicles and other road users**
- 5. Provide good quality on-site amenity, recognising the day-to-day needs of residents as they age, ~~and~~*
- 6. ~~Encourage the scale and design of the retirement village to:~~
  - a. ~~Are Be~~ of a high quality and align with the planned character and planned urban built environment, and*
  - b. ~~Achieve attractive and safe streets and public open spaces,~~ including by providing for through the use of passive surveillance**

(413) With these amendments to the policy, the matters of discretion in Rules MRZ-R12/HRZ-R13 can then be simplified to remove matters 1-3.. Finally, the references to Policies MRZ-P2 (non-residential activities) and MRZ-P3 (other activities) can be deleted for the reasons I have outlined above. The amended Rule based on these recommended amendments is as follows:

## **MRZ-R12/HRZ-R12 Retirement villages**

### **1. Activity status:** *Restricted discretionary*

#### **Matters of discretion are limited to:**

- ~~1.—The effects on the residential amenity of the surrounding area.~~
- ~~2.—The effects on pedestrian safety and the safe and efficient movement of vehicles and other road users.~~
- ~~3.—The extent to which the site layout and any proposed landscaping helps to avoid or minimise the effects of the retirement village on surrounding residential areas, the streetscape, and adjoining public space.~~
4. The capacity of the network infrastructure for water supply, wastewater, stormwater, and land transport to service the development.
5. The matters in policies:
  - ~~a. MRZ-P2: Non-residential activities,~~
  - ~~b. MRZ-P3: Other activities,~~
  - c. MRZ-P10: Retirement villages,
  - d. MRZ-P13: Urban design outcomes for non-residential activities and developments of more than 3 residential units, and
  - e. MRZ-P14: Urban design outcomes (exclusions).

(414) Finally, to make it clear that Policy MRZ-P13/HRZ-P13 applies to retirement villages, I consider a change to the policy title is also required, as follows:

*MRZ-P13/HRZ-P13: Urban design outcomes for non-residential activities, ~~and~~ developments of more than 3 residential units, and retirement villages*

(415) Regarding the submitter's request for retirement villages to be exempt from the standards relating to outdoor living space, outlook space, and windows to street, I agree that standards MRZ-S8/HRZ-S8 (outdoor living space) and MRZ-S9/HRZ-S9 (outlook space) should not apply to retirement villages. New retirement villages will require consent as a

restricted discretionary activity with Policy MRZ-P10/HRZ-P10 listed as a matter of discretion in Rule MRZ-R12/HRZ-R13. Policy MRZ-P10/HRZ-P10 requires the provision of shared spaces, services and amenities and facilities as well as provision of good quality on-site amenity. In terms of the windows to street standards MRZ-S10 and HRZ-S9, this is also addressed through Policy MRZ-P10/HRZ-P10 and Policy MRZ-P13/HRZ-P13 (Urban design outcomes). I consider the policy provides sufficient scope for matters of outlook space, outdoor living, and passive surveillance to be addressed and managed through the consent process in the context of a retirement village. I also note these exemptions are consistent with both the Wellington City and Porirua District Plans. Accordingly, I recommend amending Standards MRZ-S8/HRZ-S8, MRZ-S9/HRZ-S9, and MRZ-S10/HRZ-S10 to specifically exclude retirement villages.

### 4.8.3 Recommendation

- (416) I recommend rejecting the relief sought by Summerset [326.13a and 326.13b], seeking amendments to Policy MRZ-P10 and Policy HRZ-P10.
- (417) I recommend accepting in part the relief sought by Summerset [326.19a and 326.19b] and recommend the following amendments to Policy MRZ-P10 and HRZ-P10 and Rule MRZ-R12 and HRZ-R12:

#### ***MRZ-P10/HRZ-P10 Retirement villages***

*Enable retirement villages in the Medium Density Residential Zone ~~to~~ where they:*

- 1. Provide for a greater density than other forms of residential developments in the zone, ~~and~~*
- 2. ~~Provide enable~~ shared spaces, services, amenities and facilities, ~~and~~*
- 3. ~~Provide affordable~~ ~~ility~~ and the efficient provision of assisted living and care services,*
- 4. ~~while m~~ Managing the effects on the residential amenity of the surrounding environment, including:
  - a. the effects of non-residential activities within the retirement villages on the surrounding environment,**

- b. effects on pedestrian safety and the safe and efficient movement of vehicles and other road users
- 5. Provide good quality on-site amenity, recognising the day-to-day needs of residents as they age, ~~and~~
- 6. ~~Encourage the scale and design of the retirement village to:~~
  - a. Be of a high quality and align with the planned character and planned urban built environment, and
  - b. Achieve attractive and safe streets and public open spaces, including by providing for through the use of passive surveillance

### **MRZ-R12/HRZ-R13 Retirement villages**

1. **Activity status:** Restricted discretionary

#### **Matters of discretion are limited to:**

- ~~1.—The effects on the residential amenity of the surrounding area.~~
- ~~2.—The effects on pedestrian safety and the safe and efficient movement of vehicles and other road users.~~
- ~~3.—The extent to which the site layout and any proposed landscaping helps to avoid or minimise the effects of the retirement village on surrounding residential areas, the streetscape, and adjoining public space.~~
4. The capacity of the network infrastructure for water supply, wastewater, stormwater, and land transport to service the development.
5. The matters in policies:
  - ~~a. MRZ-P2: Non-residential activities,~~
  - ~~b. MRZ-P3: Other activities,~~
  - c. MRZ-P10: Retirement villages,
  - d. MRZ-P13: Urban design outcomes for non-residential activities and developments of more than 3 residential units, and
  - e. MRZ-P14: Urban design outcomes (exclusions).

- (418) I recommend the following amendment to the title of Policy MRZ-P13/HRZ-P13:

*Urban design outcomes for non-residential activities and developments of more than 3 residential units and retirement villages*

- (419) I recommend accepting in part the relief sought by Summerset [326.6a], [326.6b], [326.7a], [326.7b], [326.16a], [326.16b].

- (420) I recommend accepting the relief sought by Summerset [326.21a], [326.21b], [326.22a], [326.22b], [326.23a], and [326.23b], and amending Standards MRZ-S8/HRZ-S8, MRZ-S9/HRZ-S9, and MRZ-S10/HRZ-S10 to add the following exclusion:

This standard does not apply to retirement villages

#### **4.8.4 Section 32AA Assessment**

- (421) The recommended amendments to Policy MRZ-P10 and Policy HRZ-P10 (Retirement villages) and Rule MRZ-R12 and Rule HRZ-R12 (Retirement villages) are the most appropriate way to achieve the objectives of the PDP for the following reasons:
- (422) The amendments remove unnecessary duplication between the matters of discretion and associated policies in the assessment of retirement village proposals,
- (423) While the policies appear longer, compared with the notified version, the amendments improve readability of the policy and clearly set out the matters that are to be considered when assessing a retirement village proposal
- (424) The amendments focus the policies and the rules on matters that are specific to retirement villages.
- (425) The amendments are efficient and effective because they will reduce the time and cost associated with the preparation and assessment of resource consent applications for retirement villages.

## 4.9 Re-zonings

### 4.9.1 Matters raised

#### General submissions on zoning

- (426) WRC [452.188] supports all residential zones and seek that these are retained as notified. The submitter supports the overall approach to intensification and achieving a compact regional form consistent with RPS Change 1, in particular policies UD.4 and 31.
- (427) Joshua and Fenyi Patterson [284.2] support the residential zones and seek that the entire residential zoning (MRZ, HRZ, LLRZ) are retained as notified.

#### High Density Residential Zone

- (428) Joe Jefferies [514.1] supports the HRZ and seeks that this is retained as notified in Petone, including in coastal areas. This submitter notes their support for six storey building heights in Petone including the coastal areas.
- (429) TM Wano [483.1] opposes the HRZ and seeks that there is a pause and review on the inclusion of this zone in the plan (inferred from original submission). Reasons include the need to improve public transport and the impact of tall buildings on sun access to existing homes. Edmund Wano [482.1] also opposes the HRZ and seeks that this is not included in the District Plan.
- (430) Mark Manze [20.1] opposes in part the HRZ as it applies to Melling and seeks that Melling is rezoned as a low-density residential area. The submitter considers the area is not suitable for the HRZ due to the presence of high natural hazards.
- (431) Palmer and Cook Developments Ltd [316.1] support the HRZ at 127 Waterloo Road and seek that this is retained.

#### Petone

- (432) Dave and Michaela O'Donovan [37.3] oppose in part the HRZ in Petone and seek that residential streets between Jackson Street and The Esplanade are rezoned for low density housing. Reasons include the appropriateness of zoning for high density when the area is subject to natural hazards.

- (433) Ron Beernink and Glenda McCallum [303.12] oppose in part residential zones in Petone, and seek that these areas are included in the Large Lot Residential Zone. Reasons include this zone should extend to include areas with poor water, wastewater or stormwater services where there is no existing plan to address such shortcomings.
- (434) In a separate submission point [303.15] the submitter also seeks that the District Plan is explicit in identifying that high density development is subject to capacity of three waters infrastructure, and that areas suitable for high density development are identified with regard to these constraints (inferred – refer to original submission). Kāinga Ora [F26.8] made a further submission opposes the relief sought.
- (435) The Adrian Palmer Family Trust [315.3] supports the HRZ at 10 Udy Street and seeks that this is retained.

## **Eastbourne and the Eastern Bays**

### Medium Residential Zone in Eastbourne and Eastbourne Bays

- (436) Carol Lough [330.1] opposes the MRZ for all sites in Eastbourne and the Bays. This submitter seeks that the MRZ in these area is removed from the District Plan. Reasons include demand on water infrastructure, increased use of the limited access route and limited access of emergency services.
- (437) York Bay Residents Association [411.1] oppose in part the MRZ in the Eastern Bays. This submitter seeks amendments to exclude any of the Eastern Bays and Eastbourne from provisions for medium density housing, or that at least the following York Bay properties are excluded from provisions for medium density housing:
- (438) 303, 305, 307A and 307 Marine Drive, and 1, 2, 3, 4, 6 and 8 Taungata Road, due to being within the Tsunami Hazard Overlay
- (439) 5A, 7, 11, 13 and 15 Kaitawa Road, and 2/22 Taungata Road, due to being within the Slope Assessment Overlay
- (440) Reasons include natural hazard overlays making these sites unsuited to development. The submitter notes that it is an anomaly of PC56 that they are not currently zoned General Residential, noting limited infrastructure capacity (water and roads).

### Large Lot Residential Zone in Eastbourne and Eastbourne Bays

- (441) Rowan Swain & Kim Weber-Swain [317.1], oppose Large Lot Residential Zoning. This submitter seeks that their property at 273 Muritai Road and all properties which are zoned Large Lot Residential in Eastbourne/Eastbourne Bays are rezoned to the zoning of the Operative District Plan. Reasons include that there are no compelling reasons or evidence to support the introduction of this zone, or the rules to be applied, and a lack of evidence as to why 1,000sqm has been selected.
- (442) Andrew Robinson and Robyn Robinson [380.1], and Sensible Solutions for Eastbourne [383.1] also oppose Large Lot Residential Zoning and seek that these sites are rezoned to the zoning of the Operative District Plan for similar reasons. Kris Philip Connell [F03.1] and Andrew and Robyn Robinson [F09.1] support these submissions.

### **Large Lot Residential Zone**

#### 12 Shaftesbury Grove

- (443) M & J Walsh Partnership Ltd [256.1] and the Policy Planning Team of Hutt City Council [440.118], oppose in part the zoning of 12 Shaftesbury Grove, and seek that this is rezoned to Medium Density Residential Zone. Reasons include that this aligns with zoning sought in PC58.
- (444) Further to this, M & J Walsh Partnership Ltd [256.2] seek that any consequential changes reflect the intention and outcomes of PC58. The submitter seeks that the matters of discretion introduced by PC 58 should be reviewed and shortened to reflect the format and style of the PDP and to avoid unnecessary duplication.
- (445) The Policy Planning team of the Hutt City Council [440.119] seek a new precinct called "Shaftesbury Grove Development Precinct", to implement Amendment 7 of Plan Change 58, covering 12 Shaftesbury Grove (Lot 1 DP 507600) with two sub-areas as follows:
- 'Development Sub-area', corresponding to the area shown as 'Development Area' in **Error! Reference source not found.**, and
  - Non-development Sub-area', corresponding to the remainder of 12 Shaftesbury Grove.



