

APPENDIX Q: Summary of Feedback on PC54

Summary of Feedback received on PC54 – Nov 2021

#	Submitter	Topic / Site	Submission	Council Response	Outcome
1	Linda Pahi Orongomai Marae	Spatial Orongomai Marae	Enquiry what area this plan change applies to in relation to the Orongomai Marae Community Centre.	The plan change area is located adjacent to Orongomai Marae Community Centre (Mixed Use Zone - Park St and Railway Ave). The Orongomai Marae zoning will be reviewed as part of the upcoming review of the Special Purpose Zone.	No changes made
2	Bianca Webster	NCZ - Existing Use Rights 45 Merton Street	Enquiry how the proposed NCZ zoning affects the current residential use at 45 Merton Street?	The property is currently zoned commercial. The proposed zoning as NCZ will allow for ongoing commercial use. The current residential activity is protected by existing use rights – zoning changes will only be relevant if changes to activities or buildings are proposed.	No changes made
3	Duncan Stuart	GIZ – Noise	Enquiry regarding the difference between the current Business Industrial zone and the proposed General Industrial zone in terms of allowed noise levels?	PC54 does not include a review of the operative noise provisions. The current noise levels for Business Industrial will continue to apply to the proposed General Industrial Zone. A review of the Noise Chapter of the District Plan is scheduled to start this year.	No changes made
4	Chris Blunden	Residential 9 Ashington Rd & 35 Somerby Mews	General enquiry regarding the proposed rezoning to of the sites at 9 Ashington Rd and 35 Somerby Mews from commercial/industrial to residential & development at 91-191 Fergusson Drive (St Pats College)	The proposed rezoning from Business Commercial and Industrial to Residential reflects the actual development of the site and the current and ongoing use for residential activities.	No changes made
5	Brendan Dee	GIZ – Intended use and development	Site is proposed to be rezoned to GIZ. Intention is to develop and use the site for a Camera and Video equipment supply business to service and support	PC54 is in the initial stages and will be notified mid next year. If processed as a regular plan change the proposed provisions will have only limited relevance	No changes made

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		35A Thomas Neal Crescent	the new Lane Street Studios. Plans include three new buildings for workshops, caretaker residence, server rooms, screening theatre and warehouse. Enquiry whether PC54 would affect these plans.	<p>until the plan change becomes operative which can take up to two years. If processed under the Intensification Streamline Planning Process under the Resource Management Amendment Act the changes need to be made operative within 12 months. We are currently seeking confirmation from MfE which is the appropriate process for PC54.</p> <p>Once legally established the use and development of the site will be covered by existing use rights, independently of any changes to the underlying zoning.</p> <p>The proposed provisions for General Industrial areas as currently drafted are likely to provide for the buildings as described, however some of the envisaged activities may not be permitted, unless they can be classified as light industrial activities.</p> <p>The intention of the proposed General Industrial Zone is to provide for industrial activities and other activities that are compatible with the adverse effects generated by industrial activities. Non-industrial activities that are sensitive to potential emissions such as noise, dust and odour are strongly discouraged in the zone to prevent reverse sensitivity effects.</p>	
6	John Hill	Rezoning to HDRZ 723 Fergusson Drive	<p>Does not agree with rezoning of 723 Fergusson Drive from business commercial to HDRZ, wants to retain commercial zoning to provide for ongoing commercial activity and potential re-development. Would prefer rezoning to Mixed Use Zone.</p> <p>721-737 Fergusson Drive ('Broadway Shops') is a commercial mixed-use building with many different occupancies. Current occupants include a pharmacy,</p>	The proposed rezoning has been reconsidered in light of indicated re-development intentions and additional development potential and the re-zoning to Mixed Use Zone is support.	Changes made – Rezone to Mixed Use Zone

