

**Proposed Intensification Planning Instrument for
the
Upper Hutt City District Plan**

Section 32 Evaluation Report

VOLUME 3: COMMERCIAL AND MIXED USE ZONES

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1 Introduction

The commercial and mixed use component of the IPI proposes the introduction of five new commercial zones to replace the current operative zones.

The commercial zones in Upper Hutt primarily provide for business activities. Business activities are vital to the well-being of the community and contribute to the vitality, vibrancy and convenience of the city. At the same time business activities may have adverse effects on surrounding areas and more sensitive activities like residential and therefore these effects need to be managed.

Upper Hutt has a network of commercial centres, from the CBD and the commercial centre at Silverstream to suburban centres and single commercial premises like dairies within residential environments. The commercial centres provide for the retail and service needs of the community. Fergusson Drive is a major artery with a large variety of commercial activities located along the road. The existing centres provide a sense of place and identity to communities. The role and function of the different commercial areas is important as they provide certainty for future development and acknowledge significant past investments in these centres. Existing centres are mostly well supported by existing infrastructure and provide an opportunity for future intensification and development.

The City Centre is the central area of Upper Hutt and contains the majority of commercial, civic and community activities in the city. These include the Upper Hutt Mall, Monterey Cinema, the Council administration building, Expressions Whirinaki Arts and Entertainment Centre, H2O Xtreme Aquatic Centre, the Upper Hutt Library and multiple large format retailers in close proximity to the Upper Hutt train station. In walking distance from the City Centre is the Brewtown precinct – this recently established entertainment precinct is home to multiple hospitality businesses, entertainment activities and other activities such as a shared office space and a regular farmers market.

At the same time the City Centre is an underperforming asset. It is car dominated with vast areas of at-grade car parking and a lot of previous developments are of poor quality. Most buildings are one or two storeys and offer considerable intensification potential.

The current commercial areas are divided into two specific zones to reflect the Plan's policies:

- a. The Commercial zone focuses on retail and service functions which support the local community. This includes suburban centres which provide for a limited range of shopping and business needs. Local shops and dairies provide day-to-day convenience shopping.
- b. The CBD accommodates a variety of activities in a compact, convenient layout which is characterised by pedestrian-orientated traffic. Commercial activities are also provided for at Silverstream and other suburban areas. These areas provide for a limited range of shopping and business needs. The smaller neighbourhood shops, including dairies, provide for day-to-day convenience shopping.

The existing Commercial Zone provisions of the District Plan have not been comprehensively reviewed since 2004, with the only targeted review of the Commercial Zone provisions in this period focusing on the subdivision standards.

The overarching issue for the review of the commercial provisions is to give effect to policy 3 of the NPS-UD as required by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 ("Amendment Act"), to provide sufficient areas of land with an appropriate zoning and to introduce a robust rule framework to provide for the social, economic and cultural wellbeing of the community.

Commercial land is a significant physical resource for the community. In addition to the potential economic value this land provides to the City, it provides value in terms of amenity. Zone boundary interfaces require careful management to maintain amenity within adjacent Residential Zones and Open Space and Recreation Zones, and to minimise the potential for reverse sensitivity effects to arise.

This IPI proposes to replace the existing Commercial and City Centre Zones with five distinct zones which align with the National Planning Standards (2019). The following zones are proposed:

- City Centre Zone (CCZ);
- Town Centre Zone (TCZ);
- Local Centre Zone (LCZ);
- Neighbourhood Centre Zone (NCZ); and
- Mixed Use Zone (MUZ).

The proposed commercial and mixed use zones support and strengthen a hierarchy of centres and set a clear framework for the role, function and development scale of existing and future centres and commercial areas within the City. The purpose is to provide for the ongoing use of the land in these zones for commercial and other corresponding activities.

The table below shows those aspects which are within the scope of the commercial and mixed use component of the IPI, and those matters which are considered out of scope and will or have been considered within separate plan changes as part of the rolling review of the District Plan.

| In Scope | Out of Scope |
|--|---|
| <ul style="list-style-type: none"> • Objectives, Policies and Rules for the Commercial Zone and the City Centre Zone • Spatial extent of the commercial zones • Relevant Definitions under Chapter 2 • Strategic Direction where it relates to commercial zones • Relevant provisions of the subdivision chapter relating to commercial zones. • Any necessary updates and consequential changes to other chapters where commercial zones are referred to. | Provisions relating to <ul style="list-style-type: none"> • Network Utilities (NU chapter) • Natural Hazards (NH chapter) • Historic Heritage (HH chapter) • Notable Trees (TREE chapter) and Urban Tree Groups (UTG chapter) • Noise (NOISE chapter), Light (LIGHT chapter) and Air (AIR chapter) • Earthworks (EW chapter) • Signs (SIGN chapter) • Special Activity Zone provisions (SAZ) • Development Areas provisions (DEV1) |

1 Issues

Based on the analysis and consultation undertaken, the following issues have been identified:

| Issue | Comment | Response |
|---|---|---|
| Issue 1: The need to ensure that there is sufficient commercial development capacity to meet expected demand | <ul style="list-style-type: none"> • The National Policy Statement on Urban Development requires local authorities to provide at least sufficient capacity to meet expected demand for housing and for business land over the short, medium and long term. According to the Housing and Business Development Capacity Assessment for Upper Hutt (2018) Upper Hutt is generally well placed to serve business needs, with sufficient floor space | <ul style="list-style-type: none"> • Introduce provisions that enable additional density, especially within existing commercial areas. • Provide sufficient areas of commercial zoned land to satisfy the demand of different types and scales of commercial development. |

| Issue | Comment | Response |
|---|---|---|
| | <p>capacity and an attractive level of feasibility identified. Overall, business demand over the 30 year period is anticipated to transition from industrial demand to commercial demand, with future changes to what industrial / manufacturing looks like. The CBD is heavily relied on to cater for this future commercial business demand (with 79% of commercial capacity), meaning there will need to be a greater focus on upward infill building development upon existing allotments.</p> | |
| <p>Issue 2: The need to provide adequate guidance regarding the purpose and role of different commercial zones and their place in a commercial hierarchy.</p> | <ul style="list-style-type: none"> • Until the recent re-formatting of the ODP to align with the National Planning Standards there was only one business zone with two subzones (business commercial and business industrial) and some CBD related provisions. • The recent reformatting introduced three zones (Commercial, City Centre and General Industrial Zone) without changing the meaning or content of provisions. However, the three zones still have a strong overlap and very small distinction in provisions. • Due to a lack of appropriate zoning and guidance, activities may be locating in inappropriate areas which impacts on the economic viability, occupancy and vibrancy of existing centres (especially the city centre) and compromises the amenity of the surrounding areas. • There is no clear vision for the future character and development potential of different commercial areas. • The lack of a centres hierarchy creates uncertainty and may result in unintended outcomes. | <ul style="list-style-type: none"> • Introduce a range of Commercial, and Mixed Use Zones to the District Plan that reflect a centres hierarchy and implement the Upper Hutt Land Use Strategy. • Include objectives and supporting policies that clearly identify the Commercial zones as the key locations for commercial activities and outline what activities and developments are expected in the different zones. • Provide supporting rules and standards that enable the activities and built development expected in the different zones. • Provide clarity on the function of different centres. • Provide certainty for the ongoing use and development of established commercial centres. • Support existing and consolidated urban land use patterns. |
| <p>Issue 3: The importance of providing for a mix of compatible activities within the commercial and mixed use zones.</p> | <ul style="list-style-type: none"> • The current provisions do not encourage a mix of compatible activities while also addressing potential reverse sensitivity effects. • There is no clear guidance regarding what types of activities are expected to be located where. • Providing for a mix of activities including residential activities can increase vitality and vibrancy of commercial areas. • Providing flexibility for development with clear expectations around the management of effects can encourage development whilst maintaining the character and amenity levels of the different commercial areas. | <ul style="list-style-type: none"> • Include objectives that outline the purpose and the expected character of each of the zones and supporting policies that establish which activities are considered appropriate, expected or inappropriate in each of the zones. • Introduce supporting rules and standards that provide for the intended mix of activities while also addressing potential compatibility issues and managing potential adverse effects. • Address potential reverse sensitivity effects. |

| Issue | Comment | Response |
|--|--|---|
| | <ul style="list-style-type: none"> • Providing commercial vitality through a mix of activities | |
| <p>Issue 4:</p> <p>The opportunity to encourage and achieve high quality urban development through the use of development standards and design guidance in commercial and mixed use areas.</p> | <ul style="list-style-type: none"> • The current provisions do not provide sufficient development standards or design guidance to address potential adverse effects of development within commercial areas and along the interface with Residential Zones and Open Space and Recreation Zones. • There are very few standards and no guidance that apply to new development to ensure good quality buildings and design outcomes. • The current provisions do not create an expectation or vision regarding the expected quality and amenity of built development. • Well designed, high quality built environments contribute fundamentally to the vitality and attractiveness of commercial centres. • It is important to achieve functioning and at the same time high quality built environments that are attractive and vibrant. • New commercial activities and development should be encouraged to locate within the appropriate zones with sufficient guidance around expected outcomes. | <p>Manage development through standards which ensure an acceptable level of design as a minimum. Larger buildings or those that do not comply with the standards will be considered through a resource consent process, and design guides.</p> |
| <p>Issue 5:</p> <p>The need to manage the effects of commercial activities and development on neighbouring residential and recreation areas.</p> | <ul style="list-style-type: none"> • Potential adverse effects of commercial use and development at the interface with more sensitive zones and activities need to be managed. | <ul style="list-style-type: none"> • The current provisions have been reviewed and amended where necessary. • The proposed provisions include objectives that address the management of commercial development at the zone interface with Residential Zones and Open Space and Recreation Zones (where applicable) and introduce supporting policies, rules and standards that manage the potential effects of commercial development on adjoining properties in Residential Zones and Open Space and Recreation Zones. |

2 Objectives

2.1 Appropriateness of Objectives

Below are the objectives that are proposed to be introduced or amended through the IPI. Having considered a range of options including retaining unchanged the current objectives of the District

Plan, these objectives are the most appropriate way to achieve the purpose of the RMA, as demonstrated in the table below.

The objectives generally address the following matters in each zone:

- Purpose of the zone
- Character of the zone
- Managing the scale of use and development at the zone interface
- Hydraulic neutrality

| Objective or group of objectives | |
|--|----------------|
| CMU-O1 Well-functioning Urban Environments | |
| CMU-O2 Business Land Capacity | |
| CMU-O3 Centres Hierarchy | |
| CMU-O4 Centre Zones Hierarchy | |
| CMU-O5 Mixed Use Zone | |
| Deletion of the existing COMZ objectives | |
| NCZ-O1 Purpose of the Neighbourhood Centre Zone | |
| NCZ-O2 Character and Amenity Values of the Neighbourhood Centre Zone | |
| NCZ-O3 Managing Effects at the Zone Interface | |
| NCZ-O4 Hydraulic neutrality | |
| LCZ-O1 Purpose of the Local Centre Zone | |
| LCZ-O2 Character and Amenity Values of the Local Centre Zone | |
| LCZ-O3 Managing Effects at the Zone Interface | |
| LCZ-O4 Hydraulic neutrality | |
| MUZ-O1 Purpose of the Mixed Use Zone | |
| MUZ-O2 Character and Amenity Values of the Mixed Use Zone | |
| MUZ-O3 Managing Effects at the Zone Interface | |
| MUZ-O4 Hydraulic neutrality | |
| TCZ-O1 Purpose of the Town Centre Zone | |
| TCZ-O2 Character and Amenity Values of the Town Centre Zone | |
| TCZ-O3 Managing Effects at the Zone Interface | |
| TCZ-O4 Hydraulic neutrality | |
| Deletion of the existing City Centre Zone objectives | |
| CCZ-O1 Purpose of the CCZ- City Centre Zone | |
| CCZ-O2 Character and Qualities of the CCZ- City Centre Zone | |
| CCZ-O3 Interface with Residential or Open Space and Recreation Zones | |
| CCZ-O4 Hydraulic neutrality | |
| Evaluation of objectives | |
| Part 2 RMA | Comment |