Figure 1: "Development Sub-area", corresponding to the area shown as "Development Area"

- (446) Further to the submissions of the Policy Planning team of the Hutt City Council, the submitter [440.117] also requests the insertion of the following text to the MRZ chapter introduction:

*MRZ-PRECxxx Shaftesbury Grove Development Precinct*

*The Shaftesbury Grove Development Precinct provides bespoke management of subdivision for an area in Shaftesbury Grove, Stokes Valley to enable urban development while protecting the land's significant ecological values. The relevant policies and rules for this precinct are found in the Subdivision chapter.*

- (447) The submitter seeks the additional text to improve plan useability given precincts are associated with zones, acknowledging that the precinct

provisions are within the Subdivision chapter. the precinct is within the residential zones.

#### 443 Cambridge Terrace

- (448) Lucas Land Surveys Limited [325.1b] oppose the Large Lot Residential Zone of 443 Cambridge Terrace. This submitter seeks that this property is rezoned to Medium Density Residential Zone. Reasons include that the land is currently under development in stages, and there are new residential buildings at the top of the site, with further buildings proposed, making the Large Lot Residential Zone not consistent with this use. Design Network Architecture [349.1] also seeks this change. Reasons include that the site is well located and suited for more development, and further development has occurred since Plan Change 56 submission was made. John Havler [350.1] also seeks this change, with reasons including the site's close proximity to the Wingate Train Station, surrounding zoning and anticipated density, no three waters or transport constraints on the site, that he does not agree with the approach of setting size threshold for the zone, slope issues being covered through Slope Assessment Overlay, and no other issues or constraints have been identified on the site.

#### 5, 7, and 11 Russo Terrace and 5 Totara Street

- (449) Loren Brown [500.2] opposes the Large Lot Residential Zoning of 5 Russo Terrace, Eastbourne, and other properties being 7 and 11 Russo Terrace, and 5 Totara Street, Eastbourne, and seeks that these properties are rezoned. Reasons include that the proposed zoning does not reflect the existing character of the already developed street, and the provisions creating unnecessary cost.

#### 320 Eastern Hutt Road

- (450) Silverstream Park Christian Centre [32.1] opposes in part the Large Lot Residential Zone at 320 Eastern Hutt Road and seeks that this is rezoned to Medium Density Residential Zone. In a separate submission point [32.2], the submitter also supports the rezoning of part of the site from Passive Recreation in the ODP to a residential zone in the PDP, however they seek a rezoning to MRZ. The reasons for this submission include the existing urban context, potential development yield, access to services and infrastructure

and aiding in meeting projected housing demand. This submitter also supports the rezoning from Passive Recreation in the ODP to a residential zone of 3 and 5 Reynolds Bach Drive, however seeks that this is rezoned to MRZ. The submitter acknowledges that the Large Lot Residential Zoning is more reflective of the use of land than the ODP zoning, however notes that the existing urban context, potential development yield, access to infrastructure make Medium Density Zoning preferred.

(451)

(452) Silverstream Park Christian Centre [32.5] also seeks to amend Silverstream Retreat Precinct extent to include 3 and 5 Reynolds Bach Drive. This land is integral to activities provided in the Silverstream Retreat Precinct.

#### Holborn Drive

(453) Tim Philips [64.1] opposes in part the zoning of 60 Holborn Drive, Stokes Valley. This submitter seeks that this site is rezoned to Medium Density Residential Zone. Reasons include that nearby lots are zoned Medium Density Residential, there is sufficient infrastructure, and natural hazards would have been mitigated through strengthening Eastern Hutt Road.

(454) Carleen Richards [117.1] also seeks that 1/54 Holborn Road is rezoned to Medium Density Residential for similar reasons.

(455) Rachel and James Prier [300.1] seek that 66 Holborn Drive is rezoned to Medium Density Residential Zone noting that there are no apparent constraints relating to water supply, wastewater, stormwater and access for the few properties that are proposed to change to LLRZ, and they are surrounded by other properties that are not proposed to change.

#### 6 Crawford Grove

(456) Jeremy and Lynne Speight [235.1] oppose the Large Lot Residential Zone at 6 Crawford Grove and seek that this is rezoned to Medium Density Residential Zone. Reasons include the land parcel size, zoning of adjacent properties, topography as well as other reasons such as lack of natural hazard risk.

#### 20 Mackenzie Road

- (457) Ian Binnie [513.1] opposes in part the zoning of 20 Mackenzie Road and seeks that this site be rezoned from LLRZ to MDRZ. The submitter considers the area where the dwelling is located and its surrounding area has only a slight slope, and the access to amenities and infrastructure is very good. The submitter also notes the site is very close to the Eastbourne shops and bus services and neighbouring properties are zoned MDRZ.

#### 59a Walter Road

- (458) John and Elisa Mendzela [287.2a] seek clarity around the rezoning of the property at 59a Walter Road, and whether the property being rezoned to LLRZ, and located within the proposed slope assessment overlay, will require additional planning considerations compared to the ODP zoning.

### **Medium Density Residential Zone**

#### Korokoro

- (459) Rebecca Leask et al [472.1, 472.2 and 472.3] opposes the MRZ at Rakeiora Grove and requests that properties in Rakeiora Grove, currently subject to the ODP SNR 27 Overlay, being number 22, 24, 38 and 26 Rakeiora Grove are rezoned to LLRZ. The reasons for this request include that the upzoning of properties included within the overlay of SNR27 would directly negate the purpose for which the overlay was established. This submitter also opposes the MRZ as it applies to the properties in the area bounding Rakeiora Grove and London Road, being 38, 36, 31, 29, 25, 24 and 22 Rakeiora Grove and seeks that these sites are zoned LLRZ. Reasons include topography, risk to the environment, lack of infrastructure and access and loss of amenity.
- (460) Michael Stewart [481.1] opposes the MRZ in Korokoro. This submitter seeks that the lower Korokoro slopes from Akatea Road down the hill to the intersection of London Road and Korokoro Road are rezoned to LLRZ. Reasons include that the area better matches the definition of LLRZ, as provided in LLRZ-O1, due to topography, vegetation cover and constraints in infrastructure and access to facilities.

#### Argosy Property No.1

- (461) Argosy Property No.1 Limited [237.58] opposes the MRZ between Randwick Road, Waione Street and Commercial/Industrial/Open Space zones,

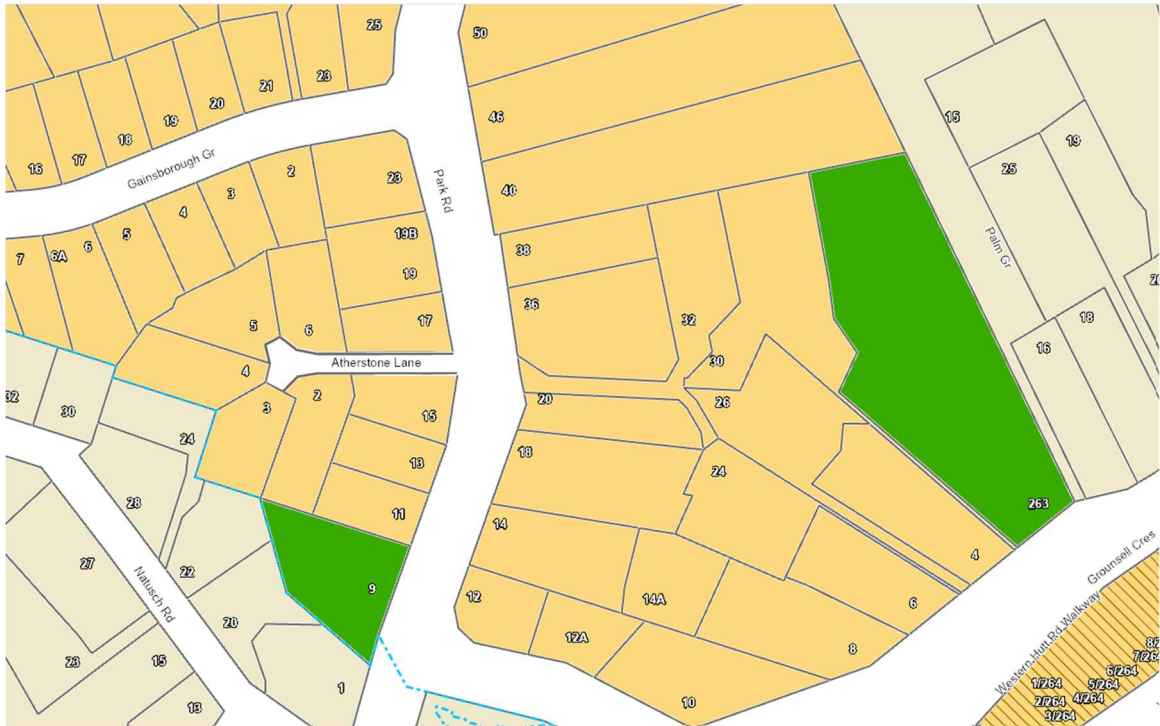
including Tirangi Road, Pitt Street, Pirie Crescent, Croft Grove, Okoutu Lane (see original submission for map). This submitter seeks that the planning maps are amended to place the area of MRZ on the west side of Randwick Road within the HRZ (see original submission for map). Reasons include consistency with 39 and 51 Randwick Road.

#### Wainuiomata

- (462) Several submitters oppose or oppose in part the MRZ applying to properties on Ashburn Road and seek their rezoning to LLRZ, as follows:
- 12 Ashburn Road and neighbouring properties, particularly 30 Pencarrow Road (Charles Hannaford [333.1])
  - 11 Ashburn Road and neighbouring properties, particularly 30 Pencarrow Road (Melissa Yaxley [320.1])
  - 9 Ashburn Road and neighbouring properties, particularly 30 Pencarrow Crescent (Harry and Joyce Wild [362.1])
  - 7 Ashburn Road and other neighbouring, particularly 30 Pencarrow Road (Tania Pitama [304.1])
- (463) The submitters seek this rezoning for a variety of reasons including that the area has large lot sections with minimal neighbours, effects on amenity and neighbourhood characteristics from increased density, and that there is enough allocation for housing throughout Wainuiomata.
- (464) Kulbhushan Joshi [2.1] supports the MRZ at 3 Hastings Grove, Wainuiomata and seek that this is retained. Reasons include that the LLRZ does not reflect the character of the area.
- (465) DMAC Homes Limited trading as Friday Homes [29.1] support the Medium Density Residential Zone at 30 Pencarrow Crescent and seek that this is retained as notified. Reasons include that it is surrounded by land already zoned MRZ, is able to support additional housing, is not subject to significant natural hazards, and helps meet projected housing demand.
- (466) Jaimie-Leigh and Nathaniel Cann [266.1] oppose the MRZ of 59 Wright Street, Wainuiomata and seek the rezoning of the site to LLRZ on the basis of topography and vegetation, traffic effects and other properties down the same driveway being zoned LLRZ.

## Belmont

- (467) A number of submitters sought the re-zoning of a number of properties on Park Road, Belmont. This includes number 4, 6, 8, 10, 12, 12a, 14, 14a, 18, 20, 24, 26, 30, 32, 36, 40 and 46.