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			post shop, bakery, medical centre, vaccination and testing station. Previous and current uses include light industrial businesses (previously - upholstery, current - medical robotic packing machine). Future uses could include food, retail, drive through and parking.		
7	5019 Resident 3 Heretaunga Square	Residential activity	Support for apartments above shops in Upper Hutt Centre. Not directly affected.	Noted	No changes made
8	Please hear us	GIZ zoning 57 Kiln Street	<p>57 Kiln St (Farrah's) is surrounded by residential (proposed HDRZ) and therefore General Industrial Zone is inappropriate. A Light Industrial Zone with more stringent rules to manage adverse effects should be introduced for situations where industrial sites are located amongst residential housing.</p> <p>No provisions to manage adverse effects of industrial on surrounding residential are given. Current DP noise levels and height limit should be retained and landscape requirements should be introduced to offset adverse effects as part of the Light Industrial Zone.</p> <p>Rules should apply to existing properties, not only new activities.</p>	<p>PC54 includes provisions to manage effects where GIZ abuts residential or open space, such as setbacks, recessions planes, screening.</p> <p>PC54 does not review or propose changes to operative noise provisions. These will be reviewed independently in 2022.</p> <p>The proposed height limit aligns with NPS-UD requirements and proposed height levels in High Density Residential Zone. Setback and recession plane provisions manage effects along boundaries with residential and open space sites.</p> <p>A Light Industrial Zone would be unlikely to result in more restrictive noise limits that need to be achieved along boundaries with surrounding residential areas – the main difference would be about managing the effects within the industrial zone.</p> <p>Existing use rights are established in s10 of the RMA and cannot be changed or removed by way of a plan change to ensure natural justice.</p>	No changes made
9	Alan Jefferies	GIZ	Supports the proposed GIZ in general, main concerns relate to reverse sensitivity especially from the	Noted	No changes made

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		1102 Maymorn Rd	proposed rezoning of Gabites Farm and to the resolution of soil contamination issues on the site.		
10	Neil	GIZ 30 Kurth Crescent	<p>Spatial extent of General Industrial Zone as proposed for Farrah's factory site is completely and absolutely inappropriate.</p> <p>Proposed height limit of 22m for GIZ and LCZ surrounding Farrah's site is completely and absolutely excessive.</p>	<p>Proposed GIZ provides for ongoing industrial use and development of the site.</p> <p>The proposed height limit of 20m aligns with NPS-UD requirements and proposed height levels in High Density Residential Zone. Setback and recession plane provisions manage effects along boundaries with residential and open space sites.</p>	No changes made
11	Martin Drake	8 Du Pont Lane	<p>What are the proposed provisions for the General Industrial Zone and what the main changes are compared to the current provisions?</p> <p>Are current building and activity affected by these changes?</p> <p>What the process is from here and how long it takes until any new rules become operative?</p> <p>Overall happy with the level of information provided and that he had been contacted early in the process. No further feedback at this stage.</p>	<p>The proposed GIZ provisions have a stronger focus on providing for industrial activities while discouraging most non-industrial activities (except for limited ancillary activities).</p> <p>Current buildings and activities, if lawfully established, are protected by existing use rights and are not affected by the proposed changes. Only changes to activities or buildings will need to comply with the new provisions, once they become operative.</p> <p>Taking into consideration the feedback received we will finalise the proposed plan change, which will be formally notified in mid 2022. The actual plan change process can take up to two years (or longer if appealed) – depending on the appropriate process under the RMA.</p> <p>Noted</p>	No changes made