| | |
|---|---|
| <p>Section 5 Purpose</p> | <p>The proposed objectives achieve the purpose of the RMA as they promote the sustainable management of natural and physical resources.</p> <p><u>CMU-O1</u></p> <p>Objective CMU-O1 seeks to achieve a well-functioning urban environment. As set out in the NPS-UD, a well-functioning urban environment at a minimum enables a variety of homes to meet the needs of different households, Māori to express their cultural traditions and norms, a variety of sites suitable for different business sectors, good accessibility between housing, jobs and other amenities and services. It also seeks to support reductions in greenhouse gas emissions and be resilient to climate change.</p> <p>It is a requirement of the Amendment Act that this objective be included in the IPI. This objective has been included in the Strategic Directions as the commercial and mixed use zones are critical to enabling a well-functioning urban environment for the whole city.</p> <p>This objective achieves section 5 of the Act through four domains, being the built environment, the social environment, the natural environment and the cultural environment. A well-functioning urban environment reflects the context and purpose of its development, meeting the practical, economic, physical, social and cultural needs of all the citizens it serves today and into future generations. A well-functioning urban environment reflects the diversity in society and enables all people and communities to be an integral part of the urban fabric.</p> <p><u>All other amendments to the objectives</u></p> <p>Providing good quality land suitable for a wide range of commercial activities is essential to people and communities providing for their social and economic needs in accordance with section 5(2). Commercial land is a finite resource, and has particular locational and topographic requirements. Commercial land is a significant physical resource for the community. In addition to the economic value this land provides to the City, it provides value in terms of amenity and quality of the environment. Zone boundary interfaces require careful management to maintain amenity within adjacent Residential Zones and Open Space and Recreation Zones.</p> <p>Residential activities are an important component of the City Centre Zone in addition to commercial and entertainment activities and are reflected in some of the new objectives. Residential development also helps create a safer environment with more eyes on the street and public places, and by generally having more people around. Residential activities create vibrancy and activity in the City Centre Zone and enable people to locally access opportunities to live, work and play without needing to travel.</p> <p>Recognising the importance of functional, safe and inclusive residential development will assist people and communities to provide for their social, economic and cultural well-being in accordance with section 5(2) of the Act. The word “inclusive” ensures that the social and cultural needs are met. This objective will also ensure the City Centre Zone contributes to the health and safety of people and the community with explicit recognition of creating a “safe” place to live.</p> <p>Recognising residential activities in the objectives will contribute to housing supply, choice and access to sustainable transport options. Residential activities in the City Centre and Town Centre Zones will further support the sustainable management of natural and physical resource through the efficient use of the urban land resource, by reducing the need to expand into greenfield land</p> |
| <p>Section 6 Matters of national importance</p> | <p>Section 6 matters are addressed primarily through existing objectives contained in other parts of the District Plan. Volume 4 Qualifying Matters provides more detail on this.</p> <p>However, the definition of well-functioning urban environment in the NPS-UD includes enabling a variety of homes that enable Māori to express their cultural traditions and norms. Therefore, this objective contributes towards recognising and providing for the matter of national importance set out in s6(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. The objective around residential diversity also provides for a range of dwelling types and densities that, although not specifically listed, could include various forms of housing.</p> |

| | |
|---|--|
| <p>Section 7 Other matters</p> | <p><i>(b) the efficient use and development of natural and physical resources</i></p> <p>The proposed objectives explicitly recognise the importance of providing for residential and commercial activities in the city. Enabling residential and commercial activity in the existing urban areas will reduce the need to sprawl urban development into greenfield areas. This is an efficient use of existing natural and physical resources in accordance with Section 7(b) of the Act. Objective CMU-O1 seeks to achieve a well-functioning urban environment which at a minimum enables a variety of homes to meet the needs of different households, Māori to express their cultural traditions and norms, a variety of sites suitable for different business sectors, good accessibility between housing, jobs and other amenities and services. This constitutes an efficient use and development of resources.</p> <p>The objectives that seek to achieve hydraulic neutrality ensure efficient management of stormwater.</p> <p><i>(c) the maintenance and enhancement of amenity values</i></p> <p>Amenity values will be enhanced the creation of a “well-functioning urban environment”. In order to achieve these outcomes, amenity values will be maintained or enhanced. Amenity is an important contributor to a safe place to live. In addition, the objectives in each zone recognise the amenity values e.g. TCZ-O2, MUZ-O2 and NCZ-O2.</p> <p><i>(f) maintenance and enhancement of the quality of the environment</i></p> <p>The quality of the environment will be enhanced through by use of words such as “an attractive place to live” and the creation of a “well-functioning urban environment”. In order to achieve these outcomes, the quality of the environment will be maintained or enhanced.</p> <p>The objectives that seek to achieve hydraulic neutrality ensure maintenance of the quality of the environment by managing stormwater in a way that captures post-development peak runoff so that it does not exceed the pre-development peak flow rate. If a property is hydraulically neutral then the peak flow rate from the site will be the same, or less than, what it was prior to development. This means that the quality of the environment in terms of management of stormwater will be maintained as a minimum.</p> <p><i>(i) the effects of climate change</i></p> <p>Explicitly enabling residential and commercial activities in the urban environment ensures a compact and liveable city with opportunities to live, work and play. Because it reduces the need to travel by vehicle, there is likely to be a corresponding reduction in greenhouse gas emissions and contributions to climate change. A vibrant / high quality urban environment better supports people using other transport means than private vehicles.</p> |
| <p>Section 8 Treaty of Waitangi</p> | <p>The definition of well-functioning urban environment in the NPS-UD includes enabling a variety of homes that enable Māori to express their cultural traditions and norms. Therefore, Objective CMU-O1 contributes towards taking account of the principles of Te Tiriti o Waitangi. Community engagement has been generally supportive for intensification in existing urban areas and improving opportunities to increase housing capacity and choice in existing urban areas. Refer to Volume 1 for feedback received from iwi.</p> <p>In addition, the achievement of hydraulic neutrality is a matter that is important to iwi and expressed through the Whaitua process.</p> |

The proposed objectives are the most appropriate way to achieve the purpose of the Act because:

- The proposed objectives are in line with national best practice and implement national and regional guidance and direction (s5, NPS-UD, RPS) by providing for a wide range of activities (including residential and business activities) while also giving clear guidance on intended outcomes for the zones.
- They have regard to the strategies relevant to the development of the urban environment.
- The proposed objectives provide greater certainty to decision makers and plan users.
- While the existing objectives provide some direction, they do not fully reflect the higher level direction of the NPS-UD.

- The objectives will assist in providing for the economic, social and cultural well-being expressed in section 5 of the Act by supporting the development of the urban environment.
- The proposed objectives will be effective at creating a well-functioning urban environment that meets the needs for people and communities

3 Assessment of Provisions

The following section identifies reasonably practicable options for achieving the objective(s) identified above. This evaluation of the options has been undertaken to determine the preferred option to be taken forward for further, more detailed evaluation.

While there are a number of options for each provision, it is unworkable to provide an options analysis for each of these. Provisions have been bundled together where they are expected to work together to achieve an objective or group of objectives. For efficiency this section focuses on the general approach as a package rather than a detailed analysis of every provision.

The preferred options have been developed further to include detailed provisions, and these provisions can be found in the IPI Proposed Plan Change document. Detailed explanation and discussion of key provisions can be found in Appendix P to this report.

3.1 Zone framework

While there is an existing zone framework in the District Plan with three commercial zones, Council has a number of choices as to the most appropriate approach for managing commercial activities. The options are:

Option 1 – Status Quo

This option would involve the retention of the current zone framework, and associated provisions for managing buildings and activities. Currently there are three zones for commercial activities:

- Commercial Zone
- City Centre Zone and
- General Industrial Zone

Within this zone framework, there is no clear centres hierarchy and little difference between the activities enabled in the zones.

Option 2 – Increase the number of nuanced zones

This option involves alignment of the zones with the National Planning Standards and a complete review of the provisions for the commercial and mixed use zones. Key features of the review include:

- Nuanced zone framework that reflects the purpose of the zone in a centres hierarchy
- Increase in the number of zones
- Focused objectives which set out clearly the purpose of each zone

- Amended activity classification which reflect the purpose of the zone

Option 3 – Single zone

This option would comprise a simplified approach with a single zone which covered all commercial activities.

The three broad options are evaluated below.

| Evaluation of reasonably practicable options | | | | |
|---|--|--|--|---|
| Option | Relevance <i>Is the option related to addressing the resource management issues?</i> | Achievability <i>Can the option achieve the outcome / objective?</i> <i>Is it within council's powers, responsibilities and resources, degree of risk and uncertainty of achieving objectives, ability to implement, monitor and enforce.</i> | Acceptability / Reasonableness <i>How acceptable is this to the community? What are the likely effects on the community – ie widespread or limited</i> | Recommendation |
| Option 1 – Status quo | This option partially addresses the resource management issues. While the Operative District Plan provisions are relatively enabling in terms of the land use activity, they do not focus land use activities into the appropriate location. There is no centres hierarchy and land uses (or the built form) is not tailored to reflect / reinforce the purpose of the centre. | This option will not achieve the objectives which seek well-designed city centre or a well-functioning urban environment. The option will not achieve the outcomes expressed in the various strategies such as the Land Use Strategy. | This option is acceptable to the community as it is the framework that development in the City is currently operating under. There is the potential that this current framework may result in some undesirable outcomes due to activities establishing in inappropriate locations, or the zoning not being flexible enough to enable innovative activities. | DISCARD The lack of commercial centres hierarchy and limited provisions supporting the intended purpose result in: <ul style="list-style-type: none"> • Lack of management of potential adverse environmental effects. • Missed development and intensification opportunities. • Uncertainty regarding future areas and forms of commercial development for current residents, business owners and future development. |

| | | | | |
|--|---|--|--|--|
| | | | | <ul style="list-style-type: none"> • Ad hoc development with limited or no policy guidance. • Potential for reverse sensitivity effects. • Uncontrolled commercial development in inappropriate locations that could undermine the status of the City Centre and Council's revitalisation efforts. <p>The status quo is not the most appropriate way to achieve the preferred objectives, mostly because it is inefficient in terms of creating regulatory certainty and results in poor outcomes. It is also ineffective, especially in terms of providing for social and economic well-being.</p> |
| Option 2 – Increased number of nuanced zones | This option addresses the resource management issues. This option is enabling for activities to establish in the right zones, i.e. where those land use activities support the purpose of the zone and its role in the centres hierarchy. | Option 2 will achieve all of the objectives by enabling a broad range of activities and support a clear hierarchy of centres which support the communities they serve. | The outcomes will be acceptable to the community, however the development community may not support the additional controls. | <p>RETAIN</p> <p>This option strikes a balance of enabling a broad range of business and residential activities whilst setting minimum standards for critical elements that are important to creating a well-functioning urban environment.</p> |

| | | | | |
|--|---|---|---|---|
| | | | | |
| <p>Option 3 – Single commercial zone</p> | <p>This option partially addresses the resource management issues. This highly enabling approach would not focus land use activities into the appropriate location. There is no centres hierarchy and land uses (or the built form) is not tailored to reflect / reinforce the purpose of the centre.</p> | <p>This option will not achieve the objectives which seek well-designed city centre or a well-functioning urban environment.</p> <p>The option will not achieve the outcomes expressed in the various strategies such as the Land Use Strategy.</p> | <p>This option would be supported by developers as it offers the most flexible approach.</p> <p>There is the potential that this current framework may result in some undesirable outcomes due to activities establishing in inappropriate locations.</p> <p>This option is likely to result in reverse sensitivity effects and incompatible activities establishing.</p> | <p>DISCARD</p> <p>The lack of commercial centres hierarchy would result in:</p> <ul style="list-style-type: none"> • Lack of management of potential adverse environmental effects. • Uncertainty regarding future areas and forms of commercial development for current residents, business owners and future development. • Ad hoc development with limited or no policy guidance. • Potential for reverse sensitivity effects. • Uncontrolled commercial development that could undermine the status of the City Centre and Council's revitalisation efforts. |

The following is a detailed evaluation of the preferred option (Option 2).

| Evaluation of Preferred Option Against Objective(s) | | |
|--|---|---|
| | Costs | Benefits |
| Environmental | There are no environmental costs | Enables better management of effects |
| Economic | Less flexibility for developers in terms of location, type of activity and design | Clear centres hierarchy that serves each local community Grouping similar activities which stimulates economic activity More opportunities for smaller scale commercial enterprises |
| Social | May result in less residential activities in some areas such as large lot format stores, leading to unsafe areas because of the lack of 24-7 activity | Enables management of reverse sensitivity effects by ensuring compatible activities establish Enables co-location and results in easier destination activity / movement pattern Establishes a more legible urban form |
| Cultural | There are no cultural costs | There are no cultural benefits |
| | | |
| Economic growth provided or reduced | This option may result in increased economic activity because each commercial centre is tailored to serve both the local community as well as the wider sub-region in the case of the city centre. There will be increased opportunity for small scale commercial enterprises to establish. | |
| Employment opportunities | This option may result in a modest increase of employment opportunities. This is likely to be as a result of increased residential opportunities. | |
| Uncertain or insufficient information | The most significant uncertainty is the level of population growth, however the level of commercial development and uptake is not known. | |
| Risk of acting or not acting | The risk of not acting is an adhoc urban form that does not support the local community. There is also an increased risk of reverse sensitivity effects arising. Uncontrolled location of commercial / mixed use / industrial activities establish across the existing underlying zones has the potential to result in reverse sensitivity effects. | |
| Effectiveness | | |

The provisions will be effective in achieving the objectives, particularly those that set out the purpose of each zone. The provisions will result in a clear centres hierarchy which supports each community, and sub-region in the case of the city centre.

Efficiency

The provisions are the most efficient as they do not unreasonably constrain commercial development, but will result in a more legible and coordinated urban form.