- (468) Bunny Willing [247.1], Victoria and Martin Jaenecke [249.1], Doreen Marilyn Brown [257.1], Ian Roderick Brown, Doreen Marilyn Brown [258.1], Elizabeth Cole [260.1], Michael and Sandra Fackney [262.1], Russel Hudson and Linda Husdon [270.1], seek that these sites are re-zoned to LLRZ. Reasons include limitations to site access, topography, extent of vegetation cover, safety for pedestrians and vehicles and low-level access of commercial services.
- (469) Jacky Cox [225.1] opposes the MRZ at 127 Hill Road and seeks that this property is rezoned to LLRZ. Reasons include character, topography, natural features of the area and infrastructure capacity.
- (470) Danielle Falconer and Scott Falconer [313.1 and 313.2] oppose in part the MRZ for all properties accessed from Park Road, including its tributaries, and seek that these are zoned LLRZ. Reasons include road safety and access, and the 'principle of legitimate expectation', noting that Hill Residential areas were excluded from PC56. This submitter seeks that if this submission point is not accepted, then even numbered properties – 4, 10, 12, 12a, 14, 14a, 18–40 and 46a Park Road are re-zoned to LLRZ. Reasons

include topography, access constraints, and that widespread Medium Density zoning provides ample opportunity for urban growth elsewhere in the city. Marilyn Brown et al [F13.1] made a further submission opposes the relief sought.

- (471) Dwayne McDonald [512.1] seeks that 1/149 to 155 Hill Road, Belmont are rezoned to Hill Residential (or equivalent, inferred). Reasons include zoning of surrounding area and traffic concerns.

35-39 Major Drive, Kelson

- (472) Sanna and Mark Gavin [438.1] oppose the Mixed Use Zoning of 35-39 Major Drive, Kelson. This submitter seeks that these sites are rezoned to MRZ. Reasons include impact on residential character, traffic safety issues, site not being consistent with the intention of the Mixed Use Zone and concerns about notification preclusions.

Stanley Street

- (473) Rohan Kulharni [3.9] supports the MRZ as it applies to 1/48 and 2/48 Stanley Street and seeks that this is retained because the land is suitable for development, is an established suburban area, and has access to transport.

Maungaraki

- (474) Northern Street Partnerships [28.1] support the MRZ at 70 Maungaraki Road and seek that this is retained. Reasons include that it is surrounded by land already zoned MRZ, can support additional housing and is not subject to significant natural hazards.

21 Kaitangata Crescent, Kelson

- (475) RJ & CA Young [244.1] oppose in part the MRZ at 21 Kaitangata Crescent, and seek that this is rezoned to a zone that is less enabling of development (inferred from submission) due to the electricity transmission lines on the property and inadequate access into the property.

101 and 102 Meremere Street

- (476) The Policy Planning team of Hutt City Council [440.96 and 87] oppose the MRZ at 101 and 102 Meremere Street, Wainuiomata on the basis the property has been vested with HCC as a Local Purpose Reserve. The

submitter considers the Open Space Zone is a more appropriate zone given the property's status as a Local Purpose Reserve.

#### Stanhope Grove

- (477) Lorraine Mansfield [216.1 and 216.2] seeks that the Stanhope Grove is zoned LLRZ and that landscape protection provisions are retained. It is inferred that this is in relation to the surrounding Percy reserve land. The submitter considers the properties should not be developed due to slope issues, in particular the properties surrounding 32 Stanhope Grove, and increased traffic from the intersection near Korokoro Bridge. No specific amendments have been sought in relation to the issue of traffic.

### **4.9.2 Assessment**

- (478) Submissions seeking changes to the spatial extent or application of the residential zones have been assessed through a consistent and effects-based framework. This assessment draws on the relevant statutory context, including the requirement to give effect to the NPS-UD, the MDRS, and the RPS, together with the purpose and role of each residential zone within the PDP.
- (479) In evaluating rezoning requests, I have considered a range of key matters, including: the existing and proposed zoning pattern; accessibility to centres, public transport, and services; infrastructure capacity (including three waters); transport and access constraints; site characteristics such as topography; and the planned character and amenity associated with the various residential zones.
- (480) Where relevant, I have also had regard to the ODP zoning, the outcomes of PC56, and any applicable overlays that manage specific constraints or values, such as natural hazards or significant natural resources.
- (481) A key principle underpinning this assessment is the PDP's approach of managing constraints – such as natural hazards and infrastructure limitations – primarily through overlays and topic-specific chapters, rather than through the underlying zoning itself. Accordingly, the presence of constraints does not automatically necessitate a lower density zoning, as these matters are addressed through additional provisions that apply across zones. For example, a common theme in submissions relates to

slope stability risks. The Slope Assessment Overlay which identifies areas that are susceptible to slope failure in heavy rainfall and seismic events, as well as the associated runout extents. This overlay has been informed by technical advice<sup>13</sup>. There are also rules in the ODP that seek to manage land stability. For example, any earthworks in the Hill Residential and Landscape Protection Residential Activity Areas currently require a resource consent. The Slope Assessment Overlay replaces this non-technical blanket approach with a more refined approach based on technical evidence to better manage land instability risks in Lower Hutt

(482) Rezoning requests have also been considered in terms of their consistency with the broader zoning strategy and whether they support a coherent and logical spatial pattern. This includes avoiding ad hoc or isolated zoning changes unless there is clear site-specific justification. Where detailed, site-specific evidence has been provided, properties have been evaluated individually against the relevant criteria, with the outcomes of that assessment set out in Attachment 3.

(483) Overall, this approach seeks to ensure that zoning decisions are robust, consistent with higher-order direction, and appropriately balanced between enabling development capacity and managing environmental and infrastructure constraints.

## **All Residential Zones**

(484) The submissions in support of the residential zones in the PDP from WRC [452.188] and Joshua and Fenyi Patterson [284.2], and seeking the zones are retained as notified, are noted. I recommend accepting these submissions in part, as I am recommending amendments to the spatial application of the zones in response to other submissions.

## **High Density Residential zone**

(485) The submissions from Joe Jeffries [514.1] in support of the HRZ in general and seeking it is retained as notified, and from Palmer and Cook [316.1] in

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<sup>13</sup> Slope Failure Susceptibility Assessment (2021), WSP, [https://hccpublicdocs.azurewebsites.net/api/download/c9be9b889d1746e2b710f382e92d32e8/\\_dplanreview/7259a826534264fa47c79a45dbb02adbece6](https://hccpublicdocs.azurewebsites.net/api/download/c9be9b889d1746e2b710f382e92d32e8/_dplanreview/7259a826534264fa47c79a45dbb02adbece6) and Slope Failure Runout Assessment (2025), WSP, [https://hccpublicdocs.azurewebsites.net/api/download/c9be9b889d1746e2b710f382e92d32e8/\\_dplanreview/06ce83dc5341a924412282affedef7fe1449](https://hccpublicdocs.azurewebsites.net/api/download/c9be9b889d1746e2b710f382e92d32e8/_dplanreview/06ce83dc5341a924412282affedef7fe1449)

support of the HRZ as it applies to 127 Waterloo Road and seeking it is retained as notified, are noted. I recommend accepting these submissions.

- (486) I note the concerns of Mark Manze [20.1] regarding the zoning of Melling as HRZ and seeking a low-density residential zoning due to the presence of natural hazards in the area. The PDP manages natural hazard risks via the Natural Hazard chapters and associated mapped overlays. Those provisions manage the risks from natural hazards and places controls on new urban development and subdivision based on the level of risk in the area. Accordingly, I do not consider the underlying zoning needs to be changed and I recommend rejecting the relief sought.
- (487) I acknowledge the submissions from TM Wano [483.1] and Edmund Wano [482.1], opposing the HRZ in general, however as has been outlined in other sections of this report, Council is required to give effect to the NPS-UD. In particular, Policy 3 of the NPS-UD requires Council to enable heights of at least 6 storeys in specific locations<sup>14</sup>. The HRZ gives effect to the NPS-UD, as well as the MDRS. The HRZ is a recent addition to the ODP as a result of PC56, and this approach is carried through in the PDP. I therefore do not support the relief requested and I recommend rejecting these submissions.

## **Petone**

- (488) The submission from the Adrian Palmer Family Trust [315.3] in support of the HRZ as it applies to 10 Udy Street is noted.
- (489) In regard to the concerns raised by Dave and Michaela O'Donovan [37.3] and Rod Beernik and Glenda McCallum [303.12], which seek that some or all of Petone is rezoned for low density housing/LLRZ, I note the pattern of residential zoning which has been applied to the Petone area was undertaken through PC56 and gives effect to Policy 3 of the NPS-UD and the MDRS.
- (490) Natural hazard risks are addressed via overlays and the Natural Hazards chapter of the PDP. The overlays and associated rules apply additional

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<sup>14</sup> Metropolitan Centre Zones, and within walkable catchments of existing and planned rapid transit stops, the edge of City Centre Zones and the edge of Metropolitan Centre Zones.

controls on top of the underlying zoning based on the level of natural hazard risk. Zone chapters contain a high-level note which directs plan-users to other parts of the plan, as well as this being explained in the 'How to use the plan' section of the plan.

- (491) In regard to three waters concerns raised by the submitters [303.15], it is noted that the Three Waters Chapter will apply in all Residential Zones. Any development in these zones would need to either comply with the standards set out in this chapter, or seek resource consent and assess these matters. I therefore recommend accepting the further submission from Kāinga Ora [F26.8].
- (492) Given the above analysis, I do not consider it is necessary to rezone the areas identified in these submissions.

### **Eastbourne and the Bays**

- (493) A number of submissions oppose the application of the LLRZ or the MRZ as the zones apply to Eastbourne and the Eastern Bays. The zoning pattern in these areas in the PDP largely reflects the zoning patterns that were decided as part of PC56. The exception to this is areas which are currently zoned Hill Residential Activity Area or Landscape Protection Residential Activity Area under the ODP, as these were excluded from PC56. As set out in the Section 32 report for the Residential Zones<sup>15</sup>, these sites were considered on a case-by-case basis, and assessed against the following criteria for the LLRZ:
- connections to the three waters networks (both current and planned),
  - transport constraints, including a lack of walking connections and pedestrian paths,
  - relevant strategic documents (such as the Urban Growth Strategy), and
  - the zone under the operative District Plan
- (494) In the Draft District Plan (a version of the PDP prepared in 2023 for the purpose of non-statutory community and stakeholder engagement), the

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<sup>15</sup>

[https://hccpublicdocs.azurewebsites.net/api/download/d764466f20cf454ba1010adf695ed15f/\\_dplanreview/c1502edc7540862430aa6dc825d7fc1da0e](https://hccpublicdocs.azurewebsites.net/api/download/d764466f20cf454ba1010adf695ed15f/_dplanreview/c1502edc7540862430aa6dc825d7fc1da0e)

Council applied the LLRZ to some sites that were zoned medium density in the ODP. , However, following consultation on the Draft District Plan and feedback from property owners, the Council reconsidered the purpose and application of the LLRZ and adopted a more refined set of criteria. The Council also obtained technical advice regarding slope stability, which has resulted in the Slope Assessment Overlay being included in the PDP. As a result, slope stability is not a determining factor in applying the underlying zoning in the PDP.