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12	Kiran Patel	Rezoning 20 Ebdentown Street	Intends to convert existing commercial into residential	The site is proposed for rezoning from commercial from residential, however until plan change becomes operative the current provisions apply.	No changes made
13	GWRC	General 1056 Fergusson Drive Upper Hutt train station	Support zoning of 1056 Fergusson Drive (GW Parks, Forests and Biosecurity Depot) as GIZ. Support rezoning of Upper Hutt train station area from Business Industrial to Mixed Use Zone. Allows for residential over retail, commercial or light industrial, thereby supporting intensification requirements around rapid transit stops as required by the NPS-UD.	Noted	No changes made
14	Robert Anker	Zoning Various sites, including 716 Fergusson Drive 704-706 Fergusson Drive 3/680 Fergusson Drive	Does not agree with the proposal to zone several commercial sites as residential (e.g. 716 Fergusson Drive, 704-706 Fergusson Drive, 3/680 Fergusson Drive) Map needs urgent review because it does not show all properties where commercial activity takes place. Plan change is an opportunity to create a clear picture and not continue the current mish mash. Proposed rules are inconsistent and need revision, e.g. Mixed Use GFA for LFR does not include parking whereas Drive Through does. Activity in commercial zones will be driven by commercial reality and it should not be Council's role to promote the City Centre. It makes sense for commercial zones to provide services where they are needed rather than forcing people to travel to the City Centre. Further comments:	The recent consultation was open to all members of the public, however only commercial landowners were directly notified. The listed examples are all currently zoned residential but used for commercial activities. The proposal is to retain the residential zone (which will provide for some commercial activities) rather than create site specific commercial spot zones that do not necessarily have the potential to develop into commercial centres. The maps are not intended to show all commercially used sites but to establish a commercial network that provides appropriate commercial development opportunities throughout the city. The District Plan is about planning for the future and providing an appropriate framework to achieve the anticipated outcomes rather than solely describing and confirming established activities. Residential activities are permitted up to 3 units per site, independently of the site size. No minimum or	No changes made

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			<ul style="list-style-type: none"> • Feedback should be invited from the general population, not only landowners. • Several commercial sites throughout the city, not all zoned commercial. Council should confirm existing commercial activity through re-zoning rather than adding costs and uncertainty for current owners. • Rules are not logical or consistent (e.g. LCZ – building GFA 450m², activity GFA 300m²) • Promotion of City Centre is inappropriate, businesses should not be told where to locate, but be able to locate within the community they intend to serve. • Height limits and setback will need to reflect government changes to RMA. • Number of residential units should be governed by site area • Size limits in MUZ are inconsistent (retail – no GFA, LFR – 1500m² with no mention of parking, F&B – 450m² but Drive-through - 1500m² incl. parking and manoeuvring) <p>In conclusion there should be only a Zone for Industrial and a City Centre Zone, any other zoning should be by area.</p>	<p>maximum unit sizes are proposed. The threshold of 3 units is consistent with recent proposed changes to the RMA (Housing Bill). The main intention of the threshold is to provide the ability to influence the design and quality of more intense residential development through the way of a restricted discretionary activity.</p> <p>The proposed provisions are considered to be consistent and align with and give effect to the intended centres hierarchy. The example provided by the submitter deliberately differentiates between the GFA for a building for Large Format Retail and the GFA for an activity (including outdoor areas for parking and manoeuvring) for Drive-through activities. This reflects the fact that drive-through activities usually have smaller buildings but require larger outdoor areas. To comply with the NPS-UD District Plans can no longer include minimum parking requirements. Any minimum dimensions for parking areas (if provided voluntarily) or loading and manoeuvring areas are contained in the Transport and Parking Chapter of the District Plan and the Code of Practice for Civil Engineering Works and are not subject to review as part of this plan change.</p> <p>The concept of a centres hierarchy is a recognised and well established planning tool to provide for the right size and type of activity in the right location while managing the adverse effects of inappropriate activities. It is Council’s policy (as confirmed by the Upper Hutt’s Land Use Strategy) to promote the City Centre as the commercial and civic focal point of the city while providing for commercial activities throughout the city at a scale that is appropriate for the receiving environment.</p>	