Summary

The spatial distribution of zones enable a more structured management of commercial activities. The proposed policies and rules are the most appropriate way of achieving the objectives relating to the purpose of the zones. They provide for a wide range of activities while providing clear guidance on the anticipated mix of activities and amenity levels for each of the zones. They also address potential reverse sensitivity effects and support a commercial hierarchy which provides additional certainty. The proposed policies and rules are the most appropriate way of achieving the objectives as they:

- Increase the commercial opportunities in the city centre and mixed use zones;
- Give effect to the Regional Policy Statement and retaining the role and function of the City Centre Zone;
- Clearly define the role and function of each centre based on the National Planning Standards zone descriptions;
- Give effect to Policy 3 of the NPS-UD
- Give effect to the RPS in terms of:
 - delivering a compact, well designed and sustainable urban form that effectively and efficiently accommodates the region's urban growth (RPS Objective 22)
 - Maintaining and enhancing the viability and vibrancy of regionally significant centre (RPS Policy 30)
 - Identifying and promoting higher density and mixed use development (RPS Policy 31)
 - Identifying and protecting key industrial-based employment locations (RPS Policy 32)
 - Achieving the region's urban design principles (RPS Policy 54)
 - Maintaining a compact, well designed and sustainable regional form (RPS Policy 55)
- Align with the outcomes expressed in the Land Use Strategy Upper Hutt and the vision for the city centre;
- Enable the Council to fulfil its statutory obligations, including ensuring the efficient use and development of the existing physical resources within the commercial centres;

3.2 Purpose of the Zones

This analysis relates to provisions which achieve Objectives NCZ-O1, LCZ-O1, MUZ-O1, TCZ-O1 and CCZ-O1

Appropriate Activities:

The following policies provide guidance on the type of activities that are considered appropriate and are enabled to achieve the purpose of the zones as outlined in the objectives. Associated rules then apply a permitted activity status to certain activities and refer to relevant standards.

| Policies | Rules | Standards |
|----------|--------------------|---------------|
| NCZ-P1 | NCZ-R4 to R7 | NCZ-S4 and S8 |
| LCZ-P1 | LCZ-R4 to R11 | LCZ-S4 and S8 |
| MUZ-P1 | MUZ-R4 to R15 | MUZ-S6 |
| TCZ-P1 | TCZ-R4 to R11, R13 | TCZ-S4 and S8 |
| CCZ-P1 | CCZ-R1 to R10 | CCZ-S4 and S8 |

Residential Activities:

The following policies provide guidance on whether residential activities are considered appropriate in each of the zones. Associated rules then apply an activity status to residential activities that reflects the purpose of the zone and refer to relevant standards.

| Policies | Rules | Standards |
|----------|---------|---------------|
| NCZ-P2 | NCZ-R8 | NCZ-S5 to S7 |
| LCZ-P2 | LCZ-R12 | LCZ-S5 to S7 |
| MUZ-P2 | MUZ-R16 | MUZ-S4 and S5 |
| TCZ-P2 | TCZ-R12 | TCZ-S5 to S7 |
| CCZ-P2 | CCZ-R11 | CCZ-S5 to S7 |

Other Activities:

The following policies provide guidance on the type of activities that are considered to be potentially appropriate but where a case by case assessment is considered necessary to address potential adverse effects of the activity. Associated rules then apply a restricted discretionary or discretionary activity status to certain activities, identify the relevant matters of discretion and refer to relevant standards.

| Policies | Rules | Standards |
|----------|----------------|---------------|
| NCZ-P3 | NCZ-R9 to R19 | NCZ-S4 and S8 |
| LCZ-P3 | LCZ-R13 to R20 | LCZ-S4 and S8 |

| Policies | Rules | Standards |
|-----------------|----------------|------------------|
| MUZ-P3 | MUZ-R17 to R23 | MUZ-S6 |
| TCZ-P3 | TCZ-R14 to R20 | TCZ-S4 and S8 |
| CCZ-P3 | CCZ-R17 to R21 | CCZ-S4 and S8 |

Inappropriate Activities:

The following policies provide guidance on what activities are considered inappropriate and should therefore be avoided in each of the zones. Associated rules then apply a non-complying activity status to certain activities.

| Policies | Rules | Standards |
|-----------------|----------------|------------------|
| NCZ-P4 | NCZ-R20 to R24 | n/a |
| LCZ-P4 | LCZ-R21 to R25 | n/a |
| MUZ-P4 | MUZ-R24 to R26 | n/a |
| TCZ-P4 | TCZ-R21 to R25 | n/a |
| CCZ-P4 | CCZ-R22 to R26 | n/a |

| Evaluation of Preferred Option Against Objective(s) | | |
|--|---|---|
| | Costs | Benefits |
| Environmental | <p>Provisions allow for a wider range of activities which may result in a change of amenity levels within certain commercial areas.</p> | <p>Provisions provide for increased range of activities within a newly introduced Commercial and Mixed Use Zone framework.</p> <p>Mix of activities will contribute to increase in vitality and viability of commercial areas.</p> <p>Provisions provide clear guidance on range of expected and appropriate activities for each of the zones.</p> <p>Environmental effects of potentially inappropriate activities will be managed through the resource consent process.</p> <p>Provision for residential activities within the Commercial and Mixed Use Zones will change the character and amenity values of the commercial areas, particularly in the City Centre Zone while managing potential reverse sensitivity effects.</p> <p>Efficient use of existing infrastructure.</p> |
| Economic | <p>Short term costs to plan users and Council consenting teams while building familiarity with the new provisions.</p> <p>Increased application requirements and ongoing consenting costs for activities and developments that do not meet permitted standards.</p> <p>Potential opportunity cost for very few land owners of sites with changed development potential.</p> <p>Limitations to use of land within a certain zone</p> | <p>Helps to maintain and enhance existing centres while reducing the likelihood of establishing competing centres.</p> <p>Greater certainty regarding expected outcomes for different commercial centres and envisaged distribution of activities</p> <p>Clear and directive standards reduce uncertainty during the consenting process.</p> <p>Providing for wide range of activities increases development opportunities and has positive effect on economic growth and employment.</p> <p>Provision for multi-unit residential development increases vitality of commercial centres and housing choices.</p> <p>Increased construction activity</p> |

| | | |
|--|--|--|
| | | Maximising commercial space on the ground floor |
| Social | Slight increase in risk of reverse sensitivity issues due to the mix of activities, particularly residential | <p>Local and Neighbourhood centres continue to provide for existing communities.</p> <p>Provisions allow for healthcare, educational and community facilities thereby improving accessibility of these activities for local communities.</p> <p>Greater certainty for the public and adjacent landowners of likely form and scale of development.</p> <p>Enable people to live and work in close proximity without needing to rely on private vehicles</p> <p>Enabling greater choice for employment</p> <p>Increased vitality in the centres due to increased residential activity and corresponding commercial activity</p> <p>Increasing housing supply makes for better housing outcomes and likely improves equity outcomes</p> <p>Compatible activities are located together</p> |
| Cultural | Unlikely although there is a risk of inappropriate design or activities establishing near important sites to Māori (such as the Court house which is owned by Ngati Toa) | Enables a greater range of activities for communities to meet their cultural needs |
| | | |
| Economic growth provided or reduced | <p>The Cost Benefit Analysis: Intensification Planning Instrument (IPI) for Upper Hutt City's District Plan (Sense Partners, 2022) indicates a net benefit of \$116 million from the MRDS and an additional net benefit of \$44 million from IPI amendments.</p> <p>Enabling a centres hierarchy through zoning means that like activities are grouped together. This clustering often stimulates economic activity.</p> | |
| Employment opportunities | The provisions will enable a wider range of commercial activity and increase employment opportunities. | |

| | |
|--|---|
| Uncertain or insufficient information | It is considered that there is certain and sufficient information on which to base the proposed policies and methods. They are supported by evidence as outlined in this report. |
| Risk of acting or not acting | Not applicable as there is no uncertain or insufficient information. |
| Effectiveness | |
| The proposed provisions are the most appropriate method of meeting the objectives relating to the purpose of the zones. They provide for a wide range of activities while at the same time giving clear direction and guidance towards the expected mix and scale of activities in each zone. They provide a high level of certainty to landowners, residents, developers, the community and Council. | |
| Efficiency | |
| The proposed provisions are the most efficient method of meeting the objectives relating to the purpose of the zones. | |
| Summary | |
| The proposed policies and rules are the most appropriate way of achieving the objectives relating to the purpose of the zones. They provide for a wide range of activities while providing clear guidance on the anticipated mix of activities and amenity levels for each of the zones. They also address potential reverse sensitivity effects and support a commercial hierarchy which provides additional certainty. | |
| <p>The proposed policies and rules are the most appropriate way of achieving the objectives as they:</p> <ul style="list-style-type: none"> • Increase the residential options and opportunities in the city centre and mixed use zones; • Ensure that residential units achieve a standard of liveability as a minimum; • Give effect to the Regional Policy Statement and retaining the role and function of the City Centre Zone; • Clearly define the role and function of each centre based on the National Planning Standards zone descriptions; • Give effect to Policy 3 of the NPS-UD • Give effect to the RPS in terms of: <ul style="list-style-type: none"> ○ delivering a compact, well designed and sustainable urban form that effectively and efficiently accommodates the region's urban growth (RPS Objective 22) ○ Maintaining and enhancing the viability and vibrancy of regionally significant centre (RPS Policy 30) ○ Identifying and promoting higher density and mixed use development (RPS Policy 31) ○ Identifying and protecting key industrial-based employment locations (RPS Policy 32) ○ Achieving the region's urban design principles (RPS Policy 54) ○ Maintaining a compact, well designed and sustainable regional form (RPS Policy 55) • Align with the outcomes expressed in the Land Use Strategy Upper Hutt and the vision for the city centre; • Provides for increased residential activity which will support the function and role of the commercial centres; | |

- Enable the Council to fulfil its statutory obligations, including ensuring the efficient use and development of the existing physical resources within the commercial centres;
- Increase the effectiveness of the plan provisions in achieving positive residential and commercial development by providing greater clarity and certainty; and
- Assist in achieving the relevant the objectives through providing attractive and pleasant places to live, work and visit.

3.3 Managing the Built Form

Option 1 – Permissive approach

This option would involve making the buildings in the commercial and mixed use permitted and deleting all standards. This would mean that there was no control on the design of buildings, and would result in a highly permissive approach.

Option 2 – Establish minimum standards for design

This option enables buildings to be a permitted activity so long as they comply with some basic standards, such as:

- Building height;
- Gross floor area;
- Height in relation to boundary;
- Setbacks;
- Active frontages;
- Location of residential units
- Noise and ventilation;
- Outdoor living space; and
- Landscaping and screening;

Non-compliance with any of these standards would be a restricted discretionary activity with the inclusion of specific matters of discretion that focused on the effect of non-compliance with the standard. There would also be the inclusion of a small number of standards to ensure that residential activities have a basic standard of living.

Option 3 – Focus on design with no standards

The physical building / structure would require consent as a restricted discretionary activity. This would allow Council to assess the proposed structure and focus on achieving a functional and attractive design. This option would mean that all standards would be deleted and replaced instead with matters of discretion.

| Evaluation of reasonably practicable options | | | | |
|---|---|--|---|---|
| Option | Relevance <i>Is the option related to addressing the resource management issues?</i> | Achievability <i>Can the option achieve the outcome / objective?</i> <i>Is it within council's powers, responsibilities and resources, degree of risk and uncertainty of achieving objectives, ability to implement, monitor and enforce.</i> | Acceptability / Reasonableness <i>How acceptable is this to the community? What are the likely effects on the community – ie widespread or limited</i> | Recommendation |
| Option 1 – Permissive approach | While this option is highly enabling for activities to establish in the commercial and mixed use zones, there is no control on the form and design of buildings. In this regard Option 1 will only partially meet the resource management issues. | Option 1 will achieve density of development, it will not however achieve any of the objectives that are focused on design and function of the commercial and mixed use zones. | This option is unlikely to be acceptable to the community as it may result in building design with significant adverse effects such as shading of public spaces, and physical dominance. The highly enabling approach of this option is likely to be favoured by the development community as it essentially lets the market dictate design and development. | DISCARD While Option 1 would achieve Policy 3(a) of the NPS-UD, it would not achieve the objectives that relate to creating an attractive and well-functioning city centre (including Objective 1 of the NPS-UD). |
| Option 2 - Focus on design with standards for important aspects | This option addresses the resource management issues. This option is highly enabling for activities to establish in the City Centre Zone, while focusing on standards for the built form. | Option 2 will achieve all of the objectives by enabling a broad range of activities while ensuring buildings achieve basic design outcomes. | The outcomes will be acceptable to the community, however the development community may not support the additional cost and time required for a resource consent. | RETAIN This option strikes a balance of enabling a broad range of business and residential activities whilst setting minimum standards for critical elements that are |

| | | | | |
|---|---|---|---|--|
| | <p>Minimum standards for building ensure that certain aspects are protected such as sunlight on adjoining sites. The resource consent process allows assessment against good urban design principles including Crime Prevention Through Environmental Design.</p> | | | <p>important to creating a well-functioning urban environment.</p> |
| <p>Option 3 - Focus on design with no standards</p> | <p>This option addresses the resource management issues.</p> <p>The resource consent process allows creativity and innovative design while allowing assessment against good urban design principles including Crime Prevention Through Environmental Design.</p> | <p>Option 3 will achieve all of the objectives by enabling a broad range of activities while ensuring buildings achieve good urban design outcomes.</p> | <p>The outcomes will mostly be acceptable to the community, however the development community may not support the additional cost and time required for a resource consent.</p> <p>There is the potential for development to adversely affect the quality of public spaces, although the matters of discretion should ensure matters such as this are considered.</p> | <p>DISCARD</p> <p>This option does not set minimum standards which development must achieve to create a well-functioning urban environment. The inclusion of standards establishes somewhat of a minimum and identifies important matters.</p> |