- (495) Several submitters<sup>16</sup> seek the rezoning of properties zoned LLRZ in Eastbourne and the Bays to the zoning of the ODP on the basis there is insufficient evidence to support the zoning.
- (496) While Rowan Swain & Kim Weber-Swain and Andrew Robinson and Robyn Robinson have made individual submissions relating to their properties, they are also listed as landowners to which the Sensible Solutions for Eastbourne submission relates. The Sensible Solutions for Eastbourne submission provides a list of properties in Eastbourne where the LLRZ is opposed, and a MDRZ zoning is sought, as well as broader relief to delete the LLRZ in its entirety across the Eastbourne/Eastern Bays. Philip Connell [F03.1] and Andrew and Robyn Robinson [F09.1] have further submissions supporting these requests.
- (497) I note the following properties listed in the Sensible Solutions for Eastbourne submission are zoned MDRAA in the ODP and MDRZ in the PDP and the LLRZ does not apply to these sites. Accordingly, I have not considered the zoning of the following properties further:
- 253 Muritai Road
  - 396 Muritai Road
  - 95 Oroua Street
  - 376A Muritai Road
  - 2 Pukatea Street
  - 15 Marine Parade

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<sup>16</sup> Rowan Swain & Kim Weber-Swain [317.1], Andrew Robinson and Robyn Robinson [380.1], and Sensible Solutions for Eastbourne [383.1]

- 12 Puriri Street
  - 30 Kotari Road
  - 608 Marine Drive
  - 263 Muritai Road
  - 263A Muritai Road
  - 267 Muritai Road
  - 19 Ferry Road
- (498) The properties at 233A and 235 Muritai Road are currently zoned Hill Residential (the equivalent of the LLRZ) in the ODP but are MRZ in the PDP. As the PDP zoning aligns with the submitters' relief sought to not apply the LLRZ to these properties, I have not assessed the zoning of these properties further.
- (499) I have assessed the zoning of the remaining properties listed in these submissions to determine the current zoning under the ODP, proposed zoning under the PDP, transport and access constraints, three waters constraints, and other relevant matters. Attachment 3 sets out my findings with a recommendation on the appropriate zoning.
- (500) Based on my assessment in Attachment 3, I support the rezoning of 273 Muritai Road, 269 Muritai Road, 271 Muritai Road, 265A Muritai Road, 297 Muritai Road, 277 Muritai Road from LLRZ to MDRZ. These properties meet the criteria for a medium density zoning based on accessibility to public transport, local amenities, and a safe pedestrian environment<sup>17</sup>. There are three waters connections available in the road reserve. The rezoning to MRZ also supports a consolidated zoning pattern in these locations.
- (501) I also note these properties have a medium density zoning in the ODP which has been in place since PC56 became operative in 2023 and were likely 'upzoned' at that time from the previous 'General Residential Activity Area'. These property owners have therefore had a reasonable

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<sup>17</sup> Section 6 of the Section 32 Report for the Residential Zones explains how decisions were made on the spatial application of the MRZ  
[https://hccpublicdocs.azurewebsites.net/api/download/d764466f20cf454ba1010adf695ed15f/\\_dplanreview/c1502edc7540862430aa6dc825d7fc1da0e](https://hccpublicdocs.azurewebsites.net/api/download/d764466f20cf454ba1010adf695ed15f/_dplanreview/c1502edc7540862430aa6dc825d7fc1da0e)

assumption that their property could be developed to a higher density for several years which is very different from what would be allowed under the LLRZ. Considering this alongside the other matters I have noted above, I consider a 'down zoning' of these sites to be inappropriate.

(502) I do not support the requested rezoning of 287B Muritai Road, 52 Waitohu Road, or 2/517 Marine Drive to MDRZ. As set out in Attachment 3, these properties are currently zoned Hill Residential in the ODP, and were not rezoned to MDRA in PC56 or MDRZ in the PDP. My assessment of these properties demonstrates that a lower density zoning remains appropriate for these sites due to access constraints including narrow road corridors, shared access with adjoining properties, and lack of safe pedestrian facilities. Amenity values are also a consideration where sites are demonstrative of the planned character of the LLRZ, including vegetation cover. I therefore recommend retaining a zoning of LLRZ for these properties.

(503) I have also reviewed the zoning approach to Eastbourne and the Bays generally, noting the request in several of these submissions<sup>18</sup> to remove the LLRZ from this area of the district. This review was undertaken on a suburb basis, being:

- Point Howard
- Lowry Bay
- York Bay
- Sunshine Bay
- Days Bay
- Eastbourne

(504) In my opinion, other than where I have recommended zone changes for specific sites, the parts of these suburbs proposed to be zoned LLRZ generally meet the criteria for the LLRZ, with a common theme being large sites with access from narrow and/or windy roads with limited or no formed footpaths. Some of these sites are also located within the PDP

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<sup>18</sup> Rowan Swain & Kim Weber-Swain [320.1], Andrew Robinson and Robyn Robinson [380.1], and Sensible Solutions for Eastbourne [383.1]

Highly Constrained Roads overlay, where Council has determined there are significant limitations on access. Properties in these areas are also generally highly vegetated which is consistent with the planned character and amenity for the LLRZ (Objective LLRZ-O3). I also note that other than where specific properties have been listed in the submissions noted above, no other property owner has sought rezoning from LLRZ to MRZ through submissions on the PDP. I am reluctant to recommend rezoning of properties where the property owner has not sought the rezoning themselves and has not had the opportunity to comment on such a rezoning through this process. There are no further submissions from individuals of this nature. On this basis, other than where I have identified a property should be rezoned to MRZ in Attachment 3, I do not recommend removing the LLRZ from Eastbourne and the Bays as sought by these submitters.

- (505) In terms of submissions from Carol Lough and York Bay Residents Association, seeking the rezoning of various properties in Eastbourne and York Bay from MRZ to LLRZ, I have assessed these properties against the criteria for LLRZ and this is set out in Attachment 3. While acknowledging Taungata Road and Kaitawa Road do not currently have a formed footpath, in my opinion these properties should remain as MRZ given their proximity to public transport on Marine Drive and also to retain a consistent zoning pattern through the Taungata Road/Kaitawa Road area. I note some properties on these streets are not included in the request for rezoning, which would result in an inconsistent zoning pattern. Some of these properties are also of a size that is consistent with a MRZ zoning or are already developed to a medium density scale eg. 13 and 15 Kaitawa Road.
- (506) I acknowledge the concerns raised by the submitter in relation to natural hazards, in particular the Tsunami hazard overlay on Marine Drive. However, the Natural Hazards chapter of the PDP will apply to properties within that overlay in order to manage the risks associated with that hazard and the nature of the development that is proposed.
- (507) Accordingly, I recommend rejecting the submission from York Bay Residents Association.

(508) Similar to my comments in paragraph (504) above, regarding the general requests to remove the LLRZ entirely from Eastbourne and the Bays, I do not agree with the relief sought by Carol Lough to remove the MRZ from the PDP. I acknowledge the concerns of the submitter in relation to three waters infrastructure, however the PDP Three Waters chapter sets requirements for three water servicing for new development in the district. Proposals for medium density development will need to show how the site can be serviced as part of the resource consent process. I also note that access is a criteria the Council has considered in applying the LLRZ zoning relative the MRZ, and this has also informed my recommendations to rezone properties in this report. Accordingly, I recommend rejecting the relief sought by the submitter.

### **Large Lot Residential (other than Eastbourne and the Eastern Bays)**

#### 12 Shaftesbury Grove

(509) M&J Walsh Partnership [256.1] and the Policy Planning Team of Hutt City Council [440.118] seek the rezoning of 12 Shaftesbury Grove from LLRZ to MRZ. This site was the subject of PC58 which sought the rezoning of the site under the ODP from a split zoning of Hill Residential and General Recreation Activity Areas to Medium Density Residential Activity Area. At the time of notifying the PDP, a hearing had been held and a decision was pending on PC58. The PC58 Hearings Panel subsequently approved the rezoning request and the plan change became operative on 12 June 2025. As the rezoning has been the subject of a recent plan change process I agree with the relief sought by the submitters and recommend amending the PDP to rezone 12 Shaftesbury Grove to MRZ.

(510) I agree with the relief sought by the Policy Planning Team of Hutt City Council [440.19] to include a new development precinct for 12 Shaftesbury Grove. The Precinct is consistent with what was approved under PC58. This addition to the PDP will provide clarity and certainty for plan users about where development is provided for within the site, relative to the no development areas.

(511) I also agree with the amendment to include reference to the Shaftesbury Grove Development Precinct in the MRZ Chapter Introduction. This additional text provides clarity to plan users that there is a Development Precinct that applies in addition to the underlying zoning, and directs plan

users to the relevant chapter. Accordingly, I recommend accepting the relief sought and amending the MRZ Chapter Introduction as sought by the submitter. I consider these amendments address the relief sought by M&J Walsh Partnership [256.2] to make consequential changes to reflect the intention and outcomes of PC58, insofar as those changes are within the scope of this hearing topic. I note amendments are sought to other chapters (e.g. Subdivision) by the Policy Planning Team to align the PDP with the outcomes of PC58. Those points will be addressed in the relevant hearing streams.

#### 443 and 452 Cambridge Terrace

- (512) Lucas Land Surveys Limited seek the rezoning of 443 Cambridge Terrace and 452 Cambridge Terrace to Medium Density Residential from Large Lot Residential Zone. Design Network Architecture and John Havler seek the rezoning of the adjoining site at 452 Cambridge Terrace to Medium Density Residential. I note the ODP and PDP maps show 443 Cambridge Terrace is already zoned High Density Residential. In terms of 452 Cambridge Terrace, the site is zoned Hill Residential Activity Area under the ODP.
- (513) The relief sought in the original submissions is for the entire site at 452 Cambridge Terrace to be rezoned. The site has an area of approximately 7.3 hectares and is an elevated site. I understand from discussions with the submitters that they have revised their plans for the development of the site for medium density development, following assessment of the site constraints such as slope and vegetation cover. It is noted that part of the site is within SNR: 12 Eastern Hills Bush. The submitter has therefore revised their relief sought to retain that portion of the site within SNR:12 (plus some additional land outside that overlay) as LLRZ, and to rezone the lower part of the site, outside of the SNR overlay, to MRZ. This indicative zoning layout is shown in below in **Error! Reference source not found..**

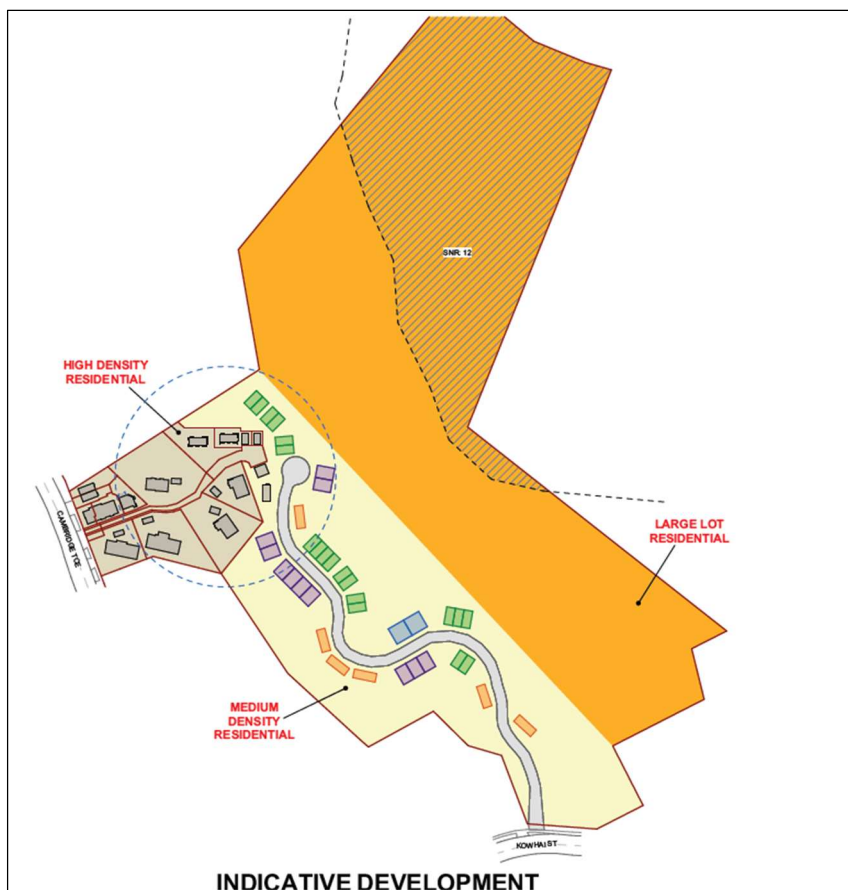


Figure 2 Revised Indicative Zoning Layout sought for 452 Cambridge Terrace (supplied by submitter)

- (514) I also note the majority of the site is subject to the Slope Assessment Overlay, which will trigger a geotechnical assessment for any future development of the site.
- (515) I support the rezoning of 452 Cambridge Terrace as shown in **Error! Reference source not found.** I consider the site is well-located, adjoining the existing HRZ and within close proximity to public transport (being Wingate Train Station), and other services and amenities in Naenae. While the adjoining site to the north is zoned General Industrial Zone in the PDP, recognising an existing industrial land use activity, there are already existing residential activities adjoining this site and the submitter's revised zone boundaries there will be a sufficient buffer between any new residential activities and the zone boundary and any effects at the interface can be considered and addressed at the consenting stage. I also note the topography in this location means the industrial activity will not be visible from the location of the indicative medium density housing.