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15	RACE Incorporated Tim Savell	Pt Lot 2 DP 527769 & Lot 4 DP 522882 at Trentham Racecourse, Racecourse Road, Trentham, Upper Hutt Rezoning to Mixed Use Zone	RACE Inc requests that part of the racecourse (Pt Lot 2 DP 527769 & Lot 4 DP 522882) be added to the Mixed Use Zone as part of PC54. The racecourse is currently zoned Special Activity Zone and permitted activities in the Special Activity Zone are limited and restrictive (e.g. active and passive recreation activities and buildings, removal of buildings and minor structures for the racecourse site). The Special Activity Zone does not provide for other commercial and development opportunities to complement the core activity on the site and does not enable the racecourse to utilise or develop the site in a way that would assist to upgrade racecourse facilities and ensure viability. The provisions of the Mixed Use Zone are considered appropriate to provide for a range of activities while managing and controlling the effects.	Trentham Racecourse is one of four applications from Upper Hutt for consideration under Central Governments Infrastructure Acceleration Fund. The application has been reviewed and invited to progress to the next stage (Request for Proposal). Due to Council's signalled support for the project and competing timeframes it may be appropriate to consider the rezoning of this site as part of PC54 rather than leaving it for the review of the Special Activity Zone which is scheduled to begin later in 2022.	To be decided
16	Gillies Group and The Heretaunga Company Brendan Hogan	NZCIS (Lot 100 DP 544244 & Lot 1 DP 544244, Somme Road, Trentham, Upper Hutt) Various	Gillies Group supports PC54 subject to the following amendments and additions: Rezone NZCIS and Sports Hub site to Mixed Use Zone The Heretaunga Company Ltd and The Heretaunga Company No.2 Ltd, being the owners of the NZCIS and Sports Hub, request that the NZCIS and Sports Hub at Lot 100 DP 544244 and Lot 1 DP 544244 be added to the Mixed Use Zone in Draft Plan Change 54. The site is currently zoned Special Activity Zone. It was previously owned by central government and used for tertiary education. After being vacant for years it was bought by the Heretaunga Company who established the NZCIS and Sports Hub on the site. Most of the office space on the site is leased to	A review of the Special Activity Zone is scheduled to begin later in 2022. This review will re-consider the zoning of all land currently zoned as Special Activity Zone to better align with the Special Purpose Zones provided for under the National Planning Standards. Some of the current areas and activities covered by the Special Activity Zone will no longer qualify or meet the criteria of a Special Purpose Zone under the National Planning Standards. While it is correct that there are only limited permitted activities in the Special Activity Zone it should be noted that a wider range of activities and	No changes made

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			<p>Government Departments and other commercial and science tenants while the former student Hall of Residence now serves as short term residential accommodation.</p> <p>The permitted activities on the site are limited to educational activities and recreation activities and do longer reflect or provide for the newly established use and development of the site.</p> <p>The provisions of the Mixed Use Zone are considered appropriate to provide for the established activities while managing and controlling the effects.</p> <p>City Centre Zone – CCZ-R12 Erection, Construction & Development of Additions to Existing Buildings</p> <p>Under CCZ-R12 additions to existing buildings are permitted as long as they don't exceed 5% of the GFA of the existing building. Gillies Group queries the need for this rule considering off-street carparking requirements need to be removed under the NPS-UD. Building standards are controlled by the Building Act, good design outcomes will be achieved through the Design Guide and amenity effects are controlled by way of standards. Therefore there is no need to restrict the GFA of additions to existing buildings in the City Centre Zone.</p> <p>Town & City Centre Design Guide</p>	<p>development are provided for as controlled activities in this zone.</p> <p>As stated correctly any addition to an existing building up to 5% of the existing build GFA is a permitted activity. The intention of this rule is to be able to control and assess any more substantial additions in order to achieve good design outcomes and high quality development. If fall all additions to existing buildings were permitted there would be no ability to require a design assessment and consistency with the Design Guide. Therefore, the statement that <i>“good urban design outcomes will be achieved with adherence to the design standards in the Town & City Centre Design Guide of the Plan Change”</i> is misleading, considering a permitted activity would not be required to be consistent with the Design Guide.</p> <p>The Town & City Centre Design Guide is currently under development but unfortunately was not ready to be published as part of this pre-notification feedback phase. It will be made available at the time</p>	