In summary the preferred option includes the following:

- The physical building / structure would be a restricted discretionary activity for larger buildings to allow the design to be considered through a resource consent process;
- Standards to ensure important outcomes including:
 - Building height;
 - Gross floor area;
 - Height in relation to boundary;
 - Setbacks;
 - Active frontages;
 - Location of residential units
 - Noise and ventilation;
 - Outdoor living space; and
 - Landscaping and screening.
- Matters of discretion where there is non-compliance with any of the standards.

| Evaluation of Preferred Option Against Objective(s) | | |
|--|---|---|
| | Costs | Benefits |
| Environmental | May constrain innovative design with the use of standards Increased height and intensity of development. | Ensures on-site amenity. Ensures adequate sunlight access and outlook space. Ensures a quality interface between public and private realm |
| Economic | Increased costs for the developer Does not allow maximised use of the site with setbacks and maximum heights Less flexibility of size of commercial units | Retention of business activity on the ground floor |

| | | |
|---|--|--|
| Social | May result in reverse sensitivity issues | Ensures residential units are liveable. Contributes to the creation of safe communal places on-site and the public domain. Ensures a reasonable standard of privacy for occupiers within and adjacent to the site. Ensures quality design outcomes for residents, neighbouring sites and the wider community. |
| Cultural | There are no cultural costs. | There are no cultural benefits |
| | | |
| Economic growth provided or reduced | The approach to the built form is unlikely to result in any significant additional economic growth. The increase in height may also create additional employment opportunities, if those additional floors are used for commercial activities. | |
| Employment opportunities | This amendment is unlikely to result in any employment opportunities other than short term construction roles. | |
| Uncertain or insufficient information | There is no uncertainty or insufficient information. | |
| Risk of acting or not acting | Not applicable as there is no uncertainty or insufficient information. | |
| Effectiveness | | |
| <p>The proposed provisions are the most appropriate method of meeting the objectives as they provide a high level of certainty to landowners, residents, developers, the community and Council.</p> <p>The provisions will be effective in producing a well-functioning and liveable urban environment. While there will be additional costs to the developer associated with buildings that need a resource consent, the benefits outweigh the costs in terms of ensuring a well-functioning urban environment with high quality public spaces. This package of provisions provides an effective way to achieve the objectives relevant to the commercial and mixed use zones.</p> | | |
| Efficiency | | |

The provisions are will not impose significant additional costs onto landowners, unless the standards are infringed. The policies and rules set out clearly how the objectives will be achieved.

Summary

The proposed policies and rules are the most appropriate way of achieving the objectives as they:

- Ensure that residential units achieve a basic standard of liveability;
- Give effect to Policy 3 of the NPS-UD
- Give effect to the RPS in terms of:
 - delivering a compact, well designed and sustainable urban form that effectively and efficiently accommodates the region's urban growth (RPS Objective 22)
 - Maintaining and enhancing the viability and vibrancy of regionally significant centre (RPS Policy 30)
 - Achieving the region's urban design principles (RPS Policy 54)
 - Maintaining a compact, well designed and sustainable regional form (RPS Policy 55)
- Align with the outcomes expressed in the Land Use Strategy Upper Hutt and the vision for the city centre;
- Increase the effectiveness of the plan provisions in achieving positive residential and commercial development by providing greater clarity and certainty; and
- Assist in achieving the relevant the objectives through providing attractive and pleasant places to live, work and visit.

3.4 Character and amenity of zones

This analysis relates to Objectives NCZ-O2, LCZ-O2, MUZ-O2, TCZ-O2 and CCZ-O2

Built Development:

The following policies provide guidance on what form, scale and quality of built development is considered inappropriate for each of the zones. Associated rules then provide for built development that does comply with relevant standards.

| Policies | Rules | Standards |
|-----------------|----------------|------------------|
| NCZ-P5 | NCZ-R1 to R3 | NCZ-S1 to S9 |
| LCZ-P5 | LCZ-R1 to R3 | LCZ-S1 to S9 |
| MUZ-P5 | MUZ-R1 to R3 | MUZ-S1 to S7 |
| TCZ-P5 | TCZ-R1 to R3 | TCZ-S1 to S9 |
| CCZ-P5 | CCZ-R12 to R16 | CCZ-S1 to S9 |

Public Space Interface:

The following policies provide guidance on the expected outcomes in relation to the public interface of built development in each of the zones. Associated rules then provide for built development that does comply with relevant standards.

| Policies | Rules | Standards |
|-----------------|----------------|------------------|
| NCZ-P6 | NCZ-R1 | NCZ-S4, S5, S8 |
| LCZ-P6 | LCZ-R1 | LCZ-S4, S5, S8 |
| MUZ-P6 | MUZ-R1 | MUZ-S6 |
| TCZ-P6 | TCZ-R1 | TCZ-S4, S5, S8 |
| CCZ-P6 | CCZ-R13 to R16 | CCZ-S4, S5, S8 |

| Evaluation of Preferred Option Against Objective(s) | | |
|--|---|---|
| | Costs | Benefits |
| Environmental | Provisions allow for greater densities which can result in changes to existing amenity levels within commercial areas. | Improved development standards and design guidance will result in enhanced amenity values and high quality urban environments. Clear standards and design guidance for residential development within commercial and mixed use environments result in quality development and reduced reverse sensitivity effects. |
| Economic | Short term costs to plan users and Council consenting teams while building familiarity with the new provisions. Increased application requirements and ongoing consenting costs for activities and developments that do not meet permitted standards. Potential for very limited opportunity cost for land owners of sites with changed development potential. Potential costs to upgrade buildings to comply with new standards at time of redevelopment. | Greater certainty regarding expected building densities and acceptable effects. Increased building densities provide for additional commercial capacity and has positive effect on economic growth and employment. |
| Social | No social costs | More attractive public spaces and urban form Active management of reverse sensitivity effects to reduce the potential for them to arise |
| Cultural | No cultural costs | No cultural benefits |
| | | |
| Economic growth provided or reduced | There is unlikely to be any change in economic growth as a result of these provisions. | |
| Employment opportunities | There is unlikely to be any change in employment opportunities as a result of these provisions. | |

| | |
|---|---|
| Uncertain or insufficient information | It is considered that there is certain and sufficient information on which to base the proposed policies and methods. They are supported by evidence as outlined in this report. |
| Risk of acting or not acting | Not applicable as there is no uncertain or insufficient information. |
| Effectiveness | |
| The proposed provisions are the most appropriate method of meeting the objectives relating to the character and qualities of the zones. They provide for additional densities and bulk of development while also giving clear direction and guidance towards the expected quality of the built environment. They provide a high level of certainty to landowners, residents, developers, the community and Council. | |
| Efficiency | |
| The proposed provisions are the most efficient method of meeting the objectives relating to the character and qualities of the zones. As identified above the benefits outweigh the costs and the provisions are not inconsistent with and do not duplicate any Greater Wellington Regional Council provisions. | |
| Summary | |
| The proposed policies and rules are the most appropriate way of achieving the objectives relating to the character and qualities of the zones. They encourage increased development densities while providing clear guidance on the anticipated level of amenity and quality of built development. Improved development standards also address potential reverse sensitivity effects and requirements for active street frontages together with zone specific design guidance will result in improved interaction of buildings with public spaces. | |
| <p>The proposed policies and rules are the most appropriate way of achieving the objectives as they:</p> <ul style="list-style-type: none"> • Ensure that residential units achieve a basic standard of liveability; • Give effect to the RPS in terms of: <ul style="list-style-type: none"> ○ delivering a compact, well designed and sustainable urban form that effectively and efficiently accommodates the region's urban growth (RPS Objective 22) ○ Achieving the region's urban design principles (RPS Policy 54) ○ Maintaining a compact, well designed and sustainable regional form (RPS Policy 55) • Align with the outcomes expressed in the Land Use Strategy Upper Hutt and the vision for the city centre; • Assist in achieving the relevant the objectives through providing attractive and pleasant places to live, work and visit. | |

3.5 Scale of use and development at the zone interface

This analysis relates to Objectives NCZ-O3, LCZ-O3, MUZ-O3, TCZ-O3 and CCZ-O3

The following policies provide guidance on the expected outcomes in relation to the interface between the Commercial and Mixed Use Zones and adjoining Residential Zones and Open Space and Recreation Zones. Associated rules then provide for built development that does comply with relevant standards.

| Policies | Rules | Standards |
|-----------------|----------------|------------------|
| NCZ-P7 | NCZ-R1 | NCZ-S2, S3, S8 |
| LCZ-P7 | LCZ-R1 | LCZ-S2, S3, S8 |
| MUZ-P7 | MUZ-R1 | MUZ-S2, S3, S6 |
| TCZ-P7 | TCZ-R1 | TCZ-S2, S3, S8 |
| CCZ-P7 | CCZ-R13 to R16 | CCZ-S2, S3, S8 |

| Evaluation of Preferred Option Against Objective(s) | | |
|--|---|--|
| | Costs | Benefits |
| Environmental | No environmental costs | Provisions provide for greater certainty and an improved zone interface between adjoining commercial and residential/open space and recreation properties. Less impact of commercial development on amenity values of residential and open space and recreation properties abutting commercial zones. |
| Economic | Very limited opportunity cost for new developments on sites abutting residential or open space and recreation properties due to newly introduced boundary restrictions that limit development along those boundaries. Potential for additional costs to comply with new screening and setback requirements at the time of redevelopment. Potential for additional consenting costs. | Greater certainty regarding expected boundary setbacks and screening requirements. Greater certainty for residential land owners where abutting commercial sites. Reduced costs falling onto residential and open space properties to provide for fencing and screening. |
| Social | No social costs | Retains privacy and sunlight access for residential and open space for properties adjoining commercial sites |
| Cultural | No cultural costs | No cultural benefits |
| | | |
| Economic growth provided or reduced | There is unlikely to be any change in economic growth as a result of these provisions. | |
| Employment opportunities | There is unlikely to be any change in employment opportunities as a result of these provisions. | |
| Uncertain or insufficient information | It is considered that there is certain and sufficient information on which to base the proposed policies and methods. They are supported by evidence as outlined in this report. | |

| | |
|--|--|
| Risk of acting or not acting | Not applicable as there is no uncertain or insufficient information. |
| Effectiveness | |
| <p>The proposed provisions are the most appropriate method of meeting the objectives relating to the management of the scale of use and development at the zone interface. They introduce boundary controls like setbacks and screening requirements to protect neighbouring residential and open space and recreation properties while also providing for new development and intensification within the commercial and mixed use zones and giving clear direction regarding the expected interface treatment for new development within the Commercial and Mixed use Zones. They provide a high level of certainty to landowners, residents, developers, the community and Council.</p> | |
| Efficiency | |
| <p>The proposed provisions are the most efficient method of meeting the objectives relating to the management of effects along zone boundaries. As identified above the benefits outweigh the costs and the provisions are not inconsistent with and do not duplicate any Greater Wellington Regional Council provisions.</p> | |
| Summary | |
| <p>The proposed policies and rules are the most appropriate way of achieving the objectives relating to the management of the scale of use and development at the zone interface. They provide additional protection to residential and open space and recreation properties adjoining a Commercial or Mixed Use Zone while providing for new development and intensification within the commercial zone.</p> <p>The proposed policies and rules are the most appropriate way of achieving the objectives as they:</p> <ul style="list-style-type: none"> • Ensure that residential units achieve a basic standard of liveability in terms of access to sunlight from adjoining buildings; • Give effect to the RPS in terms of: <ul style="list-style-type: none"> ○ delivering a compact, well designed and sustainable urban form that effectively and efficiently accommodates the region's urban growth (RPS Objective 22) ○ Achieving the region's urban design principles (RPS Policy 54) ○ Maintaining a compact, well designed and sustainable regional form (RPS Policy 55) • Align with the outcomes expressed in the Land Use Strategy Upper Hutt; • Assist in achieving the relevant the objectives through providing attractive and pleasant places to live, work and visit. | |

3.6 Zoning of sites

Option 1 – Retain the existing pattern of zoning

This option would involve retaining the current pattern of zoning in the District Plan.

Option 2 – Rezone sites to reflect their current use

This option would result in the rezoning of the sites to reflect their current usage. For example, a number of industrial zoned sites have large format retail established.

Option 3 – Rezone sites based on future uses

This option would rezone sites based on their optimal future usage, taking into consideration factors such as proximity to the train station and city centre.