- (516) I note Wellington Water have advised that the Naenae area is currently experiencing three waters constraints and medium density development on this site introduces some additional risk. Development-stage mitigation will be required to enable future development of the site and the detailed design, timing, and local network upgrades particularly for wastewater and stormwater will need to be carefully considered. Future development of the site will also need to meet the requirements of the Three Waters chapter.
- (517) I recommend that the site at 452 Cambridge Terrace be rezoned to MRZ as shown in **Error! Reference source not found.**, noting that servicing constraints identified by Wellington Water will need to be addressed as part of the resource consent process.

#### 320 Eastern Hutt Road

- (518) Silverstream Park Christian Centre (32.3) seek the rezoning of 320 Eastern Hutt Road from LLRZ to MDRZ. The site is located within the Silverstream Retreat Precinct in both the ODP and the PDP, and has an underlying split zoning in the ODP of Hill Residential Area and Medium Density Residential Area.
- (519) I have sought advice from Wellington Water regarding the ability to service this site, should rezoning be approved and the site be developed with the density provided for by the MDRZ. In summary, servicing in this area is currently constrained and medium density scale development would require significant site-specific and public network upgrades. Wellington Water advises that:
- There is no public stormwater infrastructure servicing the site
  - The site contains natural watercourses which limits developable area,
  - Increased density on the site would increase impervious surfaces across the site.
  - There is no current Wellington Water flood model for this site and a site-specific flood assessment is required to determine flood hazard and minimum floor levels
  - While wastewater servicing to support additional development on this site is possible, it will likely be reliant on developer-provided local

network upgrades and onsite systems such as pumps and off-peak discharge controls and developer contributions towards strategic network solutions, including additional trunk storage capacity

- There is no public reticulated water supply available for direct connection adjacent to the site. Private infrastructure supplies water to the existing Silverstream Retreat site including on-site reservoirs. While private engineering solutions may be possible, this is an indicator that servicing is not straightforward and non-standard infrastructure responses to support rezoning are likely required.

(520) I also have concerns about the proximity of this site to the Silverstream Landfill. The landfill site is directly adjacent to 320 Eastern Hutt Road, and the designation boundary for the landfill (HCC-07) extends into this site (but is outside the area sought to be rezoned). Enabling development closer to the designation boundary comes with risks, particularly in relation to reverse sensitivity, if the landfill operations were to change in future or be extended closer to the boundary with 320 Eastern Hutt Road.

(521) Based on the above, I recommend retaining the LLRZ zoning for the site at 320 Eastern Hutt Road, and rejecting the relief sought.

(522) In relation to the extent of the Silverstream Retreat Precinct boundary, I do not support the extension of this to 3 and 5 Reynolds Bach Drive given this part of the site is within the HCC Silverstream Landfill designation boundary. The Precinct as notified in the PDP appears to extend over the area of buildings and ancillary activities associated with the Retreat Centre are located. The remainder of the area is predominantly undeveloped and vegetated. Accordingly, I do not recommend extending the Precinct as sought by the submitter.

#### Holborn Drive

(523) Tim Phillips [64.1], Carleen Richards [117.1] and Rachel and James Prier [300.1], seek the rezoning of their properties on Holborn Drive (being 60, 1/54, and 66 respectively) from LLRZ to MRZ. I have reviewed these requests in terms of the criteria the Council has applied to identify locations for the LLRZ and the MRZ. While these properties generally meet the MRZ criteria, particularly in terms of access and three waters connections, I note these properties are within a section of Holborn Drive that is zoned LLRZ i.e.

adjoining properties are LLRZ, as shown in Figure 3 . No submissions have been received to rezone the block in its entirety, such that rezoning individual sites to MRZ would result in an inconsistent zoning pattern which may create unintended consequences for the adjoining properties that remain as LLRZ.

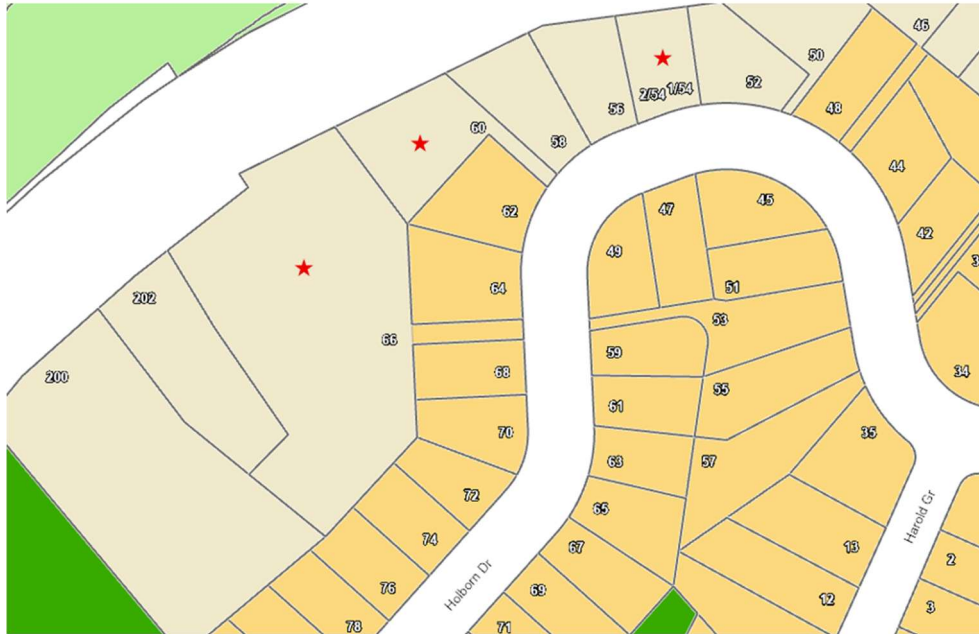


Figure 3 LLRZ properties on Holborn Drive

- (524) In my opinion, a consolidated zoning pattern that supports general consistency in built form is preferable to an ad hoc approach of enabling greater density on individual sites within a predominantly low-density environment. On this basis, I recommend rejecting the relief sought and retaining the LLRZ at 1/54, 60, and 66 Holborn Drive.
- (525) Should the Panel take an alternative view, I note the following:
- Holborn Drive is on a bus route and each of these sites are within an approximate 100m distance of the nearest bus stop
  - There is a formed footpath on at least one side of the road for the length of this section of Holborn Drive
  - The sites are all connected to three waters infrastructure
  - The Slope Assessment Overlay applies to the majority of the sites in this location. I am aware of a landslide affecting this section of Holborn Drive in 2022, however I note the Slope Assessment Overlay

would require an assessment of the slope risk and suitability for development, should this be proposed in the future.

#### 6 Crawford Grove

- (526) Jeremy and Lynne Speight seek the rezoning of 6 Crawford Grove and the two adjoining properties, 5 and 7 Crawford Grove from LLRZ to MRZ. I note the ePlan identifies the submitters' site, 6 Crawford Grove, as 107A Seddon Street. All three sites include a residential dwelling. The property at 6 Crawford Grove is a large site of approximately 4,290m<sup>2</sup> in area while 5 and 7 Crawford Grove are smaller sites of approximately 1100m<sup>2</sup> and 1580m<sup>2</sup> respectively. Under the ODP all of these sites are zoned MDRA. All of the sites have existing three waters connections.
- (527) In my opinion a MRZ zoning is appropriate for these properties given their location within a well-established residential area, the ODP zoning of MDRA, and the absence of any other spatial constraints or features. I do note that Seddon Street is a narrow road with no existing footpath in this section. However, it appears that 107A Seddon Street can be accessed via Crawford Grove, which appears to have more suitable pedestrian and vehicular access.

#### 5, 7, and 11 Russo Terrace and 5 Totara Street

- (528) I agree in part with the relief sought by Loren Brown [500.2], seeking the rezoning of 5, 7, and 11 Russo Terrace and 5 Totara Street in Eastbourne from LLRZ to MDRZ. In terms of 5 Totara Street, I note the driveway access for this site is zoned MDRZ in the PDP but the substantive site is LLRZ. In my opinion, it is appropriate for the whole site to be zoned MRZ on the basis the site is serviced by the necessary three waters infrastructure and Totara Street provides suitable pedestrian and vehicle accessibility with footpaths and opportunities for off-street parking. However, I do not agree with the request to rezone properties on Russo Terrace primarily because Russo Terrace is a narrow road corridor with no footpaths or on-street carparking. While I acknowledge 5 and 11 Russo Terrace are smaller sites than what is generally anticipated for the LLRZ, being approximately 580m<sup>2</sup> and 485m<sup>2</sup> respectively, I consider the access constraints I have mentioned make Russo Terrace unsuitable for a medium density zoning.

#### 20 Mackenzie Road

- (529) With regard to 20 Mackenzie Road, while I agree with the submitter that the location of the site in proximity to the Eastbourne shops and public transport is favourable for higher density zoning generally, I do not support the requested rezoning on the basis access to the site both for vehicles and pedestrians is a constraining factor. Mackenzie Road is a narrow corridor with no footpaths. There is also no off-street parking in this section of the road. The site is currently zoned Hill Residential Activity Area in the ODP, consistent with all properties on Mackenzie Road. In my opinion the site is not suitable for MDRZ.
- (530) Accordingly, I recommend rejecting the relief sought by Ian Binnie [513.1] and retaining the LLRZ at 20 Mackenzie Road.

#### 59a Walter Road

- (531) John and Elisa Mendzela have raised concerns with the rezoning of the property at 59a Walter Road and the new slope assessment overlay.
- (532) The LLRZ is a new zone that applies to areas with constraints on development (such as steep slopes and high vegetation coverage). In the ODP these areas are typically in the Hill Residential Activity Area and Landscape Protection Residential Activity Area, zones that provide for residential development, but at a low density. Under the ODP, 59a Walter Road is zoned Hill Residential.
- (533) The Hill Residential Zone can no longer be used as this is not included in the National Planning Standards, which sets out the list of zones which councils can select from. The Large Lot Residential Zone is a zone which is part of the National Planning Standards. As such, 59a Walter Road has been rezoned to the most similar zoning.
- (534) With regard to the submitters' concerns about natural hazard risks, particularly slope stability, I have set out the PDP approach to managing this risk in paragraph (481). .
- (535) I recommend accepting in part the relief sought by John and Elisa Mendzela [2872a], as the PDP does provide for a similar approach as the ODP for the property at 59a Walter Road. The landowner would not be subject to any additional consenting requirements when compared to the ODP.

## Medium Density Residential Zone

### 35-39 Major Drive, Kelson

(536) With regards to the submission of Sanna and Mark McGavin relating to the zoning of 35-39 Major Drive, Kelson, the general purpose of the Mixed Use Zone (MUZ) and the process for identifying suitable locations for the zone are set out in the Mixed Use Zone Section 32 Report as follows:

- *The fringes of commercial centres, to provide for expansion and contraction of those centres,*
- *Some areas that have a long history of mixed uses,*
- *Sites with unique businesses or facilities,*
- *Areas that form a spatial transition between two other areas,*
- *Areas that are transitioning in time from one role to another,*
- *Areas with strong potential to develop into centres, and*
- *Corridors connecting other centres with good access to public transport that have the potential to serve the surrounding area.*

(537) Of these the most relevant is “Areas with strong potential to develop into centres”. There is no existing commercial centre in Kelson. I consider that this area, along with the area around Discovery Christian Centre/Kelson Community Centre near Kelso Grove and Waipounamu Drive are the two most suitable locations for a future centre to develop around, should demand for a centre eventuate in future, as they are existing destinations that could present agglomeration benefits for additional commercial and community facilities. This site is the stronger of the two, with two commercial shopfronts. At the time of writing, one was in use as a general store and the other as a hairdresser. There is existing on-street visitor parking.