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			<p>The Town & City Centre Design Guide should be included in the public notification of PC54 in order for the public to</p> <ul style="list-style-type: none"> • fully understand the anticipated outcomes and likely costs; • compare the design standards with examples of best practice; and • make informed submissions. 	<p>of notification of PC54 and the public will have the opportunity to consider and submit on the Design Guide as part of the statutory consultation.</p>	
17	Silver Stream Railway Jason Durry	Silverstream Railway site 44 Kiln Street	<p>Silver Stream Railway acknowledges that the rezoning of Amberley Gardens from Industrial to Residential reflects the actual development and use of the site but opposes the rezoning of the neighbouring site at 44 Kiln Street which is currently used as a cleanfill site.</p> <p>The plan change should incorporate provisions that address and prevent reverse sensitivity effects from future development of neighbouring sites on the existing operation of the railway.</p> <p>The potential effects of the existing railway designation include noise, vibration and also smoke due to being a heritage operation and operations are not limited to days of public operations but can happen day and night. Therefore, the current and anticipated change in land use of surrounding sites from industrial to residential must include measures to avoid, remedy or mitigate reverse sensitivity effects.</p>	<p>Rezoning reflects development intentions of the landowner for the site. The future development of the site for residential activities is generally supported by Council.</p> <p>The operation of the Silver Stream Railway is subject to the same emissions standards relating to noise, dust and light as any other land use activity. No changes are proposed to the operative standards. The standards generally apply at the boundary of the site, independently of the land use or zoning of the adjoining sites (e.g. Noise - <i>Maximum noise levels measured at or within the boundary of any site (other than the source site) in the Commercial and Special Activity Zones</i>; Light - <i>Light emissions from a site shall not exceed a measurement of 8 lux (lumens per m2) measured in both the horizontal and vertical planes, 1.5m above the ground at the site boundary</i>). If the operation results in emissions that exceed the permitted levels a resource consent will be required.</p>	No changes made

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			<p>The proposed rezoning of the Hulls Creek Overlay Area from Industrial to Natural Open Space was rejected during plan change 20 for various reasons but I now proposed – why?</p>	<p>The site is currently not subject to a designation.</p> <p>Any reverse sensitivity effects can be sufficiently addressed at the subdivision phase for future development of the surrounding area - either by way of private covenants or consent notices.</p> <p>In 2009 the hearing commissioner for Plan Change 20 came to the following conclusion regarding the rezoning or overlay issue for the Hulls Creek area:</p> <p><i>“In considering this issue, I am satisfied that the overlay approach proposed by the requester would be a more effective method for providing for the conservation and recreation attributes of Hulls Creek for the following reasons:</i></p> <ul style="list-style-type: none"> <i>(a) The Open Space Zone is generally applied to public open space within the City, such as parks, reserves, and river corridors, and not to privately owned land such as the subject site;</i> <i>(b) Permitted activities within the Open Space Zone do not provide for the range of activities considered appropriate to the Hulls Creek overlay area - "passive recreation" is the only relevant permitted activity, and it is uncertain where the definition of this term encompasses the range of appropriate activities;</i> <i>(c) Specific recognition of the conservation values relating to the overlay area could be included into</i> 	

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				<p><i>the policy relating to the subject site; and</i></p> <p><i>(d) An Open Space zoning would require the inclusion of exemptions specific to the subject site."</i></p> <p>The current review of the Open Space Zones (PC49) introduces new Open Space zones and includes privately owned properties. The proposed Natural Open Space Zone is considered appropriate as it allows for activities and development of an appropriate scale to occur in identified spaces whilst conserving the natural character and associated ecological and landscape values and allowing the community to undertake recreation, customary, and conservation activities in a natural setting.</p> <p>The site north of the Hulls Creek Overlay has been fully developed and is now being used for industrial activities. Therefore, the mentioned restrictions of the rezoning of Hulls Creek to Open Space on the development potential of the Industrial land along the boundary are no longer a dominant factor.</p> <p>PC54 also reviews and proposes changes to the operative boundary provisions where industrial sites abut residential or open space zoned sites.</p> <p>Overall, the rezoning of the site as Natural Open Space better reflects the actual and intended character and use of the site than the previous industrial zoning. Having a site zoned industrial while at the same time prohibiting all and any industrial activities on the site is considered inappropriate.</p>	