The three broad options are evaluated below.

| Evaluation of reasonably practicable options | | | | |
|---|--|--|--|--|
| Option | Relevance <i>Is the option related to addressing the resource management issues?</i> | Achievability <i>Can the option achieve the outcome / objective?</i> <i>Is it within council's powers, responsibilities and resources, degree of risk and uncertainty of achieving objectives, ability to implement, monitor and enforce.</i> | Acceptability / Reasonableness <i>How acceptable is this to the community? What are the likely effects on the community – ie widespread or limited</i> | Recommendation |
| Option 1 – Retain the existing pattern of zoning | The option is related to the resource management issue of enabling a broad range of commercial activities but is unlikely to result in the optimum location to support a growing city. | This option does not address the objective of creating a well-functioning urban environment. The current zoning pattern has been compromised by alternative activities establishing. These are often appropriate activities and are responding to a location or economic need. | While the community are probably comfortable with the current approach, this may not be the most appropriate urban form for the future. Increasing residential densities and opportunities mean that commercial land uses will need to be flexible also. | DISCARD The existing zoning pattern is not likely to achieve NPS-UD Policy 3 or NPS-UD Policy 1. |
| Option 2 – Rezone sites to reflect their current uses | This option is related to the resource management issue. The activities have established in response to demand and location. | The option partially achieves a well-functioning urban environment as there are some land uses which are in inappropriate locations. | This approach is likely to be acceptable to the community as it effectively reflects the current pattern of landuses. | RETAIN IN PART This option reflects the current uses that have established. While some of these uses are appropriately located, there needs to be an increase in mixed use with opportunities to put residential activities above commercial uses. |

| | | | | |
|---|---|--|---|--|
| <p>Option 3 – Rezone sites based on their future uses</p> | <p>This option is related to the resource management issue. The NPS-UD requires that the density of residential and business activities is increased in the centres zones. Giving effect to the NPS-UD will require more mixed use zones with residential above ground floor.</p> | <p>The option will achieve a well-functioning urban environment. It will enable a mix of uses, and the increase in residential activities will stimulate economic development.</p> | <p>This approach will be acceptable to the community over time, although it may result in short term unrest as there is an increase in the density of development and a change in character.</p> <p>The development community may not support the approach as the provisions will be more directive as to the appropriate activities, and built form.</p> | <p>RETAIN IN PART</p> <p>This option is more responsive to the future urban form and arrangement of activities. The option enables well thought out and legible land use patterns.</p> |
|---|---|--|---|--|

The preferred option is a combination of Options 2 and 3 which reflects the current land uses, as well as enabling greater density of development on those sites close to the city centre and train stations. Identification of the sites with a changed zoning is contained in Appendix B of this report.

| Evaluation of Preferred Option Against Objective(s) | | |
|--|--|---|
| | Costs | Benefits |
| Environmental | <p>Changing amenity and character of the commercial zones.</p> <p>Increased height and intensity of development.</p> | <p>Supports a compact urban environment and reduced need to sprawl onto greenfield land.</p> <p>Reduced need for vehicles and the emission of greenhouse gases due to increased residential opportunities in the city centre.</p> |
| Economic | <p>Increased value of land and therefore rates</p> | <p>Increased choices for development and diversification of activities.</p> <p>Enables a broader range of residential options and outlooks throughout the city</p> <p>Increases spend in the central city from having more people living in close proximity and using their services.</p> |

| | | |
|--|--|---|
| | | Retention of business activity on the ground floor |
| Social | <p>Change in character and density of development</p> <p>Increased risk of reverse sensitivity effects</p> <p>Potential effects on adjoining properties, surrounding neighbourhood and surrounding land uses as a result of intensification.</p> <p>Increased pressure on local schools.</p> | Increase in residential activities results in a safer public environment. |
| Cultural | Further intensification and development of land around sites of cultural significance. In response to the concerns about rezoning around Orongomai Marae, the zoning of the properties on Railway Avenue and Goodshed Road has been retained as in the Operative District Plan. | There are no cultural benefits. |
| | | |
| Economic growth provided or reduced | There may be increased spend in the city centre with an increase in people living there. Creation of a vibrant city centre may attract more international and national visitors. | |
| Employment opportunities | <p>Short term construction roles.</p> <p>Additional spend in the commercial centres may result in more employment opportunities.</p> <p>The increase in height may also create additional employment opportunities, if those additional floors are used for commercial activities.</p> | |
| Uncertain or insufficient information | There is no uncertainty or insufficient information. | |
| Risk of acting or not acting | Not applicable as there is no uncertainty or insufficient information. | |
| Effectiveness | | |

The provisions will be effective in producing a well-functioning and liveable urban environment. The approach will enable greater housing capacity and choice and business activity, as required by the Amendment Act and NPS-UD.

Efficiency

The proposed amendments regarding residential activities are the most efficient method of meeting the objectives as the benefits outweigh the costs and the provisions will not impose significant additional costs onto landowners. The policies and rules set out clearly how the objectives will be achieved. The benefits from the provisions include broadening the residential living options. The benefits of enabling more residential development options will outweigh any more localised risks of reverse sensitivity which can be managed through design and building construction.

Summary

The proposed policies and rules are the most appropriate way of achieving the objectives as they:

- Give effect to Policy 3 of the NPS-UD
- Give effect to the RPS in terms of:
 - delivering a compact, well designed and sustainable urban form that effectively and efficiently accommodates the region's urban growth (RPS Objective 22)
 - Maintaining and enhancing the viability and vibrancy of regionally significant centre (RPS Policy 30)
 - Achieving the region's urban design principles (RPS Policy 54)
 - Maintaining a compact, well designed and sustainable regional form (RPS Policy 55)
- Align with the outcomes expressed in the Land Use Strategy Upper Hutt and the vision for the city centre;
- Increase the effectiveness of the plan provisions in achieving positive residential and commercial development by providing greater clarity and certainty; and
- Assist in achieving the relevant the objectives through providing attractive and pleasant places to live, work and visit.

4 Conclusion

The Commercial and Mixed Use Zones reinforce the role of these centres as focal points for business and community investment and recognise the need to provide suitable locations for specific commercial and retail types. The Commercial and Mixed Use Zones are expected to accommodate an increase in density and diversity of commercial activity and housing. A high standard of built environment amenity is required in the Commercial and Mixed Use Zones.

This evaluation has been undertaken in accordance with section 32 of the RMA and the additional requirements of the Amendment Act.

Having undertaken the assessment above, the suite of objectives for the commercial and mixed use zones are considered the most objective to achieve the Purpose of the Act in accordance with s5(1). It is considered that the suite of provisions including the planning maps are the most appropriate way for achieving the objective, having considered:

- a. other reasonably practicable options for achieving the objectives; and
- b. assessing the efficiency and effectiveness of the provisions in achieving the objectives.

APPENDIX A: Rationale for Zones

National Planning Standards – Zoning Options

The National Planning Standards provide for multiple commercial zone options with the following purposes:

| Zone Name | Description |
|----------------------------------|---|
| Neighbourhood centre zone | Areas used predominantly for small-scale commercial and community activities that service the needs of the immediate residential neighbourhood. |
| Local centre zone | Areas used predominantly for a range of commercial and community activities that service the needs of the residential catchment. |
| Commercial zone | Areas used predominantly for a range of commercial and community activities. |
| Large format retail zone | Areas used predominantly for commercial activities which require large floor or yard areas. |
| Mixed use zone | Areas used predominantly for a compatible mixture of residential, commercial, light industrial, recreational and/or community activities. |
| Town centre zone | Areas used predominantly for: <ul style="list-style-type: none"> • in smaller urban areas, a range of commercial, community, recreational and residential activities. • in larger urban areas, a range of commercial, community, recreational and residential activities that service the needs of the immediate and neighbouring suburbs. |
| Metropolitan centre zone | Areas used predominantly for a broad range of commercial, community, recreational and residential activities. The zone is a focal point for sub-regional urban catchments. |
| City centre zone | Areas used predominantly for a broad range of commercial, community, recreational and residential activities. The zone is the main centre for the district or region. |

Having considered these zone options in light of the above issues the zones shown in bold have been selected for the Commercial areas of Upper Hutt. Further rationale as to why these zones have been chosen is set out below.

Proposed Zones

The identified zones and precinct have been selected as they adequately cover the range and scale of commercial activities and development currently present and anticipated throughout the city. They continue to provide for a range of activities in a way that offers flexibility to the market while recognising that some activities are better focused in certain areas (e.g. some areas are more sensitive to a change in scale and land use activities than others).

The table below provides further information regarding the description of these zones, the expected outcomes and the spatial extent of the zones:

| Zone | Description |
|--|--|
| <p>Neighbourhood Centre Zone NCZ</p> | <p>The Neighbourhood Centre Zone provides for a range of small-scale commercial activities that service the day-to-day needs of the immediate residential neighbourhood. Neighbourhood centres accommodate a range of commercial, retail, and community services, and provide a limited range of services, employment, and living opportunities.</p> <p>Built Form and Amenity</p> <p>Small scale</p> <ul style="list-style-type: none"> • Medium density • 1 – 3 tenancies • Permitted gross floor area per tenancy: 150 m² • Height compatible with surrounding residential (up to 3 – 4 storeys) • Some active frontage requirements <p>Activities</p> <p>Shops and services for immediate residential neighbourhood</p> <ul style="list-style-type: none"> • Retail • Commercial Services • Food and beverage • Community facilities • Residential <p>Location of Zone</p> <ul style="list-style-type: none"> • Embedded in residential neighbourhoods <p>Site Specific Controls</p> <ul style="list-style-type: none"> • Site specific controls apply to the site at 48 Kirton Drive |
| <p>Local Centre Zone LCZ</p> | <p>The Local Centre Zone provides for medium-scale commercial centres that are conveniently located to service the needs of the surrounding commercial catchment. Local centres accommodate a range of retail, commercial, and community activities, while also offering services, employment, and residential opportunities. The actual size of a local centre depends largely on its location and the size of the surrounding catchment. Most local centres have potential for growth and intensification, which allows them to provide for the expected growth of surrounding residential areas, while not undermining the primary function and vitality of the City Centre Zone.</p> <p>Built Form and Amenity</p> <p>Medium scale</p> <ul style="list-style-type: none"> • Medium to high density • Permitted gross floor area per tenancy: 300 m² • Height compatible with surrounding residential (up to 6 – 10 storeys) • Some active frontage requirements • Potential for growth |

| Zone | Description |
|---|--|
| | <p>Activities</p> <p>Wide range of activities that service the residential catchment</p> <ul style="list-style-type: none"> • Retail • Commercial services • Food and beverage • Community/healthcare/educational • Visitor accommodation • Small offices • Residential <p>Location of Zone</p> <ul style="list-style-type: none"> • Mostly located along main roads and accessible by public transport |
| <p>Mixed Use Zone MUZ</p> | <p>The Mixed Use Zone provides for a wide range of activities ranging from 'residential over commercial' to light industrial. It enables retail, commercial, recreational, and entertainment activities, while also providing for drive-through and light industrial activities.</p> <p>Built Form and Amenity</p> <p>Medium to large scale</p> <ul style="list-style-type: none"> • Medium to high density • Different amenity values • Permitted gross floor area per tenancy (450 m2) • Height compatible with surrounding residential (up to 6 – 10 storeys) • No active frontage requirements • Stronger vehicle focus <p>Activities</p> <p>Broad range of activities serving surrounding suburbs</p> <ul style="list-style-type: none"> • Retail (including large format) • Commercial services • Food and beverage • Visitor accommodation • Community/healthcare/education/recreation • Drive-through/service stations • Residential • Light industrial <p>Location of Zone</p> <ul style="list-style-type: none"> • Typically applies to areas previously zoned industrial or commercial with the potential for functioning mixed use environments. • Also applies to commercial sites with no centres character and stronger focus on vehicle focused activities. |

| Zone | Description |
|---|--|
| | <ul style="list-style-type: none"> • Mostly located along main roads |
| <p>Town Centre Zone TCZ</p> | <p>The Town Centre Zone applies to the Silverstream Centre. It provides for a medium to large scale suburban shopping centre that serves not only the surrounding residential catchment, but also neighbouring suburbs. The Town Centre Zone accommodates a wide range of retail, commercial services, healthcare, and community facilities. It also provides for employment opportunities as well as residential activities. Overall, the Town Centre Zone is of a larger scale and has a wider focus than the Local Centre Zone while not undermining the primary function of the City Centre Zone.</p> <p>Built Form and Amenity</p> <p>Medium to large scale</p> <ul style="list-style-type: none"> • High density • Permitted gross floor area per tenancy: 450 m² • Height compatible with surrounding residential (up to 6 - 10 storeys) • Active frontage requirements along identified roads • Pedestrian focus • Design guide <p>Activities</p> <p>Wider range of activities serving surrounding suburbs</p> <ul style="list-style-type: none"> • Retail (including supermarkets) • Commercial services • Food and beverage • Visitor accommodation • Community/healthcare/education/recreation • Offices • Residential <p>Location of Zone</p> <ul style="list-style-type: none"> • Silverstream commercial centre • Well connected to regional public transport |
| <p>City Centre Zone CCZ</p> | <p>The City Centre Zone is the primary commercial centre of the city. It offers vibrant, attractive, and high-quality public spaces, and provides for a wide variety and diverse range of activities, employment, and living opportunities.</p> <p>Built Form and Amenity</p> <p>Large scale with high densities</p> <ul style="list-style-type: none"> • High density • No maximum height • Active frontage requirements along identified roads • Attractive public spaces |

| Zone | Description |
|------|---|
| | <ul style="list-style-type: none">• Design guide. <p>Activities</p> <p>Main commercial, civic, community, and cultural centre, with a wide range of activities</p> <ul style="list-style-type: none">• Retail (including large format)• Commercial services• Food and beverage• Entertainment• Visitor accommodation• Healthcare/community/education/recreation• Offices• Residential <p>Location of Zone</p> <ul style="list-style-type: none">• Applies to the principal civic, employment and commercial centre for the city.• Focal point for the city and well connected to regional public transport. |

APPENDIX B: Explanation of Provisions

Neighbourhood Centre Zone – Objectives and Policies

Objectives

- Neighbourhood Centres are small scale commercial centres that service the day to day needs of the immediate residential neighbourhood.
- The built environment is of medium scale that reflects the anticipated density of surrounding residential areas and contributes positively to the residential context.
- Adverse effects on adjoining Residential Zones and Open Space and Recreation Zones are minimal.