- (538) The submitter notes that a Four Square supermarket<sup>19</sup> previously operated on the site but no longer did at the time of making the submission, which is now slightly over a year ago.
- (539) The submitter's general concerns with the Mixed Use Zone for this site are:
- The zone would provide uncertainty for residential neighbours
  - Commercial use would be incongruous with the surrounding residential character
  - The site is on a constrained curve with limited visibility
  - The site formerly hosted a Four Square supermarket which had adverse effects such as noise and traffic but these were offset by the value to the community, whereas other types of business may not have such benefits, giving the examples of a vape shop and bottle store.
  - The adverse effects of light manufacturing and servicing activities including how and when the activity would be serviced
  - Some activities such as industrial that may be incompatible with residential uses are discretionary rather than non-complying as they would be in a residential zone.
- (540) The premise of the urban zones of the PDP is that the character of these areas is expected to develop over time to meet changing needs as set out in Objective 4 and Policy 6 of the NPS-UD.
- (541) In terms of transport issues, the MUZ does not provide for on-site business visitor carparking as a permitted activity, and the resource consent process is the appropriate avenue to manage site-specific traffic safety effects. The PDP does not regulate parking in the road reserve.
- (542) Similarly, the district plan cannot regulate the specific businesses that operate in the zone, although the zoning type and general land use rules may influence the type of activities that establish there. I agree that light manufacturing and servicing may create unacceptable adverse effects. In

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<sup>19</sup> This would have qualified as a grocery store, but not supermarket, under the definitions of the PDP as proposed.

the Mixed-Use Zone this would require resource consent within 40 metres of a Residential Zone. This would apply to the majority of the subject site.

- (543) The zone has strong policy direction for managing adverse effects on residential neighbours and I consider the discretionary activity status for certain activities, such as industrial, rather than non-complying is appropriate and still provides an appropriate level of assessment to manage effects.
- (544) On this basis, I recommend retaining the MUZ for the site and do not recommend any change.

#### Korokoro, Stanhope Grove and Rakeiora Grove

- (545) In regard to the submissions from Michael Stewart, Rebecca Leask, and Lorraine Mansfield, seeking the rezoning to LLRZ for lower Korokoro slopes, Raekiora Grove, and Stanhope Grove respectively, I have assessed these areas against the criteria in paragraph (493) Council used to determine if sites should be zoned LLRZ . This assessment is provided in Attachment 3.
- (546) The western portion of Korokoro, accessed via Korokoro Road, has been zoned LLRZ in the PDP because Korokoro Road does not contain safe pedestrian access, and there is limited ability to upgrade this. London Road on the other hand is much wider and contains formed pedestrian access along one side for the entire length of the road. It is also noted that there is public transport access to Petone Station and Jackson Street from London Road.
- (547) There are a number of concerns raised by these submitters which I consider will be addressed through other chapters of the plan, or the ODP, these are:
- Infrastructure constraints: In terms of three waters, any future development would need to comply with, or be assessed through a resource consent process under the Three Waters Chapter
  - Topography: This is addressed primarily through the Slope Assessment Overlay, as well as the Earthworks chapter.
  - Transport: Any future development would need to comply with, or be assessed through a resource consent process under the Transport Chapter in terms of vehicle crossings and driveways. Any development

of 20 or more residential units would require an integrated transport assessment.

(548) The PDP approach applies overlays to manage specific values or constraints, in addition to the underlying zone, rather than influencing the zone itself. This is consistent with how the National Planning Standards are intended to be applied and with the approach of other district plans in the region.

(549) In terms of loss of amenity, Policy 6 of the NPS-UD sets out the matters decision-makers must have particular regard to when making planning decisions that affect urban environments. This includes:

*...(b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:*

*(i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*

*(ii) are not, of themselves, an adverse effect*

(550) Therefore, while the change in zoning from the ODP Hill Residential Activity Area zoning may create change in the locations identified by the submitters in terms of enabling more intensive development, this change is not in and of itself an adverse effect, as set out in the NPS-UD.

(551) It is also noted that the MRZ permits three units per site. As such, any development over this threshold would require resource consent and would be assessed under this chapter. In relation to specific concerns raised in Lorraine Mansfield's submission [216.2] relating to landscape protection and slope issues, I note that no's 12, 14, 16 and 18 Stanhope Grove are subject to a Significant Natural Resource overlay (SNR 43, Percey Scenic Reserve) of the ODP which will be retained following the withdrawal of several chapters of the PDP, as outlined in Hearing 1. The surrounding reserve is proposed to be zoned Natural Open Space Zone. The Slope Assessment Overlay will also apply in this area. These layers are shown in **Error! Reference source not found.** below.



Figure 4: Stanhope Grove Zoning and Overlays under the PDP

(552) Finally, I have sought advice from Mr Benner, who advises the following:

- London Road (including Rakeiora Gr, Stanhope Gr, Te Whiti Gr & George Gee Dr) can accommodate medium density development, noting that the side streets will require more detailed assessment through the resource consent process regarding street parking and servicing effects (including the ability for waste management and emergency vehicles to safely move through these streets).
- Akatea Road does not provide a sufficiently safe pedestrian environment to support increased development in this area of Korokoro. While a continuous footpath is achieved down one side of the road its level of service is quite poor where it's not located on top of or behind a traditional kerb line. It appears that most of the properties are on the opposite side of the road to the footpath which presents issues as pedestrians will need to cross the road in locations where visibility is poor. Mr Benner advises that sightlines are already poor which cannot be easily mitigated and there would be an increased crash risk in this area.

(553) Based on Mr Benner's advice I consider:

- the MRZ should be retained for properties on London Road, from the intersection with Korokoro Road to George Dee Drive, including Rakeiora Gr, Stanhope Gr, Te Whiti Gr & George Gee Dr shown in Figure 5 below.

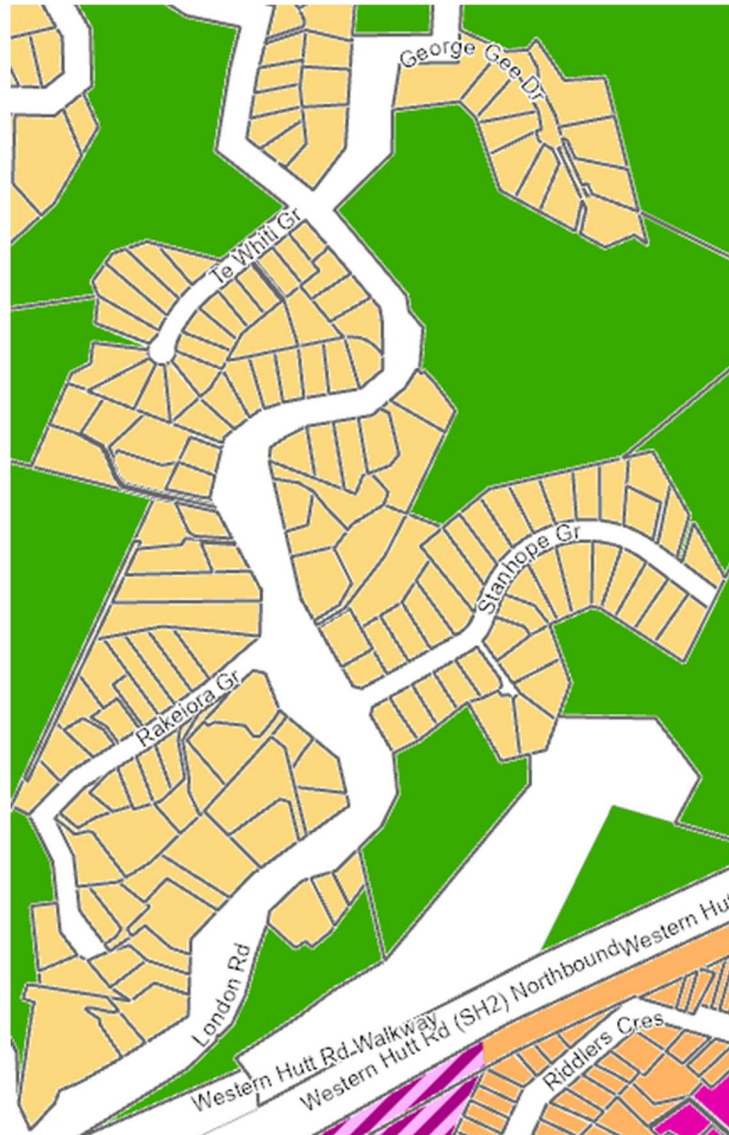


Figure 5 Properties on lower Korokoro slopes recommended to retain MRZ

- The properties fronting Akatea Road from the intersection of London Road and Akatea Road to the intersection with Maungaraki Road be rezoned from MRZ to LLRZ, as shown in Figure 6 below

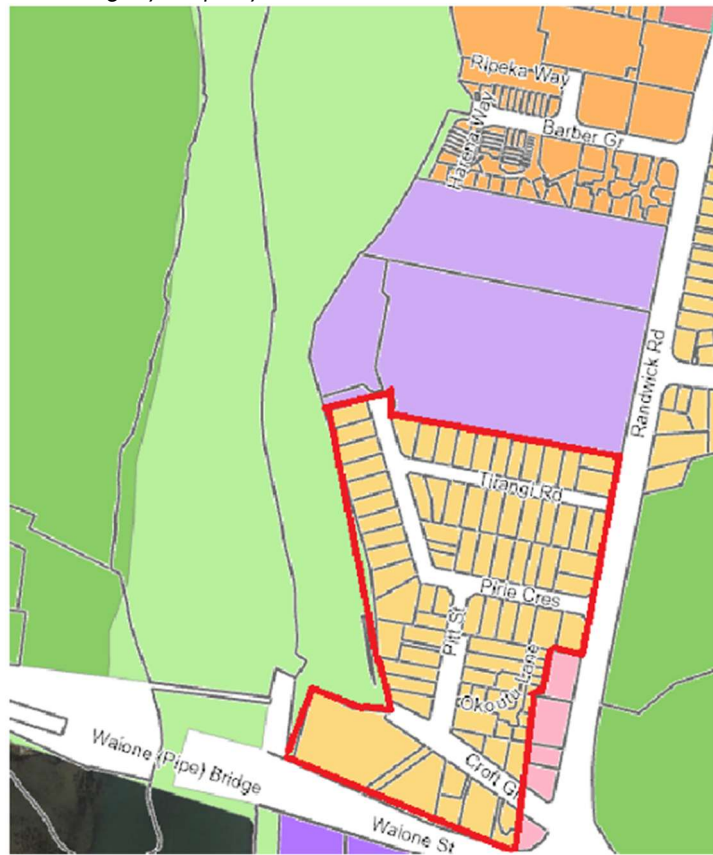


*Figure 6 Properties fronting Akatea Road recommended to be rezoned from MRZ to LLRZ*

(554) Accordingly, I recommend accepting in part the relief sought by Michael Stewart [481.1], and rejecting the relief sought by Rebecca Leask et al [472.1, 472.2 and 472.3] and Lorraine Mansfield [216.1 and 216.2].