Policies

- Enable activities that are compatible with the function and scale of Neighbourhood Centres.
- Provide for residential activity above ground floor or to the rear of the commercial frontage.
- Only allow for other activities where adverse effects can be managed while avoiding incompatible activities.
- Provide for built development that reflects the purpose, scale and anticipated density of the Neighbourhood Centre Zone and contributes to an attractive urban environment.
- Encourage positive interfaces and attractive street edges.
- Minimise the effects of use and development on sites in adjoining Residential Zones and Open Space and Recreation Zones through building design, screening and bulk and location provisions.

Local Centre Zone – Objectives and Policies

Objectives

- Local Centres are medium scale commercial centres that service the surrounding residential catchment.
- The built environment is of medium to high density and contributes positively to the surrounding residential environment.
- Adverse effects on adjoining Residential Zones and Open Space and Recreation Zones are minimal.

Policies

- Enable activities that are compatible with the anticipated purpose and scale of Local Centres.
- Provide for residential activity which must be located above ground floor if facing an identified primary frontage.

- Only allow for other activities where adverse effects can be managed while avoiding incompatible activities.
- Provide for medium to high density built development that reflects the anticipated role and scale of the Local Centre Zone and contributes to an attractive urban environment.
- Encourage positive interfaces and require active frontages along identified street edges.
- Minimise the effects of use and development on sites in adjoining Residential Zones and Open Space and Recreation Zones through building design, screening and bulk and location provisions.

Mixed Use Zone – Objectives and Policies

Objectives

- The Mixed Use Zone accommodates a mix of activities including commercial, recreational, community, residential and light industrial.
- The built environment is of medium to high scale and reflects the mix of activities.
- Adverse effects on adjoining Residential Zones and Open Space and Recreation Zones are minimal.

Policies

- Enable activities that are compatible with the mixed use character of the zone.
- Provide for residential activity while preventing reverse sensitivity effects.
- Provide for other activities including light industrial activities where adverse effects can be managed.
- Avoid incompatible activities.
- Provide for built development that reflects the anticipated role and scale of the Mixed Use Zone and contributes to an attractive and safe environment.
- Encourage positive interfaces and the use of landscaping to manage effects.
- Minimise the effects of use and development on sites in adjoining Residential Zones and Open Space and Recreation Zones through building design, screening and bulk and location provisions.

Town Centre Zone – Objectives and Policies

Objectives

- The Town Centre Zone is a medium to large scale commercial centres that services the neighbouring suburbs and accommodates a wide range of commercial and community activities.
- Built development is of high quality and reflects the anticipated high density environment.
- Adverse effects on adjoining Residential Zones and Open Space and Recreation Zones are managed.

Policies

- Enable activities that are compatible with the anticipated function and scale of the Town Centre Zone.
- Provide for residential activity which must be located above ground floor if facing an identified primary frontage.
- Only allow for other activities where adverse effects can be managed while avoiding incompatible activities.
- Provide for high density built development that reflects the role and scale of the Town Centre Zone and contributes to an attractive urban environment.
- Encourage positive interfaces and require active frontages along identified street edges.
- Minimise the effects of use and development on sites in adjoining Residential Zones and Open Space and Recreation Zones through building design, screening and bulk and location provisions.

City Centre Zone – Objectives and Policies

Objectives

- The City Centre is the city's principal commercial, civic and community centre and accommodates a wide range of activities.
- The built form of the City Centre is compact, of high quality and reflects the high density urban environment.
- Good urban design and active street frontages provide for attractive and safe public spaces.
- Adverse effects on adjoining Residential Zones and Open Space and Recreation Zones are managed

Policies

- Enable a wide range of appropriate activities that help achieve the intended vibrancy and attractiveness of the City Centre.
- Encourage small scale activities with a strong pedestrian focus along identified active frontages.
- Provide for high density residential activities above ground floor.
- Only allow for other activities where adverse effects can be managed, while avoiding incompatible activities.
- Encourage high-density and high quality built development that contributes to an attractive built environment.
- Create an attractive interface between buildings and the public space by requiring active frontages along identified street edges.
- Minimise the effects of use and development on sites in adjoining Residential Zones and Open Space and Recreation Zones through building design, screening and bulk and location provisions.

- Require consistency with the City Centre Zone Design Guide.

Rules and Standards

Comparison of Land Use Activity Rules

The table below provides a summary and comparison of the proposed activity status of land use activities in the Commercial and Mixed Use Zones:

| | NCZ** | LCZ | MUZ | TCZ | CCZ |
|------------------------------------|-------|-------|-------|-------|-------|
| Retail | PER* | PER* | PER* | PER* | PER |
| Commercial Service | PER* | PER* | PER* | PER* | PER |
| Food & Beverage | PER* | PER* | PER* | PER* | PER |
| Community | PER* | PER* | PER* | PER* | PER |
| Healthcare | RDIS* | PER* | PER* | PER* | PER |
| Educational | RDIS* | PER* | PER* | PER* | PER |
| Office | DIS | PER* | PER* | PER* | PER |
| Visitor Accommodation | DIS | PER* | PER* | PER* | PER* |
| Residential | PER* | PER* | PER* | PER* | PER* |
| Large Format Retail | DIS | DIS | PER* | DIS | PER* |
| Supermarket | | RDIS* | | PER* | |
| Entertainment | DIS | DIS | PER* | DIS | PER |
| Retirement Village | DIS | DIS | RDIS* | DIS | RDIS* |
| Emergency Service | RDIS* | RDIS* | RDIS* | RDIS* | RDIS* |
| Sport and Active Recreation | DIS | DIS | PER* | RDIS* | RDIS* |
| Drive-through | DIS | DIS | PER* | DIS | DIS |
| Motorised Recreation | NC | NC | DIS | NC | NC |
| Industrial | NC | NC | NC | NC | NC |
| Light Industrial | | | RDIS* | | |
| Yard Sale / Trade Supply | NC | NC | DIS | NC | NC |
| Rural Activity | NC | NC | NC | NC | NC |
| Primary Production | NC | NC | NC | NC | NC |

| | NCZ** | LCZ | MUZ | TCZ | CCZ |
|--|-------|-----|-----|-----|-----|
| Any activity not otherwise listed | DIS | DIS | DIS | DIS | DIS |

* subject to compliance with standards

** site specific provisions apply to the site at 48 Kirton Drive

Comparison of Building Activity Rules

The table below provides a summary and comparison of the proposed activity status of land use activities in the Commercial and Mixed Use Zones:

| | NCZ | LCZ | MUZ | TCZ | CCZ |
|---|------|------|------|------|-------|
| New Buildings and Structures | PER* | PER* | PER* | PER* | RDIS* |
| Redevelopment, Alteration & Repair | | | | | PER* |
| Additions | | | | | PER* |
| Minor Buildings and Structures | PER | PER | PER | PER | PER* |
| Demolition | PER | PER | PER | PER | PER |

* subject to compliance with standards

Comparison of Development Standards

The table below provides a summary and comparison of the development standards that apply in the Commercial and Mixed Use Zones:

| | NCZ** | LCZ | MUZ | TCZ | CCZ |
|---------------------------------------|---|---|-----|---|-----|
| Building Height | 12m + 1m | 24.5m +1m | | | - |
| Height in relation to boundary | 4m + 60° along boundaries with Residential Zones and Open Space and Recreation Zones | | | | |
| Setbacks | 1m along boundaries with Residential and Open Space and Recreation Zones | | | | |
| Fences and walls | 2m height along boundaries with Residential and Open Space and Recreation Zones | | | | |
| Active Frontages | Orientation Glazing Entrances | Orientation, Verandahs, Glazing, Entrances | - | Orientation, Verandahs, Glazing, Entrances along identified frontages | |

| | NCZ** | LCZ | MUZ | TCZ | CCZ |
|--|---|---|-----|---|--------------------|
| | | along identified frontages | | | |
| Location of Residential Units | Above ground floor or to the rear | Above ground floor along identified frontages | - | Above ground floor along identified frontages | Above ground floor |
| Number of Residential Units | 3 | | | | - |
| Noise & Ventilation | Internal sound insulation levels / Source of fresh air | | | | |
| Outdoor Living Space | 20m ² on ground floor / 8m ² above ground floor Shared space option for multi-unit housing | | | | - |
| Service, Outdoor Storage and Parking | Location Screening Landscaping | | | | |
| Water Supply, Stormwater and Wastewater | Compliance with COP | | | | |

** site specific provisions apply to the site at 48 Kirton Drive

Neighbourhood Centre Zone – Rules and Standards

Activities

The Neighbourhood Centre Zone is a new zone that mainly provides for small scale retail and commercial service activities that are tailored towards the day to day needs of the surrounding residential neighbourhoods. In most cases the small footprint of the zone sets natural limits to the activities that can be established.

Residential

Residential activities are provided for but must be located above ground floor or to the rear of the building and are required to provide Outdoor Living Space. To be consistent with the surrounding residential areas up to 3 residential units per site are permitted while 4 or more residential units per site are restricted discretionary.

New Buildings

In the Neighbourhood Centre Zone all new buildings and structures and additions to existing buildings and structures are permitted up to a total Gross Floor Area of 500m² (subject to compliance with standards). All larger buildings require resource consent as a restricted discretionary activity to enable an assessment of potential effects and ensure good design outcomes.

The option of lower GFA triggers (e.g. 250m²) has been considered but was found to be too restrictive as it would essentially mean that any new building within this zone would require resource consent. The additional costs and uncertainties could be seen as a detriment to future

development or result in unwanted outcomes such as multiple small scale developments to avoid the consent process rather than development that maximises the potential of commercial sites. The approach could also result in large numbers of additional consents to be processed by Council.

The option of introducing no GFA threshold for new developments has also been considered and while this was seen as being enabling and encouraging for new developments it would remove Council's ability to influence building design and quality above and beyond very basic permitted building standards and could therefore result in poor quality built development and urban environments.

Building Height and Boundary Controls

The permitted building height is limited to 12m (plus 1m roof allowance) which is slightly higher than the permitted building height in Residential Zones as introduced by the Medium Density Residential Standards ('MDRS'), thereby allowing for additional ground floor height for commercial activities. Any potential adverse effects created by the additional height are managed through additional Setback and Height in relation to Boundary requirements that apply along any boundaries with sites in Residential Zones or Open Space and Recreation Zones. A 2m height limit applies to fences and standalone walls along side and rear boundaries where these boundaries abut sites that are zoned Residential or Open Space and Recreation.

The proposed Height in Relation to Boundary and Setback standards that apply along boundaries with Residential and Open Space and Recreation Zones reflect the equivalent MDRS in the residential zones.

Active Street Frontages

Due to the small scale of the Neighbourhood Centre Zone no Active Street Frontages have been identified for the Neighbourhood Centre Zone. However, the following active street frontage provisions apply to all developments. New buildings must provide display windows or transparent glazing (55%) and the main entrance must be from the road. There is no requirement for verandas and all residential activities must be located either above ground floor or to the rear of the commercial activity.

Landscaping and Screening

Parking areas as well as servicing and storage areas must be screened and/or landscaped to maintain amenity.

Local Centre Zone – Rules and Standards

Activities

The Local Centre Zone is a new zone which covers areas that are mostly embedded in residential neighbourhoods and provide for the needs of those residents.

The Local Centre Zone has a strong focus on small to medium scale commercial and retail activities and while providing for supermarkets up to a certain scale is being more restrictive towards other large format retail. It provides for residential development and a range of community and health activities. Most permitted activities are subject to size restrictions in this zone.

Residential

Residential activities are provided for but must be located above ground floor along streets with identified Active Street Frontages, provide Outdoor Living Spaces and comply with Noise and Ventilation standards. To be consistent with the surrounding residential areas and ensure good quality residential development and amenity any residential development of 4 or more residential units per site is a restricted discretionary activity. This is particularly important considering the lack of other standards within the Local Centre Zone such as Height in Relation to Boundary and Setbacks, which only apply to boundaries with residential or open space zoned properties.

New Buildings

In the Local Centre Zone all new buildings and structures and additions to existing buildings and structures are permitted up to a total Gross Floor Area of 500m² (subject to compliance with standards). All larger buildings require resource consent as a restricted discretionary activity to enable an assessment of potential effects and ensure good design outcomes.

The option of lower GFA triggers (e.g. 250m²) has been considered but was found to be too restrictive as it would essentially mean that any new building within this zone would require resource consent. The additional costs and uncertainties could be a deterrent to future development or result in unwanted outcomes such as multiple small scale developments to avoid the consent process rather than development that maximises the potential of commercial sites. The approach could also result in large numbers of additional consents to be processed by Council.

The option of introducing no GFA threshold for new developments has also been considered and while this was seen as being enabling and encouraging for new developments it would remove Council's ability to influence building design and quality above and beyond very basic permitted building standards and could therefore result in poor quality built development and urban environments.

Building Height and Boundary Controls

The permitted building height is limited to 24.5m (plus 1m roof allowance) which aligns with the building height provided for in surrounding High Density Residential Zones and gives effect to the requirements of the NPS-UD. Where Local Centre Zones have boundaries with the General Residential Zone (with a permitted building height of 11m plus 1m roof allowance) any potential adverse effects created by the additional height are managed through the Setback and Height in Relation to Boundary requirements that apply along any boundaries with sites in Residential Zones or Open Space and Recreation Zones. A 2m height limit applies to fences and standalone walls along side and rear boundaries where these boundaries abut sites that are zoned Residential or Open Space and Recreation.

The proposed Height in Relation to Boundary and Setback standards that apply along boundaries with Residential and Open Space and Recreation Zones reflect the equivalent MDRS in the residential zones.

Active Street Frontages

To achieve pedestrian friendly, attractive and vibrant streets and public spaces, active street frontage provisions apply along certain boundaries identified on the planning maps. Along identified Active Street Frontages all buildings must be built up to the front boundary and provide a verandah. 55% of the ground floor façade must be display windows or transparent glazing and the main entrance must be located along the Active Street Frontage.

Landscaping and Screening

Parking areas as well as servicing and storage areas must be screened and/or landscaped to maintain amenity.

Mixed Use Zone – Rules and Standards

Activities

The Mixed Use Zone is a new zone that provides for a wide range of activities. It is very enabling and provides for activities ranging from retail and residential to large format retail and entertainment activities. Light industrial activities are provided for as restricted discretionary activities. The provisions reflect the diverse character of Mixed Use Zones and cater for a variety of different activities. It is expected that not all Mixed Use Zones will contain or cater for all activities.

Residential

Residential activities are provided for with no restriction of ground floor residential. This reflects the wider mix of activities and the lack of active street frontage provisions in the Mixed Use Zone. Residential activities must provide Outdoor Living Spaces for residents and four or more residential units per site are restricted discretionary activities to allow for the management of any adverse effects or reverse sensitivity effects of larger residential development as well as ensuring high quality residential development.

New Buildings

In the Mixed Use Zone all new buildings and structures and additions to existing buildings and structures are permitted subject to compliance with standards.

The option of introducing a GFA trigger (e.g. 500m²) has been considered but was found to be too restrictive in a zone that is intended to provide for large format retail activities as it would essentially mean that any new building within this zone would require resource consent. The additional costs and uncertainties could be seen as a detriment to future development or result in unwanted outcomes such as multiple small scale developments to avoid the consent process rather than development that maximises the potential of the mixed use sites.

Building Height and Boundary Controls

The maximum permitted building height in the Mixed Use Zone is 24.5m (plus 1m roof allowance). which aligns with the building height provided for in surrounding High Density Residential Zones and gives effect to the requirements of the NPS-UD. Where Local Centre Zones have boundaries with the General Residential Zone (with a permitted building height of 11m plus 1m roof allowance) any potential adverse effects created by the additional height are managed through the Setback and Height in Relation to Boundary requirements that apply along any boundaries with sites in Residential Zones or Open Space and Recreation Zones. A 2m height limit applies to fences and standalone walls along side and rear boundaries where these boundaries abut sites that are zoned Residential or Open Space and Recreation.

The proposed Height in Relation to Boundary and Setback standards that apply along boundaries with Residential and Open Space and Recreation Zones reflect the equivalent MDRS in the residential zones.

Active Street Frontages

There are no Active Street frontage requirements proposed for the Mixed Use Zone. This reflects the much wider range of activities provided for in this zone, including large format retail and light industrial activities.

Landscaping and Screening

Landscaping and screening requirements apply to all parking, servicing and storage areas to maintain amenity.

Town Centre Zone – Rules and Standards

Activities

The Town Centre Zones is a new zone that applies to the Silverstream commercial centre and provides for activities that are adequate for a medium to larger scale suburban shopping centre that serves the surrounding residential catchment as well as neighbouring suburbs.

The Town Centre Zone accommodates a wide range of retail, commercial, community and health care activities. It provides for employment opportunities as well as residential activities. It also allows for supermarkets up to a certain scale while being more restrictive towards other large format retail. Most permitted activities are subject to size restrictions in this zone. This helps to manage the effects of larger activities within the zone and ensure that the location of larger activities in the Town Centre Zone does not undermine the role and function of the City Centre Zone.

Residential

Residential activities are provided for but must be located above ground floor along streets with identified Active Street Frontages, provide Outdoor Living Spaces and comply with Noise and Ventilation standards. To be consistent with the surrounding residential areas and ensure good quality residential development and amenity any residential development of 4 or more residential units per site is a restricted discretionary activity. This is particularly important considering the lack of other standards within the Town Centre Zone such as Height in Relation to Boundary and Setbacks, which only apply to boundaries with residential or open space zoned properties.

New Buildings

In the Town Centre Zone all new buildings and structures and additions to existing buildings and structures are permitted up to a total Gross Floor Area of 1,000m² (subject to compliance with standards). All larger buildings require resource consent as a restricted discretionary activity to enable an assessment of potential effects and ensure good design outcomes.

The option of lower GFA triggers (e.g. 500m²) has been considered but was found to be too restrictive as it would essentially mean that any new building within this zone would require resource consent. The additional costs and uncertainties could be seen as a detriment to future development or result in unwanted outcomes such as multiple small scale developments to avoid the consent process rather than development that maximises the potential of commercial sites.

The option of introducing no GFA threshold for new developments has also been considered and while this was seen as being enabling and encouraging for new developments it would remove Council's ability to influence building design and quality above and beyond very basic permitted building standards and could therefore result in poor quality built development and urban environments.

Building Height and Boundary Controls

The permitted building height is limited to 24.5m (plus 1m roof allowance) which aligns with the building height provided for in surrounding High Density Residential Zones and gives effect to the requirements of the NPS-UD. The Town Centre Zone does not have any boundaries with the General Residential Zone. Any potential adverse effects created by the permitted height are managed through the Setback and Height in Relation to Boundary requirements that apply along any boundaries with sites in Residential Zones or Open Space and Recreation Zones. A 2m height limit applies to fences and standalone walls along side and rear boundaries where these boundaries abut sites that are zoned Residential or Open Space and Recreation.

The proposed Height in Relation to Boundary and Setback standards that apply along boundaries with Residential and Open Space and Recreation Zones reflect the equivalent MDRS in the residential zones.

Active Street Frontages

To achieve pedestrian friendly, attractive and vibrant streets and public spaces, active street frontage provisions apply along certain boundaries identified on the planning maps. Along identified Active Street Frontages all buildings must be built up to the front boundary and provide a verandah. 55% of the ground floor façade must be display windows or transparent glazing and the main entrance must be located along the Active Street Frontage.

Landscaping and Screening

Parking areas as well as servicing and storage areas must be screened and/or landscaped to maintain amenity

City Centre Zone – Rules and Standards

Activities

The City Centre Zone provides for a wide range of permitted activities to reflect the diverse and enabling character of this zone. A restricted discretionary activity status has been assigned to large format retail activities to emphasise that, while these activities are expected and considered appropriate in the City Centre, a case by case assessment and management of potential effects especially on active and vibrant street interfaces and a quality built environment is required. Restrictions apply to those activities that are considered incompatible with the vibrant and pedestrian focused character and the high quality open space and built environment of the City Centre, such as industrial activities or trade supplier activities.

Residential

In the City Centre Zone all residential development must be located above ground floor. This provides for continuous active frontages along identified Active Street Frontages while also providing for necessary storage and servicing areas to the rear of buildings and along secondary frontages. While the City Centre Zone provides for residential development above ground floor, there is no requirement for outdoor living space. This reflects the expected and envisaged high density of residential development and the different amenity expectations in relation to inner-city living.

New Buildings

New buildings and structures in the City Centre Zone require resource consent as restricted discretionary activities (subject to compliance with standards). At the same time the policies encourage high density development. This will enable Council to assess new developments

against key design principles and provide constructive feedback to achieve high quality outcomes in the City Centre Zone.

Alterations and additions to existing building and new minor buildings are permitted to provide flexibility to existing developments and avoid unnecessary consenting requirements. However, these alterations/additions/minor buildings are subject to conditions and non-compliance with these conditions results in a restricted discretionary activity status which is subject to the same development standards as new buildings.

Building Height and Boundary Controls

There is no maximum building height proposed for the City Centre Zone. This is in line with and gives effect to Policy 3 of the NPS-UD. Any potential adverse effects created by the permitted height are managed through the Setback and Height in Relation to Boundary requirements that apply along any boundaries with sites in the High Density Residential Zones or Open Space and Recreation Zones.

If the opportunity for taller buildings is taken up the increased number of people living and working in the area will add to the vibrancy and commercial success of the City Centre Zone. Under the proposed provisions every new building in the City Centre would require resource consent as a restricted discretionary activity, subject to compliance with development standards. These development standards together with the City Centre Design Guide will appropriately manage the potential effects of taller buildings in the City Centre.

Active Street Frontages

To achieve pedestrian friendly, attractive and vibrant streets and public spaces in the City Centre an Active Street Frontages have been identified and a set of active street frontage provisions applies to these frontages. These provisions require all buildings along Active Street Frontages to be built up to and oriented towards the road or open space boundary and to provide verandahs. To provide for visual interest at least 55% of the ground floor façade must be display windows or transparent glazing and the main entrance must be located on the Active Street Frontage. The Active Street Frontages have been identified on the planning maps.

The City Centre Design Guide provides additional guidance relating to street level design.

Landscaping and Screening

Along identified Active Street Frontages any parking, service and storage areas must be located within or to the rear of buildings and suitably screened to allow for continuous active frontages. Along all other frontages parking, storage and servicing areas must be screened and landscaped.

Design Guide

One of the main issues identified during the development of the proposed provisions was the importance of good urban design and attractive built environments.

A City Centre Design Guide has been developed for the City Centre Zones to specifically address and provide good design outcomes in a high density built environment. Design Guidance relating to residential development/multi-unit housing development has been integrated into the City Centre Design Guides.

In the City Centre Zone all new buildings are restricted discretionary activities and consistency with the Design Guide is a matter of discretion. Non-compliance with certain standards also

refers to consistency with the Design Guide as a matter of discretion. The overall objective of the City Centre Design Guide is to inform the design of new, high quality development that responds to the Upper Hutt context and to improve the design outcomes during a time of transition and transformation to a high density urban environment.

Definitions

The following definitions that are of particular relevance to the Commercial and Mixed Use chapters have been added or amended:

- Commercial Service Activity
- Drive-through activity
- Emergency service facility
- Entertainment and hospitality activity
- Food and beverage activity
- Healthcare activity
- Integrated retail activity
- Large format retail
- Light industrial activity
- Minor ancillary building or structure
- Office activity
- Qualifying matter
- Qualifying matter area
- Retail
- Reverse sensitivity
- Service station
- Supermarket
- Trade supplier
- Warehouse

The proposed nesting table for Commercial Activities is also relevant for this topic.

Spatial Extent

The proposed location of the Commercial and Mixed Use Zones reflects the currently established land use as well as the expected development potential of sites and areas.