Argosy Property No.1 [237.59]

Argosy Property No.1 seeks that the area shown in



- (555) Figure 7 is rezoned from MRZ to HRZ, due to inconsistency with the zoning of 39 and 51 Randwick Road:

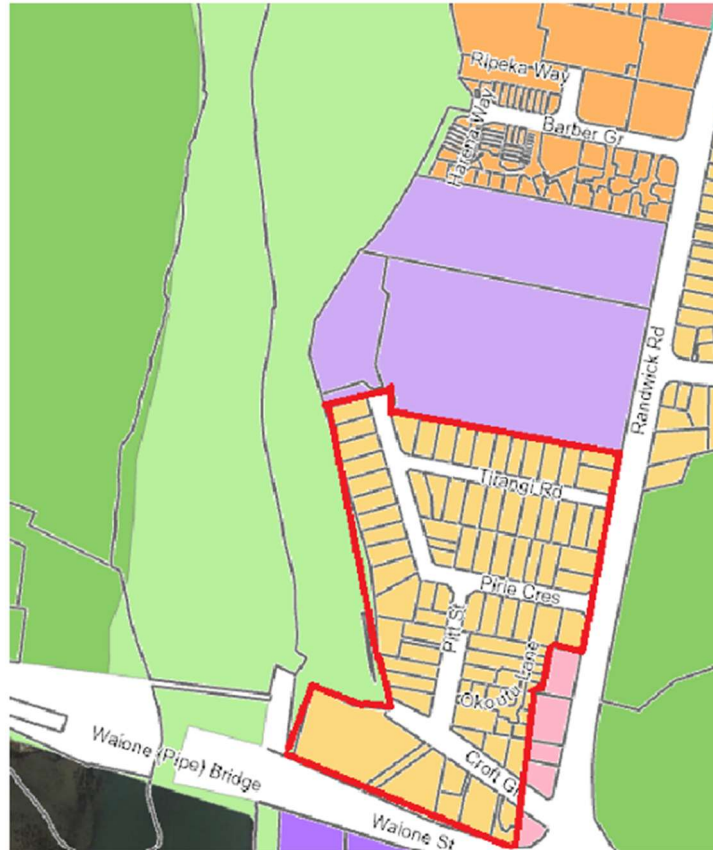


Figure 7 Area on Randwick Road proposed for rezoning from MRZ to HRZ by Argosy Property No.1

- (556) This area is located outside of the walkable catchments for HRZ that the Council applied through PC56 in accordance with Policy 3 of the NPS-UD. As such, the MRZ was applied to these properties.
- (557) It is noted that this area of Moera has less intensive residential and commercial activities than that further north on Randwick Road. The area subject to the submission is bounded to the north by a Light Industrial Zoning, and the Neighbourhood Centre Zone applies to properties fronting Randwick Road at the southern extent of the area. Further north is the Moera shops where the Mixed Use and Local Centres zones apply. The HRZ applies to the area around the Moera shops. Further to the south of this area, in the vicinity of Waione Road and Port Road, the Light and Heavy Industrial zones apply. As such, this part of Moera is a transitional area, from the more intensive commercial, light industrial, and high density residential uses to the north, and the more intensive industrial uses to the south.
- (558) Given the site is outside of the walkable catchment area applied to give effect to the NPS-UD alongside the surrounding land uses, particularly the

industrial and heavy industrial activities to the south, I consider it appropriate to retain the MRZ on these sites. This recognises that this area is a transition from residential to industrial and ensures a lower scale of residential density in proximity to industrial uses.

#### Wainuiomata

- (559) Kulbhushan Joshi [2.1] and DMAC Homes Limited trading as Friday Homes [29.1] support for the MRZ zoning is noted. I recommend accepting these submissions.
- (560) In regard to the submissions seeking the rezoning of identified properties on Ashburn Road and 30 Pencarrow Crescent, these sites are zoned Hill Residential Activity Area in the ODP. Similarly, Jaimie-Leigh and Nathaniel Cann [266.1] oppose the MRZ of 59 Wright Street and request the rezoning to LLRZ.
- (561) I have assessed these sites against Council's criteria for determining LLRZ, as outlined in paragraph (493). The area is bordered by sites of approximately 1000m<sup>2</sup> to the south, larger lifestyle properties to the east, and smaller residential sites (approximately 500-600m<sup>2</sup>) to the west.
- (562) As set out at paragraph (549), Policy 6 of the NPS-UD is directive about how amenity matters are to be considered where intensification is proposed. Therefore, while the change from Hill Residential Activity Area zoning may create change in this area in terms of enabling more intensive development, this change is not in and of itself an adverse effect, as set out in the NPS-UD. It is also noted that the Medium Density Residential Zone permits three units per site. As such, any development over this threshold would require resource consent and would be assessed under this chapter.
- (563) Given the above, and the assessment against LLRZ criteria, I consider it appropriate that the Medium Density Residential Zone is retained for these sites.
- (564) I agree with the request from Jaimie-Leigh and Nathaniel Cann [266.1] to rezone 59 Wright Street from MRZ to LLRZ. The property is accessed via a private right of way at the end of Wright Street which includes three other properties which are all zoned LLRZ. The site is also consistent with the planned character and built form of the zone, being over 1000m<sup>2</sup> and in an

area that is well-vegetated. Accordingly, I recommend accepting the relief sought and rezoning 59 Wright Street to LLRZ.

### Belmont

- (565) I acknowledge the large number of submissions seeking the rezoning of properties on Park Road, Belmont. In terms of the zoning pattern for Belmont, some of this area, for example the western side of Park Road, was zoned MRZ under PC56. However, other parts, largely the eastern side of Park Road and Hill Road were zoned Hill Residential Activity Area under the ODP and as such were out of scope for PC56.
- (566) I have assessed the areas of Park Road that are the subject of submissions against the criteria the Council has applied to the LLRZ in Attachment 3.
- (567) In regard to the group of submitters who sought the re-zoning of properties on Park Road, these have been assessed in regard to the Large Lot Residential Zone criteria. This assessment is also set out below in Appendix 4.
- (568) To support the assessment of the zoning of these properties, Traffic Evidence has been prepared by Luke Benner, attached to this report as Attachment 3. In paragraphs 15-21 of this evidence, Mr Benner sets out the access arrangements for the properties covered by this submission, including the long, at parts narrow, right of way with portions located in road reserve which currently services these properties. In paragraph 32 of Mr Benner's evidence, he sets out that the limiting factor in rezoning the properties to MRZ is that the vehicle accesses and their crossing onto Park Road will not meet the design requirements under the PDP and there is no way for these to be upgraded to comply.
- (569) It is noted that resource consent would be required under the Transport Chapter regardless of the zoning of the site and this may constrain development in any case. However, given Mr Benner's evidence, it is considered appropriate in this case to re-zone these properties to LLRZ, to reflect the traffic access constraints in this area.
- (570) In regard to the zoning of the remainder of Park Road, this has been assessed against the LLRZ criteria in Attachment 3. I have also assessed 127 Hill Road and 1/149 to 155 Hill Road in that attachment. In my opinion,

these properties should remain MRZ. While there are some streets in this area that are narrow, there are formed footpaths in the majority of cases and the areas are well-served by public transport. Three waters connections are also available in the road reserve. I recommend rejecting the relief sought by Dwayne McDonald, but accepting in part the submission of Jacky Cox on the basis I am recommending rezoning some properties on Park Road to LLRZ.

#### 21 Kaitangata Crescent, Kelson

- (571) I acknowledge the submission from RJ & CA Young seeking the rezoning of 21 Kaitangata Crescent from MRZ to a zone that is less enabling of development. In relation to their concerns about the transmission lines that traverse the site, I note the PDP includes provisions controlling development and subdivision within the National Grid Corridor and National Grid Yard. These are mapped in the PDP. Development and subdivision within these overlays is restricted by the Plan and would require the approval of Transpower.
- (572) I note for this site, these overlays apply to other properties on Kaitangata Crescent that are also zoned MRZ and are smaller than this property. The site is approximately 20,000m<sup>2</sup> with the National Grid lines traversing about one third of the site, approximately 80 metres from the front boundary. There remains a portion of the site outside the National Grid Corridor that could still be developed. In terms of access, I note the property is accessible from Kaitangata Crescent via a formed access. Kaitangata Crescent also has formed footpaths. In my opinion, any access issues are a matter for consideration through any future resource consent, should the site be developed for medium density housing. As such, I do not consider there is sufficient justification to reduce the development capacity of the site through rezoning. I therefore recommend rejecting the relief sought and retaining the Medium Density Residential Zone.

#### Meremere Street

- (573) I agree with the relief sought by The Policy Planning Team of Hutt City Council [440.96 and 87] to rezone 101 and 102 Meremere Street to Open Space. This rezoning aligns with the status of the property as Local

Purpose Reserve having been vested with the Council. Accordingly, I recommend accepting the relief sought.

(574)

### 4.9.3 Recommendations

(575) I recommend rejecting the relief sought by York Bay Residents Association [411.1].

(576) I recommend accepting in part the relief sought by Rowan Swain & Kim Weber-Swain [317.1], Andrew Robinson and Robyn Robinson [380.1], and Sensible Solutions for Eastbourne [383.1] and further submissions Philip Connell [F03.1] and Andrew and Robyn Robinson [F09.1] and rezoning 273 Muritai Road, 269 Muritai Road, 271 Muritai Road, 265A Muritai Road, 297 Muritai Road, 277 Muritai Road from LLRZ to MDRZ.

(577) I recommend accepting the relief sought by M&J Walsh Partnership [256.1 and 256.2] and the Policy Planning Team of Hutt City Council [440.118 and 440.119] and rezone 12 Shaftesbury Grove from Large Lot Residential Zone to Medium Density Residential Zone. I also recommend amending the MRZ Chapter Introduction and insert a new Shaftesbury Grove precinct.

(578) I recommend accepting Jaimie-Leigh and Nathaniel Cann [266.1] to rezone 59 Wright Street from MRZ to LLRZ.

(579) I recommend accepting in part the relief sought by Lucas Land Surveys Limited [325.1b], John Havler [350.1] and Design Network Architecture [349.1] and rezoning 452 Cambridge Terrace from LLRZ to MRZ as shown in the Indicative Zoning Map in **Error! Reference source not found.**

(580) I recommend accepting the relief sought by Bunny Willing [247.1], Victoria and Martin Jaenecke [249.1], Doreen Marilyn Brown [257.1] and [258.1], Ian Roderick Brown, , Elizabeth Cole [260.1], Michael and Sandra Fackney [262.1], Russel Hudson and Linda Husdon [270.1]

(581) I recommend accepting in part the relief sought by Danielle Falconer and Scott Falconer [313.1 and 313.2] and further submission from Marilyn Brown et al [F13.1], and rezoning 46, 40, 38, 36, 30, 26, 24, 20, 18, 14, 14A, 12, 12A, 10, 8, 6 and 4 Park Rd, Belmont from MRZ to LLRZ.