Neighbourhood Centre Zone – Spatial

The following areas are proposed to be zoned Neighbourhood Centre Zone ('NCZ'). All are existing small scale commercial sites that were previously zoned Commercial. The proposed zoning provides certainty to existing commercial activities beyond existing use rights while restricting the size, bulk and location of commercial activities and development to be in line with the surrounding residential areas and manage any potential effects on character and

amenity values. Neighbourhood Centres are generally of a smaller scale and footprint than Local Centres (usually one to five tenancies). Single shops or dairies were included where they were identified as being important for the ongoing provisions of services to the surrounding residential area.

| Address | Previous Zoning |
|----------------------------|-----------------|
| 3, 3A Jocelyn Crescent | Commercial Zone |
| 45-61 Merton Street | Commercial Zone |
| 73-75 Moonshine Road | Commercial Zone |
| 1, 1A,1B Sheridan Crescent | Commercial Zone |
| 48 Kirton Drive | Commercial Zone |
| 64 Clouston Park | Commercial Zone |
| 1098 Fergusson Drive | Commercial Zone |
| 1-3 Turon Crescent | Commercial Zone |
| 8 Akatarawa Rd | Commercial Zone |
| 115 Akatarawa Rd | Commercial Zone |
| 2 Plateau Rd | Commercial Zone |

The only site proposed to be zoned NCZ with existing site specific provisions is located at 48 Kirton Drive and is identified in COMZ-Figure1 of the operative District Plan. The current site specific provisions have been carried over into the new NCZ chapter and are now called *NCZ - Site Specific Controls* (to align with National Planning Standards). The site is now identified in NCZ-Figure1.

Local Centre Zone – Spatial

The following areas are proposed to be zoned Local Centre Zone. All of them were previously zoned Commercial Zone. The proposed Local Centres have been identified because they are located within the newly proposed High Density Residential Zone and have the potential to grow and intensify and to provide ongoing services to the more densely populated residential areas.

| Address | Previous Zoning |
|--|------------------------------------|
| 1, 2 Stream Grove / 242-248 Fergusson Drive | Commercial Zone / Residential Zone |
| 316-326 Fergusson Drive | Commercial Zone |
| 7-11 Camp Street | Commercial Zone |
| 68-74 Ararino Street / 23A, 25 Totara Street | Commercial Zone |
| 1, 1A, 2 Islington Street / 484-498 Fergusson Drive | Commercial Zone |
| 571 – 581 and 578 – 586 Fergusson Drive, Nicolaus Street | Commercial Zone / Residential Zone |
| 679 – 697 Fergusson Drive / 1, 1A Whakatiki Street | Commercial Zone |
| 40 – 44 Ward Street / 2 -8 Miro Street | Commercial Zone / Residential |
| 68 Ward Street | Commercial Zone |

The property at 68 Ward Street forms part of Development Area 1 – Wallaceville Structure Plan Development Area (DEV1). The specific provisions for the Gateway Precinct apply in addition to the underlying zone provisions (now proposed to be Local Centre Zone) and where there is any conflict between the provisions the Wallaceville Structure Plan Development Area provisions shall prevail.

Mixed Use Zone – Spatial

The Mixed Use Zone provides for a wide range of activities, including large format retail, car oriented activities and light industrial activities. It is proposed to apply to a range of sites varying from smaller sites that are currently used for vehicle focused activities such as service stations to larger sites with an established mix of retail (including large format), commercial service and light industrial activities. Most of the Mixed Use sites are located along the main transport routes and do not have a centres character. The following sites and areas are proposed to be zoned Mixed Use Zone.

| Address / Area | Previous Zoning |
|--|------------------------------------|
| 148 – 174 and 200 to 224 Fergusson Drive | Commercial Zone |
| 262 Fergusson Drive | Commercial Zone |
| 430 - 432 Fergusson Drive | Commercial Zone |
| 26 – 34B Camp Street / 14 Gower Street | Industrial Zone |
| 458 Fergusson Drive | Commercial Zone |
| 3 – 19 and 2 – 16 Nicolaus Street, 576A – 576D Fergusson Drive, 9 - 11 Refreshment Place | Commercial Zone / Industrial Zone |
| 721 – 733 Fergusson Drive | Commercial Zone |
| 749 – 777 Fergusson Drive / 4 Keys Street | Commercial Zone |
| 3 – 7 Gibbons Street / 807 – 813 Fergusson Drive, 794 – 808 Fergusson Drive | City Centre Zone |
| Lane Street Jepsen Grove 27 Blenheim Street Maidstone Terrace | Industrial Zone |
| 1 – 3 Brown Street, 3 – 5 Blenheim Street, | City Centre Zone / Industrial Zone |
| 4 – 20 King Street / 957 – 967 Fergusson Drive | City Centre Zone |
| 1193 Fergusson Drive | Commercial Zone |

The operative District Plan contains site specific provisions that relate to the former South Pacific Tyres site identified in GIZ-Figure1. The site is proposed to be zoned as Mixed Use Zone to better reflect the current and intended use of the site and the proposed Mixed Use Zone provisions do provide for similar activities as previously enabled by the site specific provisions.

Town Centre Zone – Spatial

The Town Centre Zone covers the established commercial centre in Silverstream, south of the railway line and bound by Kiln Street and Whitemans Road. The Silverstream commercial area

is of a medium scale and services the surrounding residential catchment as well as neighbouring suburbs. It has the potential for further intensification and growth within the existing footprint and is conveniently located close to the Silverstream train station.

City Centre Zone – Spatial

The proposed extent and footprint of the City Centre Zone largely aligns with the current City Centre Zone of the operative District Plan. It has been reduced slightly along the outer edges, mostly to reflect existing activities or provide for high density development with a residential focus. The following changes to the footprint of the City Centre Zone are proposed:

| Address / Area | Previous Zoning | Proposed Zoning |
|---|------------------|-------------------------------|
| 3 – 7 Gibbons Street / 807 – 813 Fergusson Drive, 794 – 808 Fergusson Drive | City Centre Zone | Mixed Use Zone |
| 1 – 3 Brown Street, 3 – 5 Blenheim Street, | City Centre Zone | Mixed Use Zone |
| 4 – 20 King Street / 957 – 967 Fergusson Drive | City Centre Zone | Mixed Use Zone |
| 22 Royal Street | Residential Zone | City Centre Zone |
| 34 – 36 Pine Avenue / 2 – 20 Savage Crescent | City Centre Zone | High Density Residential Zone |
| 16 – 18A Logan Street / 2 – 22 Sinclair Street / 21 – 23 King Street | City Centre Zone | High Density Residential Zone |
| 22 – 28 King Street | City Centre Zone | High Density Residential Zone |
| 5 Exchange Street | City Centre Zone | High Density Residential Zone |

Rezoning from Commercial to Residential

The following sites are proposed to be rezoned from commercial to residential. The proposed rezoning either reflects the existing use of the site that is inconsistent with the commercial zoning or intends to avoid single commercially zoned sites within high density residential neighbourhoods that don't have the potential to be developed into a local centre but would be better suited for high density residential development. It needs to be noted that the current activities on these sites are covered by existing use rights.

| Address / Area | Previous Zoning | Proposed Zoning |
|--|-----------------|-----------------|
| 2 – 16 Chalfont Road, 9 – 27 Ashington Road, 2 Field Street | Commercial | Residential |
| 245 Fergusson Drive | Commercial | Residential |
| 68, 68A Pinehaven Road | Commercial | Residential |
| 42 Camp Street | Commercial | Residential |
| 450-452 Fergusson Drive | Commercial | Residential |
| 60 Ararino Street / 32 Tawai Street | Commercial | Residential |
| 510 – 514 Fergusson Drive, 3 -5 Ranfurly Street, 4-6 and 10 Liverpool Street | Commercial | Residential |

| | | |
|--|------------|-------------|
| 522 Fergusson Drive | Commercial | Residential |
| 37 Beth Street | Commercial | Residential |
| 654 – 672 Fergusson Drive, 2 - 4 Ward Street | Commercial | Residential |
| 674 Fergusson Drive | Commercial | Residential |
| 17 Ward Street | Commercial | Residential |
| 58 – 60 Ward Street | Commercial | Residential |
| 40 – 42 MacLean Street | Commercial | Residential |
| 100 McLeod Street | Commercial | Residential |
| 1 Redwood Street | Commercial | Residential |
| 63 Pine Avenue | Commercial | Residential |
| 26 Whiley Avenue | Commercial | Residential |
| 20 Ebdentown Street | Commercial | Residential |
| 3 Turon Crescent | Commercial | Residential |
| 1102 Fergusson Drive | Commercial | Residential |
| 1183 – 1185 Fergusson Drive | Commercial | Residential |

Notification

The table below provides a summary of when and why rules that preclude public or limited notification have been applied for particular activities, and for non-compliance with any particular standards, in the Commercial and Mixed Use Zones.

| Public Notification Precluded | |
|---|---|
| Applies to | Comments |
| Breaches of permitted standards relating to the location of residential units or habitable rooms and the noise and ventilation requirements for residential units or habitable rooms. | <ul style="list-style-type: none"> • Activities are appropriate and expected to locate or operate in the zone • Adverse effects are expected to be limited to adjoining properties • Affected parties can be easily identified and notified if required. |
| Breaches of permitted standards relating to screening and landscaping of service areas, outdoor storage and parking areas | <ul style="list-style-type: none"> • Activities are appropriate and expected to locate or operate in the zone • Adverse effects are expected to be limited to adjoining properties • Affected parties can be easily identified and notified if required. |
| Breaches of permitted standards relating to height in relation to boundary and setbacks | <ul style="list-style-type: none"> • Adverse effects are expected to be limited to adjoining properties • Affected parties can be easily identified and notified if required. |

| | |
|---|---|
| Breaches of permitted standards relating to active street frontages | <ul style="list-style-type: none"> • Adverse effects are expected to be limited to adjoining properties • Affected parties can be easily identified and notified if required. |
| Alterations and Additions to existing buildings and new minor buildings that breach conditions but comply with standards in the City Centre Zone (RDIS) | <ul style="list-style-type: none"> • Building Activities are appropriate and expected. • Adverse effects are expected to be limited to adjoining properties. • Affected parties can be easily identified and notified if required. |
| New buildings in the City Centre Zone that comply with standards (RDIS) | <ul style="list-style-type: none"> • New buildings are appropriate and expected. • Adverse effects are expected to be limited to adjoining properties. • Affected parties can be easily identified and notified if required. |
| Emergency Service Facilities in all Commercial and Mixed Use Zones (RDIS) | <ul style="list-style-type: none"> • Critical services • Adverse effects are expected to be limited to adjoining properties • Affected parties can be easily identified and notified if required. |

| Public and Limited Notification Precluded | |
|--|--|
| Applies to | Comments |
| Breaches of permitted activity standards relating to outdoor living space for residential activities | <ul style="list-style-type: none"> • Adverse effects are limited to internal amenity effects. |

No specific notification clauses have been introduced for breaches of permitted GFA thresholds for activities or buildings, number of residential units or breaches of permitted activity standards relating to height or water infrastructure. These can have wider adverse effects, e.g. on the commercial hierarchy or the anticipated character of the zone.

APPENDIX C: 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 the new Lane Street Studios. Plans include three new buildings for workshops, caretaker residence, server rooms, screening | 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 until the plan change becomes operative which can take up to two years. If processed under the Intensification Streamline | No changes made |

| # | Submitter | Topic / Site | Submission | Council Response | Outcome |
|---|-----------|---|--|--|--|
| | | 35A Thomas Neal Crescent | theatre and warehouse. Enquiry whether PC54 would affect these plans. | <p>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, post shop, bakery, medical centre, vaccination and testing station. Previous and current uses include light industrial businesses</p> | The proposed rezoning has been reconsidered in light of indicated re-development intentions and additional development potential and the rezoning to Mixed Use Zone is support. | Changes made – Rezone to Mixed Use Zone |

| # | Submitter | Topic / Site | Submission | Council Response | Outcome |
|---|--------------------------------------|------------------------------|---|--|------------------------|
| | | | (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 1102 Maymorn Rd | Supports the proposed GIZ in general, main concerns relate to reverse sensitivity especially from the proposed rezoning of Gabites Farm and | Noted | No changes made |

| # | Submitter | Topic / Site | Submission | Council Response | Outcome |
|----|--------------|--------------------------|--|--|------------------------|
| | | | 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 |

| # | Submitter | Topic / Site | Submission | Council Response | Outcome |
|----|--------------|---|--|--|------------------------|
| 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 | No changes made |

| # | Submitter | Topic / Site | Submission | Council Response | Outcome |
|---|-----------|--------------|--|--|---------|
| | | | <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>minimum or 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</p> | |

| # | Submitter | Topic / Site | Submission | Council Response | Outcome |
|----|---|--|--|---|------------------------|
| | | | | city at a scale that is appropriate for the receiving environment. | |
| 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 Herataunga 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 | 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. | No changes made |

| # | Submitter | Topic / Site | Submission | Council Response | Outcome |
|---|-----------|--------------|---|--|---------|
| | | | <p>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 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>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 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> | |

| # | Submitter | Topic / Site | Submission | Council Response | Outcome |
|----|--------------------------------------|---|--|--|------------------------|
| | | | <p>Town & City Centre Design Guide</p> <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>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 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; Light - 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</i></p> | No changes made |

| # | Submitter | Topic / Site | Submission | Council Response | Outcome |
|---|-----------|--------------|---|---|---------|
| | | | <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><i>site boundary</i>). If the operation results in emissions that exceed the permitted levels a resource consent will be required.</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</i> | |

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| | | | | <p><i>this term encompasses the range of appropriate activities;</i></p> <p><i>(c) Specific recognition of the conservation values relating to the overlay area could be included into 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</p> | |

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| | | | | while at the same time prohibiting all and any industrial activities on the site is considered inappropriate. | |