- (582) I recommend accepting the relief sought by Joe Jefferies [514.1], The Adrian Palmer Family Trust [315.3], Palmer and Cook Developments Ltd [316.1], Kulbhushan Joshi [2.1], Friday Homes [29.1], Rohan Kulharni [3.9], Northern Street Partnerships [28.1] and further submission Kāinga Ora [F26.8]
- (583) I recommend accepting the relief sought by Policy Planning team of the Hutt City Council [440.96 and 440.97] and rezoning 101 Meremere Street, Wainuiomata to the Open Space Zone and 102 Meremere Street, Wainuiomata to the Natural Open Space Zone.
- (584) I recommend accepting the relief sought by Policy Planning team of the Hutt City Council [440.117 and 118] and rezoning 12 Shaftesbury Grove to MRZ and including a new introduction text to the MRZ chapter, as follows:

***MRZ-PRECxxx: Shaftesbury Grove Development***

***Precinct***

*The Shaftesbury Grove Development Precinct provides bespoke management of subdivision for an area in Shaftesbury Grove, Stokes Valley to enable urban development while protecting the land's significant ecological values. The relevant policies and rules for this precinct are found in the Subdivision chapter*

- (585) I recommend accepting in part, the relief sought from WRC [452.188] Joshua and Fenyi Patterson [284.2] and John and Elisa Mendzela [287.2a]
- (586) I recommend accepting in part the relief sought by Michael Stewart [481.1], and rezoning the properties fronting Akatea Road, shown in Figure 6 from MRZ to LLRZ.
- (587) I recommend rejecting the relief sought from Mark Manze [20.1], TM Wano [483.1], Edmund Wano [482.1], Dave and Michaela O'Donovan [37.3], Loren Brown [500.2], Ian Binnie [513.1], Ron Beernink and Glenda McCallum [303.12 and 303.15], Carol Lough [330.1], Rebecca Leask et al [472.1, 472.2 and 472.3], Lorraine Mansfield [216.1 and 216.2], Sanna and Mark Gavin [438.1], Argosy Property No.1 Limited [237.58], Charles Hannaford [333.1] Melissa Yaxley [320.1] Harry and Joyce Wild [362.1], Tania Pitama [304.1], Dwayne McDonald [512.1], RJ & CA Young [244.1] Tim Phillips [64.1], Carleen Richards [117.1] and Rachel and James Prier [300.1], Jacky Cox [225.1],

Jeremy and Lynne Speight [235.1], Argosy Property No.1 [237.59] and Silverstream Park Christian Centre [32.1 and 32.2] and further submissions Kris Philip Connell [F03.1], Andrew and Robyn Robinson [F09.1]

#### **4.9.4 Section 32AA Assessment**

(588) I consider the recommendation to rezone the identified properties from LLRZ to MRZ is the most appropriate way to achieve the objectives of the PDP because the properties are consistent with the planned character and built form outcomes for the MRZ, and support a consolidated zoning pattern. In some cases, the rezoning also reflects the existing ODP zoning and the rezoning is a fair and reasonable outcome where there are no other constraining factors to retain the LLRZ or matters such as three waters servicing can be addressed through the consent process. The rezoning from LLRZ to MRZ is efficient and effective as it reduces the time and costs associated with unnecessarily challenging consent processes and supports the objective of providing sufficient capacity for housing within the PDP.

(589) The recommendation to rezone the identified properties from MRZ to LLRZ is the most appropriate way to achieve the objectives of the PDP because the properties have one or more constraining factors that mean a higher density zoning is inappropriate. Retaining the MRZ in these circumstances will not support outcomes sought in other chapters of the PDP, such as traffic safety and access. The approach is efficient and effective clearly signals that there are particular constraining factors for these sites that could not be easily addressed through the consent process if the MRZ applied and in doing so prevents unnecessary time and cost associated with lengthy and challenging resource consent processes.

#### **4.10 Miscellaneous**

(590) This section of the report addresses submission points in relation to the LLRZ, MRZ and HRZ that do not fit into one of the previous sections.

### **4.10.1 Matters raised**

- (591) Josh and Fenyi Patterson [284.3] support all provisions within the residential zones and seek they be retained as notified.
- (592) David Skelly and Caroline Skelley [330.2] seek that 1A Mackenzie Road, Eastbourne is included within the 18m Height Control Overlay. The submitter considers that this approach is consistent with PC56.
- (593) David Surrey [427.5] seeks that objective and policies of residential zone chapters, are replaced by the objectives and policies that were introduced by Plan Change 56, were equivalentents exist (inferred – refer to original submission). Unless there is evidence to support their change due to undesirable outcomes, then these existing provisions should remain as they are clearer than the proposed provisions.]Two submitters raised points related to the size of walkable catchments used in the plan to determine the location of the HRZ.
- (594) Joanne Gallen and Kevin Doyle [99.2], and Mary Walker and Robin Walker [121.2], oppose the HRZ and seek that properties located more than 500m from the CBD edge, train stations and commercial centres be rezoned as MRZ. Numerous reasons were given as to why this is sought, including community opinion, desire to live in suburban neighbourhood, as well as others.
- (595) Ben Rumsey [283.3] seeks that requirements are included for all buildings in the HRZ to accommodate cycle storage options with dimensions as per TR-S3 requirements, on the basis that providing for affordable housing requires access to affordable transport options such as cycling. The submitter considers cycle storage requirements are mostly missing from the HRZ.

### **4.10.2 Assessment**

- (596) The submission from Josh and Fenyi Patterson [284.3] in support of all provisions within the residential zones is noted. I recommend accepting in part this submission as I am recommending amendments to provisions within the residential zone chapters in response to other submissions.

- (597) In relation to the submission from David Skelley and Caroline Skelley [330.2], seeking the application of the 18m Height Control Overlay to 1A Mackenzie Road, I confirm that the ODP has an 18m Height Control Overlay for this property. I also note that the rear section of adjacent properties also have this overlay. However, under the PDP the spatial extent of this overlay has been reduced to include properties with street frontages to Muritai Road. The rear of these properties, including this site, are no longer subject to the height control overlay. While I note the owner has resource consent to construct a dwelling onsite, this does not influence the height control overlay. The site is an undeveloped lot to the rear of the properties along Muritai Road. The site has access to Mackenzie Road which is also subject to the Highly Constrained Roads Overlay.
- (598) The height control overlay is for areas adjacent to centres, which in this case is Eastbourne. The overlay also applies to areas well-served by existing or planned commercial activities and community services. I have reviewed the request to include 1A Mackenzie Road, Eastbourne against these criteria and disagree that it should be included in the Specific Height Control Overlay. Regardless of the previous overlay, under the current criteria of the PDP the site is not flagged for commercial activities and community services. Furthermore, the site is constrained due to its location on Mackenzie Road which makes it unsuitable for the height control. I also note the site is bounded to the rear by East Harbour Regional Park which has a Natural Open Space zoning. In my opinion it is appropriate to limit heights adjacent to this area of open space to that provided for in the zone, rather than providing additional height as this protects the amenity of the open space area.
- (599) Given this analysis, I recommend rejecting the relief sought by the submitter.
- (600) In relation to David Surrey [427.5], I agree that the Objectives and Policies should not be amended from PC56 without sufficient evidence. The objectives and policies in relation to the residential zone chapters have been assessed under sections 4.3 and 4.4 of this report. While no recommendations to amend the objectives have been made there could still be evidence to amend these, therefore the submission point is accepted in part. In relation to the submissions from Joanne Gallen and

Kevin Doyle [99.2] and Mary Walker and Robin Walker [121.2], I note 'walkable catchment' is a term used in Policy 3(c) of the NPS-UD. As part of PC56, Council defined this term as shown in Figure 8.

Figure 8 Definition of walkable catchments in PC56

<p><b>Walkable Catchments</b></p> <p>Policy 3(c) sets building height requirements for areas within at least a <i>walkable catchment</i> of some specific locations.</p> <p><i>"Walkable catchment"</i> is not defined in the NPS-UD. Council's interpretation is that a walkable catchment is that part of the urban area within a walkable distance of the reference point. Those walkable distances are:</p> <ul style="list-style-type: none"><li>• Within 1200 metres / 15 minutes of the City Centre</li><li>• Within 800 metres / 10 minutes of the Metropolitan Centre</li><li>• Within 800 metres / 10 minutes of Rapid Transit Stops</li></ul> <p>These distances were selected by Council based on:</p> <ul style="list-style-type: none"><li>• The hierarchy of centres set out in the Regional Policy Statement and the operative District Plan, which place the City Centre as the most significant centre for Lower Hutt</li><li>• The expected walking distances that are implied from the existing spacing of stations on the rail network</li><li>• The Ministry for the Environment's guidance document "Understanding and implementing intensification provisions for the National Policy Statement on Urban Development"</li><li>• The results of Council's community consultation</li></ul> <p>These distances are followed along all existing public roads and accessways, including roads that do not currently have footpaths but to which footpaths could be added. It does not include roads outside the urban area, that do not permit pedestrians, or for which no safe provision for walking is possible. The distances are modified to account for the additional time taken to ascend or descend sloping paths.</p> <p>The walkable catchments are then adjusted outwards to meet natural boundaries. This provides a plan that is easier to apply and provides more of a sense of natural justice by avoiding appearing arbitrary. The adjustment is outwards, as the NPS-UD requires walkable catchments to be a minimum, but allows Council to be more enabling.</p>
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(601) The walkable catchments were also informed by the Lower Hutt Walkable Catchment Study, which was a survey undertaken by the Council in 2021 as part of the District Plan Review.

(602) Due to the limited time between PC56 and the Proposed District Plan, specific monitoring of these walkable catchments has not been undertaken. However, it is considered that the factors used to determine the walkable catchments remain the same and as such it is appropriate to apply the PC56 walkable catchments to the PDP. This reflects that this was thoroughly tested by the PC56 hearings panel, and will provide

landowners certainty given there are no new significant reasons as to why this should change at this time.

- (603) I also note that the walkable catchments applied by the Council is generally consistent with how other councils in the Region have applied the NPS-UD requirement. Both the Wellington City and Porirua City District Plans have applied an 800m walkable catchment from Metropolitan Centres and rapid transit stops in applying the HRZ.
- (604) On this basis, I do not recommend any changes to the walkable catchments or extent of the HRZ.
- (605) In relation to Ben Rumsey's [283.3] relief sought to include requirements in the HRZ for cycle storage, I note that the Transport chapter includes provisions for the provision of cycle storage for a range of activities, including residential multi-unit development. A proposal for development in the HRZ will need to comply with those requirements, or obtain resource consent to waive them. Accordingly, I consider the issue raised by the submitter is already addressed by the PDP, and no change is required to the HRZ chapter. I recommend rejecting the relief sought.

### **4.10.3 Recommendations**

- (606) I recommend accepting in part the relief sought from Josh and Fenyi Patterson [284.3] and David Surrey [427.5].
- (607) I recommend rejecting the relief sought by David Skelly and Caroline Skelley [330.2], Joanne Gallen and Kevin Doyle [99.2] and Mary Walker and Robin Walker [121.2].
- (608) I recommend rejecting the relief sought by Ben Rumsey [283.3].

### **4.10.4 Section 32AA Assessment**

- (609) As I am not recommending any amendments as a result of these submissions, a section 32AA assessment is not required.

## 5 Mechanical issues, minor and consequential amendments

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- (610) Pursuant to Schedule 1, clause 16 (2) of the RMA, a local authority may make an amendment, without using the process in this schedule, to its proposed plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors.
- (611) As a consequential amendment from my recommendation in Hearing 1 to renumber the Strategic Directions to align with the required format in the National Planning Standards, I recommend re-numbering UDSD-O3, UDSD-O5, UDSD-O6, and UDSD-O7 as follows:
- ~~UDSD-UD~~-O3 Urban Form
  - ~~UDSD-UD~~-O5 Development Capacity
  - ~~UDSD-UD~~-O6 Housing Choice
  - ~~UDSD-UD~~-O7 Housing Quality
- (612) As a consequence of my recommendation to delete Policy MRZ-P14 and Policy HRZ-P14 at paragraph (202), I recommend consequential amendments to delete all references to these policies in Rules and Standards.

## 6 Conclusion

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- (613) This report has provided an assessment of submissions received in relation to the Residential Zone chapters and associated maps.
- (614) Section 4 assesses and provides recommendations on the decisions requested in submissions. I consider that the submissions on these topics should be accepted, accepted in part, or rejected, as set out in my recommendations of this report and in Attachment 2.
- (615) I recommend that provisions be amended as set out in Attachment 1 for the reasons set out in this report.
- (616) I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of the PDP and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken in the relevant sections of this report.

# 7 Attachments

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Attachment 1: Marked up chapters with recommended amendments

Attachment 2: Table of submission points with recommendations

Attachment 3: Assessment of rezoning requests for MRZ to LLRZ and MRZ to LLRZ

Attachment 4: Statement of Evidence of Miriam Moore

Attachment 5: Statement of Evidence of Luke Benner

# **Attachment 1: Marked up chapters with recommended amendments**

# **Attachment 2: Table of submission points with recommendations**

**Attachment 3: Assessment of rezoning requests for MRZ to LLRZ and MRZ to LLRZ**

**Attachment 4: Statement of Evidence of Miriam Moore**

**Attachment 5: Statement of Evidence of Luke Benner**